

EUROPE AND EURASIA

ALBANIA

Albania is a republic with a multiparty parliament, and a prime Minister and a president both elected by Parliament. The Prime Minister heads the Government; the presidency is a largely ceremonial position with limited executive power. In October, local elections were held throughout the country, which were judged to be an improvement over previous elections, with only a few isolated incidents of irregularities and violence. The Constitution provides for an independent judiciary; however, corruption and political pressure limited its ability to function independently and efficiently.

Local police units that report to the Ministry of Public Order are responsible principally for internal security. The military have a special 152-man "commando" unit, which operates in an anti-terrorist role under the Minister of Defense. During times of domestic crisis, the law allows the Minister of Public Order to request authority over this unit. The State Intelligence Service (SHISH) is responsible for both internal and external intelligence gathering and counterintelligence. Civilian authorities generally maintained effective control over the security forces. Some members of the security forces committed human rights abuses.

The country had a mixed—agricultural, industrial, and service—economy that was in transition from central economic planning to a free market system. The country continued to experience slow but steady economic progress; according to the Ministry of Finance, the economy grew by 6 percent. However, approximately 30 percent of the population of approximately 3.1 million lived below the poverty line. According to the Government, the unemployment rate was 15.2 percent; however, some unofficial reports put it as high as 22 percent.

The Government's human rights record remained poor in some areas; although there were some improvements, serious problems remained. Police beat and otherwise abused suspects, detainees, and prisoners. Prison conditions remained poor. The police occasionally arbitrarily arrested and detained persons, and prolonged pretrial detention was a problem. The Government occasionally infringed on citizens' privacy rights. Political interference in the media remained a problem. Police reportedly used excessive force against protestors. Individual vigilante action, mostly related to traditional blood feuds, resulted in some killings and an atmosphere of fear. Societal violence and discrimination against women and children were serious problems. Societal discrimination against religious and ethnic minorities, particularly against Roma and the Egyptian community, persisted. Child labor was a problem. Trafficking in persons remained a problem, which the Government took steps to address.

RESPECT FOR HUMAN RIGHTS

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

a. Arbitrary or Unlawful Deprivation of Life.—There were no political killings; however, security forces killed one person during the year.

In January, police in Korca arrested and beat Gazmend Tahirllari, who later died at a local hospital shortly after being released from police custody. An official cover-up followed, with alcohol poisoning reported as the cause of death; however, under pressure from the People's Advocate (the Government's ombudsman), the case was reopened and it was determined that Tahirllari died of a cerebral hemorrhage resulting from blows to the head. The Minister of Public Order fired the Director of Police and the Chief of Commissariat and the six officers directly involved in the beating were prosecuted. In March, they were convicted (one in absentia), receiving sentences ranging from 4 months to 16 years in prison.

Landmine explosions killed two and injured five persons during the year. Since 1999, 27 people have been killed and 119 have been injured by landmines.

The country continued to experience high levels of violent crime. Many killings continued to occur throughout the country as the result of individual or clan vigilante actions connected to traditional "blood feuds" or criminal gang conflicts. According to the Ministry of Public Order, more than 14 individuals were killed in blood feuds, which are based on the medieval Code of Lek Dukagjini (the *kanun*), which was practiced by individuals particularly in the northern part of the country. Under the *kanun*, only adult males are acceptable targets for blood feuds; however, women and children often were killed or injured in the attacks. The nongovernmental organization (NGO) National Reconciliation Committee estimated that 1,370 families were self-imprisoned at home and that 711 children were prevented from attending school due to fear of revenge. Some organizations and religious leaders contended that these figures were inflated but agreed that blood feuds were a significant problem. Religious leaders in the region believed that blood feuds prompted many rural families to migrate to Shkodra, an urban center in the northern part of the country.

Blood feud cases were adjudicated in the Special Crimes Court. Blood killings are distinguished from homicide cases and carry a sentence of no less than 25 years' imprisonment; in comparison, homicide carries a sentence of 15–25 years. Although blood feud prosecution rates were not available, estimates indicated that 60–65 percent of all cases were brought to court and nearly all of them ended up at the appellate level.

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

In May, three former officials of the SHISH were arrested in connection with the kidnapping of Ziso Kristopulli and Remzi Hoxha in 1995. Although Kristopulli was eventually released, the whereabouts of Hoxha remained unknown. According to the prosecutor, the three former SHISH officials—although not formally charged—were suspected of kidnapping and torturing Kristopulli and Hoxha. Two of the officials were arrested—one remained in jail while the other was released on bail—and the third suspect was no longer under suspicion. At year's end, the case remained under investigation.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.—The Constitution prohibits such actions, and the Penal Code makes the use of torture a crime punishable by up to 20 years' imprisonment; however, the police at times beat and tortured suspects. In July, Albania ratified the optional protocol of the Convention Against Torture and Cruel, Inhumane and Humiliating Treatment or Punishment. Two human rights groups—the Albanian Helsinki Committee (AHC) and the Albanian Human Rights Group (AHRG)—continued to report that police forces nationwide used torture and inhumane or excessive treatment; however, both noted that the number of cases decreased during the year. According to the AHRG, most mistreatment took place at the time of arrest or initial detention. Roma were particularly vulnerable to police abuse (see Section 5).

At times police abused and tortured juvenile detainees. According to a CRCA report from 2000, police sometimes used threats, violence, and torture to extract confessions. For example, in one reported case, police officers tried to get a 15-year-old boy to confess to robbery by beating his legs and feet for hours. In another reported case, police officers held a 17-year-old boy's head underwater to get a confession.

The AHRG claimed that police targeted the country's small homosexual community. According to the General Secretary of Gay Albania, the police often arbitrarily arrested homosexuals and then physically and verbally abused them while they were in detention. However, the police denied these charges and stated that when homosexuals were arrested, it was for violating the law—such as disturbing the peace—not for their sexual preference.

There were reports that police beat protesters during the year (see Section 2.b.).

In March, a police officer in Fier beat three Roma women, one of whom was pregnant; they were subsequently sent to a local hospital. According to police reports, the women were violating the municipality's order which prohibits Roma merchants from selling their goods near the city center. No charges were filed against the officer.

In September, police entered the home of Behar Dedolli, a resident of Mat who was under house arrest, and beat him in front of his family. Dedolli reported that, although he was sent to the hospital after the beating, he did not receive adequate treatment and was subsequently released back into the custody of the police commissariat. Dedolli further stated that police also abused his brothers, Ali and Mirian. The People's Advocate forwarded the case to the regional prosecutor for investigation and, at year's end, the prosecutors were in the process of trying the case.

In November, Romeno Nexhipi alleged that Fier police beat him after they asked him to accompany them to the police station. Nexhipi reported that after he asked

why he was being detained, the police officers forced him into their van and beat him. He was sent to the hospital for treatment, then taken to the police station where he was held overnight. Nexhipi was subsequently charged with disturbing the peace and assaulting a police officer; the prosecutor in Vlora was investigating the case at year's end.

Col. Edmond Koseni, the Director of Police of Elbasan District, was dismissed and arrested in 2001 for human rights abuses, and subsequently prosecuted and convicted in the District Court of Elbasan. The Durres Court of Appeals upheld his conviction.

There were no developments in the 2002 case against Alnor Hasa, Chief of Criminal Police in Vlora, accused of beating a detainee.

There were no developments in the April 2002 Pergjini assault case which alleged that three brothers were arrested and beat by police in reprisal for a dispute with the officers or the 2002 Azgan Haklaj assault case in which charges were filed against four officers accused of assaulting Haklaj during his 2001 arrest.

Conditions inside the prisons and detention centers remained poor, despite Government efforts to address problems such as poor facilities and overcrowding. According to the European Union's Judicial Reform, Asylum and Migration Operations Section, detainees had limited access to bathroom and showering facilities, insufficient food, and, in some cases, space limitations kept them from engaging in religious practices. The prison staff was poorly trained. Prisoners and detainees rioted in Shkodra and Peshkopia, and held hunger strikes in Vlora, Berat, and Permet to protest the poor living conditions.

Overcrowding remained a serious problem and, according to the Ministry of Justice, over one-third of convicted felons remained in pretrial detention centers. This caused substandard conditions for prisoners and significant security problems for the police forces. However, with international assistance, the Government financed improvements, including the June opening of an 800-inmate prison in Peqin. The Government also opened prisons in Rrogozhina, Kruja, and Lezha; although construction at Lezha was not completed by year's end, the Ministry of Justice expected it to be finished in early 2004.

Police separated men from women in pretrial detention centers and prisons which, as of July, were under the jurisdiction of the Ministry of Justice. Pretrial detainees were not separated from convicted prisoners due to overcrowding.

The country has no juvenile justice system, and children's cases frequently were presented to judges who had not received any education in juvenile justice. In cooperation with international donors, Albania's Magistrate's School attempted to address this problem by offering continuing legal education courses in the area of juvenile justice for judges. The Ministry of Justice reported that a total of 17 minors were serving prison sentences: 6 in pretrial detention centers and 11 in Vaqarr—the only prison in the country that has a special wing for juveniles. The Children's Human Rights Center (CRCA) noted that, while juveniles at Vaqarr were held in a separate wing of the prison, they mixed with adult prisoners for showers and leisure activities. As a result, there were several reports of sexual abuse of juveniles during the year. In addition, two 17 year-old girls were serving sentences at Prison 325 for women in Tirana. Approximately 18–25 juveniles were held in pretrial detention centers. Several NGOs noted that in various police pretrial detention facilities minors often were kept in the same cells as adults and sanitary conditions generally were poor.

In April, two prisoners from Borje village escaped from Kukes prison. The police, in an attempt to catch the prisoners, intimidated people living in the village.

In September, a convicted felon committed suicide because, according to unconfirmed newspaper reports, the conditions in the overcrowded, violence-prone detention center were unbearable.

The Government permitted international human rights observers to visit both pretrial detention centers and prisons; there were no reports of refusals to permit access for inspections by domestic independent human rights monitors. The Government cooperated with the International Committee of the Red Cross (ICRC) and with other NGOs.

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

According to the Ministry of Public Order, there were 12,454 police officers; the majority remained largely untrained, despite assistance received from foreign governments. The overall performance of law enforcement remained weak. Unprofessional behavior and corruption remained major impediments to the development of an effective, civilian police force. Foreign governments continued police training programs aimed at improving technical expertise, operational procedures, and re-

spect for human rights, and 1,100 police officers received such training during the year. In addition, judicial police, prosecutors, and police academy professors as well as 21 canine teams received training. The State Police's Office of Internal Control has the authority to review all police appointments and, during the year, pursued investigations leading to the conviction of 5 sworn police officials and the dismissal of 63 for various degrees of misconduct. According to the Ministry of Public Order, in October, 50 candidates (40 male, 10 female) started training at the Police Academy.

In its 2002 annual report, the People's Advocate—a government ombudsman charged with investigating citizen complaints of public officials' wrongdoing—reported that, in 2002, it handled 3,363 complaints, requests, and notifications related to all forms of public corruption and misconduct. Of those, 22 percent were determined to be legitimate and were forwarded to the appropriate authorities for further investigation. Among these 3,363 cases, the People's Advocate received 70 complaints against police officers for excessive force or maltreatment. By the end of 2002, the office had reviewed 50 and determined that 15 were valid, 11 were outside their jurisdiction, and 24 were groundless. As a result, 12 police officers received verbal warnings and the prosecutor's office started investigations on 24 police employees. The remaining 20 were investigated during the year; however, no information on their status was available.

Corruption remained a problem among police forces and low salaries and rampant corruption throughout society made the problem difficult to combat. The Office of Internal Control (OIC) within the State Police was focused on combating in-house corruption and other forms of official misconduct. OIC efforts resulted in several high profile arrests, including the June arrest of the Police Chief of Rinas Airport and three other officers for their roles in smuggling undocumented migrants, as well as the arrest and conviction of the former Police Chief of the Vlora Regional Commissariat for cocaine trafficking.

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 and a prosecutor must be notified immediately after the police detain a suspect. Within 48 hours of the arrest or detention, a suspect must appear before a judge in the presence of the prosecutor and the suspect's lawyer. The judge has an additional 48 hours to determine whether the suspect may continue to be detained.

Legal counsel must be provided free of charge if the defendant cannot afford a private attorney; however, this right was not widely known and police often failed to inform suspects of it. Access to legal information remained difficult for citizens, including legal professionals and, at times, judges. There were numerous cases in which persons were illegally detained and were unable to contact their private attorneys. In some cases, the detainees had been interrogated without their defense attorneys being present.

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

In its 2002 annual report, the People's Advocate cited 87 complaints of arbitrary arrests and illegal detention by the police, and specified that many of the complaints had merit and were forwarded to the prosecutor's office.

In 2001, the AHC learned that three individuals—Sali Lushaj, Dem Dollapi, and Vlash Ndoi—had been detained in a Tirana prison past the legal limit. Lushaj and Dollapi, who claimed to be detained for political reasons, were charged with participation in an armed uprising to overthrow the constitutional order. They were released; however, their case remained pending in court at year's end.

The Penal Procedures Code requires completion of pretrial investigations within 3 months; however, the prosecutor may extend this period by 3-month intervals in particularly difficult cases. Lengthy pretrial detention as a result of delayed investigations remained a serious problem. The accused and the injured party have the right to appeal these extensions to the district court.

There were no confirmed cases of detainees being held strictly for political reasons. Ekrem Spahia, Chairman of the Legality Party, and 12 of his supporters had faced criminal charges in connection with the events of 1998 during which a Democratic Party (DP) parliamentarian was killed. The charges against Spahia were subsequently dropped because he had parliamentary immunity; however, the trials of his supporters remained pending at year's end.

The Constitution prohibits forced exile, and the Government did not employ it.

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

Tension continued between the police and the judiciary, despite some improvement in relations between police and prosecutors, particularly outside Tirana. Each side cited the failures of the other as the reason criminals avoided imprisonment; the courts accused the police of failing to provide the solid investigation and evidence necessary to prosecute successfully, and the police alleged that corruption and bribery tainted the courts. The Judicial Police were responsible, under the direction of prosecutors, for developing investigations initially conducted by the police. In June, in an effort to improve cooperation and anti-crime efforts, police and prosecutors established the Organized Crime Task Force to handle high profile and sensitive organized crime and trafficking cases in which police and prosecutors work together to gather evidence, solve cases, and convict criminals. In addition, the implementation of a judicial code of conduct and a code of disciplinary procedures against judges led to the dismissal of several judges on corruption charges.

The judicial system is composed of district courts of the first instance, six courts of appeal, military courts of first instance and of appeal, and the Supreme Court. There is also a separate and independent Constitutional Court. The Supreme Court hears appeals from both the district courts and the courts of appeal, while the Constitutional Court primarily reviews those cases involving constitutional interpretation and conflicts between branches of government. Constitutional Court justices serve 9-year terms, with three justices rotating every 3 years. Justices of the Supreme Court serve for 9 years. By year's end, the President had appointed judges and prosecutors to work in the newly-formed Serious Crimes Court, which was expected to focus on organized crime and trafficking cases.

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, nine judges of all levels selected by the National Judicial Conference, and three members selected by Parliament.

The President of the Republic appoints the 17 members of the Supreme Court and the 9 members of the Constitutional Court with the consent of Parliament. Parliament has the authority to approve and dismiss the judges of the Constitutional Court while the High Council of Justice has the authority to approve and dismiss the judges of the Supreme Court. According to the law, dismissal may be ordered based on violation of the constitution, conviction of a crime, mental or physical incapacity, or commission of an act that seriously discredits judicial integrity and reputation.

The President appoints the Prosecutor General with the consent of Parliament, and appoints and dismisses other prosecutors on the recommendation of the Prosecutor General. The President may dismiss the Prosecutor General on the recommendation of the Parliament. Despite the Council of Europe's Venice Commission ruling advising that the implementation of the 2002 Constitutional Court decision stating that Prosecutor General Arben Rakipi, who was dismissed without the opportunity to present a defense, should be reinstated, the Government took no action to reinstate Rakipi during the year.

Parliament approves the courts' budgets and allocates funds. The Judicial Budget Office, a separate, independent body, administers court budgets, although each court may decide how to spend the money allocated to it. A board chaired by the Chief Justice of the Supreme Court runs the Judicial Budget Office; all other board members are judges. The Ministry of Justice appoints court chancellors and financial managers. The Ministry of Justice also supervises the Bailiffs' Office, the body that ensures that civil judgments are enforced. However, during the year, the performance of the Bailiffs' Office was poor and, as a result, many civil judgments were not implemented.

The Constitution provides that all citizens enjoy the right to a fair, speedy, and public trial; however, limited material resources in many instances prevented the court system from processing cases in a timely fashion. Many court buildings were destroyed in the 1997 civil unrest; although all have reopened, important records and legal materials were lost permanently. Long case backlogs were typical, and resulted in suspects being detained for longer than legal limits (see Section 1.d.). Defendants, witnesses, and others who do not speak Albanian are entitled to the services of a translator. Defendants are entitled to a lawyer, and, under the law, the Government provides lawyers for indigent defendants. If convicted, the accused has

the right to appeal the decision within 10 days to the Court of Appeals. During the year, a few trials were held in absentia.

There were no reports of political prisoners.

The Government has not resolved many long-standing property rights issues and continued to occupy or rent out buildings to which private individuals have ownership claims recognized by the courts. Individuals reported to the People's Advocate that they were not adequately compensated for private land taken for public use during the Communist regime. The Organization for Cooperation and Security in Europe (OSCE) facilitated a bipartisan Parliamentary effort to finalize property restitution legislation. At year's end, the legislation was approved by the Council of Ministers; however, it was still awaiting Parliament's approval.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence.—The Constitution prohibits such actions; however, at times, the Government infringed on these rights.

In April, the Court of Appeals determined that the Municipality of Pogradec could evict, with force if necessary, 15 Roma families from a government-owned building; however, in August, the Supreme Court suspended that decision and returned the case to the District Court. At year's end, the Roma families remained in the government-owned building while the Municipality of Pogradec looked for new housing for them.

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Speech and Press.—The Law on Fundamental Human Rights and Freedoms provides for freedom of speech and of the press, and the media was active and largely unrestrained; however, there were serious, fundamental problems with the use of the media for political purposes. Political interference in the media remained a problem. Publishers and newspaper owners often edited news stories to serve their own political and economic interests.

Daily circulation of all newspapers was estimated at 76,500. Political parties, trade unions, and various societies and groups published their own newspapers or magazines. The opposition media was active, but was constrained by limited professionalism and lack of finances. An estimated 200 publications were available, including daily and weekly newspapers, magazines, newsletters, and pamphlets. Three newspapers were published in Greek in the southern part of the country, and 15 Greek papers and magazines were distributed throughout the south; these dailies and weeklies had very small circulation figures.

The Government's Albanian Radio and Television (RTSh) was the sole public broadcaster. RTSh consisted of a national television station and a national radio station. National television broadcast 17 hours a day and reached 94 percent of the population. National television also broadcast a 2-hour, Albanian-language regional satellite program that was viewed widely throughout Europe. National radio broadcast on two channels—one for 19 hours and the other for 5 hours per day. National radio operated a foreign language service that broadcasted in seven languages, including Greek.

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

Occasionally physical violence was used against journalists; politicians dissatisfied with media coverage sometimes assaulted or threatened members of the media.

In March, AHRG reported that Tomorr Skreli, Chief Justice of the Appeals Court in Gjirokastra, made violent threats against Engjell Seriani, the director of Dita Jug, a regional newspaper. According to the AHRG press release, Skreli was unhappy with Seriani's report on a court case.

In October, television reporter Ilir Babaramo accused the Minister of Public Order, Luan Rama, of physically attacking him in a public restaurant. According to reports, Rama was angered by Babaramo's unflattering report about the number of unsolved, high-profile crimes committed under Rama's tenure. Press reports indicated that Rama's bodyguards also kicked and punched Babaramo until bystanders intervened. Several journalists' groups and human rights organizations called for Rama to be removed from office; Rama, a former journalist, resigned 2 days later.

The National Council of Radio and Television (NCRT)—a seven-member bipartisan body elected by the Parliament, with one appointment by the President—governs broadcasting issues. Two national television stations, 57 local television stations, 42 local radio stations, and 2 national radio stations had broadcasting licenses during the year. Several broadcasters failed to pay for their licenses or abide by the regulations governing the licenses; however, these regulations were enforced weakly.

In July, the NCRT lifted the license of Alba TV, leading to the interruption of normal broadcasts of ALSAT TV satellite channel. Alba TV and ALSAT had an agreement that allowed ALSAT to broadcast on Alba TV's frequency. Alba TV and ALSAT claimed that the license was revoked for political reasons; the Government claimed the license was revoked for failure to pay taxes; however, several other television stations had similar outstanding violations and had not been shut down. At year's end, while ALSAT was broadcasting locally a few hours a day, Alba TV was not broadcasting at all.

In May, a group of journalists and editors issued a press release in which they raised concerns about the Government's efforts to restrict press freedoms. They argued that the Government's use of financial audits and judicial prosecutions against journalists restricted the freedom of the press; however, the Government's position was that the complaints were generated by ire at more effective tax collection.

Journalists also raised complaints about direct or indirect censorship by their publishers or editors because of political or commercial pressure or interests. In June, the AHC raised similar concerns, citing a case in Gjirokastra in which Human Rights Union Party (HRUP) chairman Vangjel Dule sued a journalist after an unflattering article about him appeared in a minority newspaper.

In September, five NGOs—including the AHRG—filed suit against Prime Minister Nano in Constitutional Court. The suit charged that his 2002 gag order prohibiting senior civil servants from speaking to the media about their duties violates the Law on Fundamental Human Rights and Freedoms. On November 12, 5 days prior to the presentation of the case before the Constitutional Court, the Prime Minister revoked the gag order.

Libel carries criminal sentences, from a fine to 2 years' imprisonment. There were a number of high-profile libel suits during the year involving politicians and well-known journalists. For example, then-Minister of Youth, Culture, and Sport, Arta Dade, and Minister of Local Government, Ben Blushi, sued Democratic Party Chairman, Sali Berisha, for libel; Chairman of the New Democrat Party, Genc Pollo, sued Farudin Arapi, Chairman of the Pyramid Schemes Assets Commission for libel; and the newspaper *Spekter* sued op-ed columnist Fatos Lubonja. All of these cases were pending in Tirana District Court at year's end. In addition, Deputy Speaker of Parliament, Makbule Ceco, won a libel case against the newspaper *Tema*.

The AHC, along with other human rights organizations and journalists' associations, expressed concern about the increased level of pressure exerted by politicians on the media, particularly in the form of lawsuits. In May, the AHC noted that while all citizens are entitled to seek redress in the court system, politicians—as public figures—should expect scrutiny and attacks from the media and should refrain from misusing libel suits.

The Government did not restrict access to the Internet; however, less than 1 percent of the population had access to the Internet because it was too expensive.

The Government did not restrict academic freedom.

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

The law requires organizers to notify police about gatherings in public places, and the police may refuse to permit them for reasons such as security and traffic; however, there were no reports that such denials were made arbitrarily.

On May 15 and 26, former political prisoners and victims of political persecution staged a formal protest on Tirana's main boulevard, seeking compensation for their unpaid labor during their imprisonment or persecution. Protesters claimed that police used excessive force during the protests and that police injured National Front Party Member of Parliament, Uran Metko. The People's Advocate, the AHC, and the two largest political parties, as well as several other human rights organizations denounced the police's use of violence. Subsequently, Prime Minister Nano met with the People's Advocate and agreed to draft a bill to resolve the issue of compensation; however, at year's end, the Government was still in the process of the drafting legislation that was expected to compensate people for their unpaid labor while imprisoned.

The Constitution provides for the right of association, and the Government generally respected this right; however, the Constitution prohibits the formation of any political party or organization that is totalitarian; incites and supports racial, religious, or ethnic hatred; uses violence to take power or influence state policies; or is nontransparent or secretive in character. There were no reports that this provision was used against any group during the year. A political party must apply to the Tirana District Court for registration and declare an aim or purpose that is not anti-constitutional or otherwise contrary to law, describe its organizational structure, and account for all public and private funds it receives. Registration was granted routinely.

c. Freedom of Religion.—The Constitution provides for freedom of religion and the Government generally respected this right in practice. According to the Constitution, there is no official religion, and all religions are equal; however, the predominant religious communities (Sunni Muslim, Bektashi Muslim, Orthodox, and Roman Catholic) enjoyed de facto recognition 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 four de facto recognized religions—may acquire the official status of a legal entity by registering with the Tirana District Court under the Law on Associations, which recognizes the status of a nonprofit association regardless of whether the organization has a cultural, recreational, religious, or humanitarian character.

While the Government does not require registration or licensing of religious groups, the State Committee on Cults keeps records and statistics on foreign religious organizations that contact it for assistance.

The Albanian Evangelical Alliance, an association of approximately 87 Protestant Churches, complained that it had encountered administrative obstacles to accessing the media. However, Evangelical Alliance representatives stated that it was not clear whether the limited access was due to the organization's small size or its religious affiliations.

The Government was secular, and religion was not taught in public schools. There is no law restricting the demonstration of religious affiliations in public schools; however, some students were not allowed to do so in practice. According to the Ministry of Education, there were 14 religious schools in the country, with approximately 2,600 students. In July, a female Muslim student graduating from university was prohibited from wearing her headscarf for her graduation picture. Following the intervention of the People's Advocate, the student was allowed to take the photograph with the headscarf, and the case was resolved.

The Government failed to return to the various religious communities all of the properties and religious objects that were confiscated under the Communist regime in 1967. In cases where religious buildings were returned, the Government often did not return the land surrounding the buildings or provide comparable compensation. In addition, the Government was unable to compensate churches adequately for the extensive damage that many religious properties suffered.

The Orthodox Autocephalous Church of Albania complained that, in addition to problems in recovering property, it also had difficulty in retrieving some religious icons from the Government for restoration and safekeeping and reported some isolated incidents of vandalism. Some Bektashi communities outside of Tirana experienced intimidation, vandalism, and threats of violence from members of other religious groups.

In October, police arrested Kastriot Myftaraj, author of the book "Albanian National Islamism," on charges of inciting religious hatred. The book contained the author's opinions on Islam and how the religion has impacted Albanian life. According to the prosecutor's office, several statements in the book demeaned Islam. At year's end, the trial was ongoing.

Relations among the various religious groups were generally amicable. However, representatives of the country's Orthodox Church noted that some churches and other buildings were the targets of vandalism, although these incidents were isolated and believed to be the result of the country's weak public order rather than due to religious intolerance. In January, the General Secretary of the Islamic Community of Albania, Sali Tivari, was shot and killed at the Community's headquarters. In December, the prosecutor's office, unable to uncover enough evidence, returned the case to the police for further investigation.

Some Bektashi communities outside of Tirana experienced intimidation, vandalism, and threats of violence. There were reports that, in some instances, members of other religious groups attempted to prevent Bektashis from attending their teqes (holy shrines) and otherwise harassed Bektashi community members.

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

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

As a result of significant internal migration, many citizens no longer had local registration and status, which led to a loss of access to basic services such as education and medical care. In many educational institutions, students must have, among other documents, an official document from the district authorities that acknowledges that they are inhabitants of the district. The lack of these documents prevented many students from attending school. During 2002, the Ministry of Local Government began a nationwide project on citizen registration, financed in part by

Italy in the framework of the Stability Pact. Although there were three laws on civil status intended to improve local registration practices and create a standardized national identification document, in practice nothing was done.

The Constitution and a 1998 asylum law provide for the granting of refugee status and asylum to persons who meet the definition in the 1951 U.N. Convention Relating to the Status of Refugees and its 1967 Protocol. In practice, the Government provided protection against refoulement and granted refugee status or asylum; it also provided temporary protection to certain individuals who did not qualify as refugees or asylees. There is an appeals procedure, but it was not functioning during the year.

The Government cooperated with the office of the U.N. High Commissioner for Refugees (UNHCR) and other humanitarian organizations in assisting refugees and in efforts to strengthen the asylum system. There were no mass refugee situations during the year. The UNHCR provided social service support for the refugee community and coordinated further assistance through a network of NGOs that provided health care coverage, insurance, and limited training. In July, the Government's Office for Refugees came under the jurisdiction of the Ministry of Public Order and played a key role in facilitating and coordinating the work of these groups.

Organized criminal gangs made the smuggling of illegal immigrants—Albanians, Kurds, Pakistanis, Chinese, Turks, and others from the Middle East and Asia—a lucrative business. Because ongoing speedboat interception and destruction efforts effectively closed the route to Italy, smugglers began using overland routes, crossing into Macedonia or Montenegro, or using false documents to depart the country by plane or ferry. Individuals who became stranded inside the country while trying to use these illegal methods went through a pre-screening process jointly run by the Government, the UNHCR, the International Organization for Migration (IOM), the International Catholic Migration Commission, and the OSCE to determine their status. Of the 27 third country nationals pre-screened since January, all were referred by police, and 11 sought services voluntarily; 16 of these individuals requested asylum; and 5 voluntarily returned to their home countries with the assistance of the IOM. The international partners in the pre-screening process recommended that the Government extend the program to illegal immigrants stopped at the border; however, the Government took no action by year's end.

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

The Constitution provides citizens with the right to change their government peacefully, and citizens exercised this right in practice through periodic elections held on the basis of universal suffrage.

Local elections were held in October and were completed in only one round of voting. In its preliminary report, the OSCE's Office of Democratic Institutions and Human Rights (ODIHR)—which observed the elections—noted the country's further progress towards compliance with the OSCE and other international organizations, and standards for democratic elections. The elections were conducted under a new electoral code, which addressed many of the concerns that arose from the 2001 parliamentary elections. The election campaigns were generally calm and conducted without the heated rhetoric that characterized past campaigns. In addition, the country's major broadcasters—including state-owned TVSH—generally complied with the legal provisions for balanced reporting, contributing to a significant improvement in coverage of the campaign. However, the ODIHR preliminary report stressed that problems continued to exist. For example, many citizens were unable to vote because their names were not on the voter registration lists. Members of the local government elections commissions and the voting center commissions were generally poorly trained and unacquainted with the new electoral code and key instructions from the Central Election Commission (CEC). In the post-election period, there were numerous legal challenges to election results by parties that lost in various districts, including in two major cities, Tirana and Durrës.

In November, election reruns were held in Himara—a district with a large population claiming Greek origin—after serious voting violations were reported. Although nationalistic members of the local Socialist Party attempted to manipulate the outcome of the election by falsifying the results, the CEC overturned those results and certified that the HRUP candidate—representing the interests of the country's minorities, including the Greek minority—won the election. In December, revotes were also held in 118 Tirana districts; turnout was low, and few significant irregularities were reported. The trend of decreasing representation continued: Women were poorly represented as members of election commissions and as can-

didates, and family voting was observed in over 30 percent of voting centers visited by observers.

Overall, the municipal elections were a major step forward, with good performances by the police, many local election officials, and electoral institutions. However, the elections were marred by the repeated refusals of the political leadership in the two main parties to accept results not to their liking.

During a parliamentary by-election in a single electoral zone in Elbasan in December 2002, the opposition DP raised concerns regarding voter list manipulation, voter intimidation, and other electoral code violations. The General Prosecutor opened an investigation of electoral code violations; however, the case was closed due to lack of evidence.

Several political parties participated in the political system; the Socialist Party (SP) and the DP were the two largest and they held most of the seats in Parliament. The SP, formed from the old Communist Party in 1991, was the governing party during the year. Its year-end coalition included the HRUP and the Social Democratic Party. SP Party Chairman, Fatos Nano, also served as Prime Minister. The DP, led by former President Sali Berisha, was the primary opposition party in the Government.

There were 9 women in the 140-seat Parliament. During the year, the Deputy Prime Minister and Minister of State for Integration, the Minister of Culture, Youth, and Sports and the Minister of Labor and Social Affairs were women; however, at year's end, after the change in Cabinet following the SP Congress, only one woman remained in the Cabinet. The major political parties had women's organizations, and women served on their central committees; however, overall women were very poorly represented in the central and local governments, and few were elected to public office at any level. During the year's local elections, less than 3 percent of all candidates were women.

There were 5 ethnic Greeks in the 140-seat Parliament; however, only three of them were members of the HRUP, which represented the interests of minorities in the country. Ethnic Greeks were the largest minority group, participated actively in various political parties, particularly the HRUP, and held two ministerial positions. No other minorities were represented in Parliament.

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

A number of domestic and international human rights groups generally operated without government restriction, investigating and publishing their findings on human rights cases. Government officials were increasingly cooperative and responsive to their views; however, in some areas—such as domestic violence and children's issues—little progress was made. There were several domestic NGOs active in addressing human rights problems. Despite the assistance of international donors, the work of these organizations was hampered by a shortage of funds and equipment.

There were no reports of government restriction on the activities of domestic human rights NGOs. The AHC monitored human rights issues as they related to minorities, security forces, the judiciary, and elections. In the past, the AHC conducted training to police and prison personnel. Rather than limiting its operations to one or two specific human rights issues, the AHRG tried to monitor all aspects of human rights in the country. The AHRG, in addition to offering legal assistance, ran a complaint center and conducted police training. Both organizations operated independently from the Government and often issued press releases and reports calling for government action.

The Citizen's Advocacy Office (CAO) was created with international donor funds and assistance to serve as a corruption watchdog and investigative unit; citizens could call the CAO hotline to report corruption in Government. The Government often responded to CAO investigations with concrete action, such as conducting formal investigations and/or dismissals.

The Government cooperated with international organizations, such as the UNHCR, the IOM, and the ICRC, and did not restrict their access to the country.

Various groups worked to promote women's rights; some of these groups received mixed levels of cooperation with the Government (see Section 5).

The People's Advocate investigated inappropriate, inadequate, or illegal actions on the part of the Government. Although it lacked the power to enforce decisions, the People's Advocate acted as a watchdog for human rights violations. Its most common cases included citizen complaints of police and military abuse of power, lack of enforcement of court judgments in civil cases, wrongful dismissal, and land disputes (see Sections 1.c. and 1.e.). In many cases, the Government took concrete steps to correct problems in response to the findings of the People's Advocate. The caseload

of the People's Advocate continued to increase as the public became more aware of the services provided. The People's Advocate enjoyed the political support of the highest-ranking members of the Government and was authorized to receive information from all public agencies; however, disputes between the People's Advocate and the Prosecutor General hampered cooperation.

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

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

Women.—Violence against women and spousal abuse remained serious problems. In the country's traditionally male-dominated society, cultural acceptance, and lax police response resulted in most abuse going unreported. Rape is punishable by law, as was spousal rape; however, in practice, spousal rape is not reported or prosecuted. The concepts of spousal rape and sexual harassment were not well established, and, consequently, such acts often were not considered crimes by authorities or the public. For this reason, it was difficult to quantify the number of women who have experienced rape, domestic violence, or sexual harassment; however, the Counseling Center for Women and Girls noted that, in 2002, its Tirana hotline received 80–100 calls per month from women reporting some form of violence. A 1999 poll conducted by the NGO Advice Center for Women and Girls showed that 64 percent of women surveyed had experienced some form of physical, emotional, or sexual abuse; later statistics were not available. The State Committee on Equal Opportunity, formerly known as the State Committee for Women and Family, was the primary government agency that addressed the status of women; however, it was underfunded and lacked political influence. There was no legislation specifically addressing violence against women or domestic violence.

Many men, particularly those from the northeastern part of the country, still followed the traditional code—the *kanun*—in which women are considered to be, and were treated as, chattel. Under the *kanun*, a woman's duty is to serve her husband and to be subordinate to him in all matters.

An NGO maintained a shelter in Tirana for abused women, although the facility had the capacity to house only a few victims at a time. The same NGO also operated a hotline that provided advice and counseling to women and girls.

The law prohibits prostitution; however, it was a problem. Trafficking in women and children remained a problem (see Section 6.f.).

Women were not excluded, by law or in practice, from any occupation; however, they were not well represented at the highest levels of their fields. The Labor Code mandates equal pay for equal work; however, this provision was not fully implemented, although women continued gradually to gain economic power. Women enjoyed equal access to higher education, but they were not accorded full and equal opportunity in their careers, and well-educated women were often underemployed or worked outside their field of training. An increasing number of women continued to open shops and small businesses. Although many women emigrated from the country to seek employment men far outnumbered them, leaving women as the majority in the population. Women were afforded some employment rights, such as a 1-year maximum maternity leave; however, because approximately 40 percent of employees worked informally (i.e., their employers do not contribute to social security insurance on their behalf), they did not qualify for these rights. Of those women who did qualify, the majority could not afford to take more than 2 months of leave.

Various groups such as the Women's Center, the Family Planning Association, Useful to Albanian Women, the Independent Women's Forum, Women in Development, the Millennium Coalition, the Women's Advocacy Center, the Association of Women's Lawyers, Refleksione, the Albanian Human Rights Center, AHC, and AHRG worked to promote women's rights. Some of these groups successfully promoted public awareness regarding domestic violence and implementing programs to empower women; however, their ability to lobby the Government and other prominent individuals to institute actual change in government policies and practices regarding women's issues remained limited.

Children.—The Government's commitment to children's rights and welfare is codified in domestic law; however, in practice, there was limited commitment.

The law provides for the right to 8 years of free education and also authorizes private schools. School attendance was mandatory through the eighth grade (or until age 18, whichever came first); however, in practice, many children left school earlier than allowed by law in order to work with their families, especially in rural areas (see Section 6.d.). For example, according to a study conducted by the CRCA in 2000, approximately 38 percent of adolescents dropped out of school to gain employment; however, the Government placed this figure at 3 percent. The lack of proper documents—many of which have been lost due to internal migration—pre-

vented many students from attending school (see Section 2.d.). The State Committee on Equal Opportunity was responsible for children's issues; however, it was underfunded and lacked political influence.

In October, Bexhet Arbana, principal of Tirana elementary school "1 Maji," was dismissed from his position, demoted, and transferred to another school after he wrote an article that opposed the government's educational policies. According to the Ministry of Education, in opposing government policy, Arbana violated the institutional code, thereby justifying his demotion; however, the AHRG called for Arbana's reinstatement.

According to statistics for the year issued by the National Reconciliation Committee, as many as 711 children remained endangered by blood feuds involving their families (see Section 1.a.). While other organizations in the north and northeast regions questioned the accuracy of these figures, all agreed that blood feuds were a significant problem.

Child abuse, including sexual abuse, was rarely reported; however, authorities and NGOs believed that it was prevalent. According to the Ministry of Public Order, 33 cases of sex crimes against children were reported during the year. Trafficking in children, although not widespread, was problematic (see Section 6.f.). In a few cases, criminals kidnapped children from families or orphanages to be sold to prostitution or pedophilia rings abroad and there were reports that some families sold their children to traffickers (see Section 6.f.).

Various NGOs worked on children's issues, including Useful to Albanian Women, the CRCA, and the Albanian Children's Alliance, which is made up of 150 organizations across the country. International organizations active in this area included UNICEF, Save the Children, Caritas, and Catholic Relief Services. All of these organizations worked on issues related to trafficking of children. In addition, Save the Children created an early childhood development program, Catholic Relief Services sponsored after-school programs and promoted greater community involvement in the education system, and UNICEF worked to develop a juvenile justice system.

Persons with Disabilities.—There was some discrimination against persons with disabilities in employment, education, and the provision of other state services. Widespread poverty, unregulated working conditions, and poor medical care posed significant problems for many persons with disabilities. They were eligible for various forms of public assistance; however, budgetary constraints greatly limited the amounts that they actually received. No law mandates accessibility to public buildings for persons with disabilities, and little was done in this regard.

National/Racial/Ethnic Minorities.—The Constitution provides for national minorities' "pluralism, national identity and inheritance, and religious coexistence." The Constitution also provides minorities the right to "freely express, without prohibition or compulsion, their ethnic, cultural, religious and linguistic belonging" and the right "to study and be taught in their mother tongue, and to unite in organizations and associations for the protection of their interests and identity." The Minority Affairs Office within the Ministry of Foreign Affairs was the highest authority on minority issues and monitored the country's compliance with international obligations and commitments as they relate to minority issues. The Office maintained contact with all organizations representing minority groups, and served as a coordinating body for other relevant ministries within the Government.

According to the Minority Affairs Office, to qualify for minority status, a group of individuals must share the same language (different from Albanian), have documentation to prove their distinct ethnic origin, have a separate culture and traditions, and have a link to a kinship state outside of the country. For example, the group known as Egyptians were not given minority status because they speak Albanian and share the country's culture and traditions. Instead, they were referred to as a community.

The Greeks are the largest ethnic minority, followed by small groups of Macedonians, Montenegrins, Vlachs, Aromanians, Roma, and an Egyptian community. However, according to the Minority Affairs Office, no recent official statistics existed regarding the size of the various ethnic communities. The Government census of 2001 did not ask respondents to identify themselves by ethnicity, so any official figures date back to the previous census conducted in 1989. The Government conducted a survey during the year to determine the sizes of various ethnic minorities. The survey, which relied upon sampling based on U.N. standards, provided criteria for claims of affiliation with a particular ethnic group; however, the results of the survey were not published by year's end.

The ethnic Greek minority, led by their cultural association Omonia, collectively pursued grievances with the Government regarding electoral zones, Greek-language education, property rights, and government documents. Minority leaders complained

of the Government's unwillingness to recognize the existence of ethnic Greek towns, such as Himara, that were not considered part of communist-era "minority zones"; to utilize Greek on official documents and on public signs in ethnic Greek areas; to address effectively crimes committed against ethnic Greeks, particularly allegations that communal property was taken illegally by means of fraudulent documents and, in some cases, with complicity of the courts; to ascertain the size of the ethnic Greek population; and to include a higher number of ethnic Greeks in public administration.

Greek-language public elementary schools were common in much of the southern part of the country, where most ethnic Greeks lived. Every village in this zone had its own elementary-middle (8-year) school in the Greek language, regardless of the number of students, and Gjirokaster had two Greek language high schools. However, Omonia said that the ethnic Greeks needed more classes both within and outside the minority zones. The Government's Minority Affairs Office noted that Greeks, as well as other ethnic groups throughout the country, are entitled to schooling in their native language provided that there are at least 24 students per class—all of whom belong to the same ethnic minority. Omonia claimed that this qualification was applied unevenly, citing cases where ethnic Albanian students—numbering less than 24 and living in majority ethnic Greek communities—received a public education in the Albanian language. The Minority Affairs Office stressed that the Government has never closed a minority school or class even when the number of students dwindled as a result of graduation, migration or other factors. In March, Parliament passed an amendment that reauthorized the inclusion of nationality/ethnicity in the Civil Registry which should alleviate the difficulty in proving ethnicity for future requests for minority language schools.

Ethnic Greeks enjoyed access to Albanian Greek language media (see Section 2.a.). Residents in the southern part of the country were able to receive television and radio broadcasts in the Greek language from stations located in Greece; however, there were no Greek language radio or television stations in the country.

Ethnic Macedonians lived primarily in Pogradec, Devoll, and the Lake Prespa area bordering Macedonia; a small group of ethnic Montenegrins and Serbs lived north of Shkoder; Vlachs and Aromanians lived in the southern region.

The Roma and the Egyptian communities were among the most neglected groups in the country. There were reports that police beat Roma during the year (see Section 1.c.). Members of the Egyptian community tended to settle in urban areas and generally were more integrated into the economy than the Roma. In addition to widespread societal discrimination, these groups generally suffered from high illiteracy, poor health conditions, lack of education, and marked economic disadvantages. The Government officially recognized the Roma as a linguistic rather than a national minority, thus preventing Roma children from qualifying for education in their native language and perpetuating illiteracy within the community. The Government prepared a National Strategy for the Improvement of Roma, focusing on the areas of education, art, employment, housing, social issues, public order, and health; however, the Government had taken no action to implement the strategy by year's end. In spite of repeated denials, the Egyptian community continued to try to obtain minority status from the Government.

Blood feuds, practiced primarily in the north and northeastern regions, were a significant problem (see Section 1.a.).

Section 6. Worker Rights

a. The Right of Association.—Workers had the right to form independent trade unions, and workers exercised this right in practice. Two major federations acted as umbrella organizations for most of the country's unions: The Independent Confederation of Trade Unions of Albania (membership approximately 85,000) and the Albanian Confederation of Trade Unions (membership approximately 100,000). Both organizations experienced a continued drop in membership during the year due to increasing unemployment. Some unions chose not to join either of the federations. No union had an official political affiliation, and the Government did not provide any financial support for unions.

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

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

b. The Right to Organize and Bargain Collectively.—Citizens in all fields of employment, except uniformed members of the armed forces, police officers, and some court employees, had the constitutional right to organize and bargain collectively, and the Labor Code established procedures for the protection of workers' rights

through collective bargaining agreements; however, labor unions operated from a weak position, given the country's high level of unemployment. In practice, unions representing public sector employees negotiated directly with the Government. Effective collective bargaining remained difficult, and agreements were difficult to enforce.

The Constitution and other legislation provide that all workers, except the uniformed military, the police, and some court officials, have the right to strike. The law prohibits strikes that are declared openly to be political or that are judged by the courts to be political.

In February, employees of the Fabiona Brick Factory went on a hunger strike to protest the fact that the owners had not paid salaries or social insurance for 3 months; after approximately 10 days, the owners promised to resume payment and the hunger strike ended. The owners started paying their employees' salaries, but not their social insurance. In the summer, shipyard employees at the Durres Port went on strike complaining that the shipyard owners had not paid their social insurance for years; the strike remained ongoing at year's end. In September, teachers went on strike and asked for higher salaries; although they did not receive a salary increase, they went back to work shortly thereafter. In December, railway employees began striking for better working conditions and higher salaries; their strike remained ongoing at year's end.

There are no export processing zones.

c. Prohibition of Forced or Bonded Labor.—The Constitution and the Labor Code prohibit forced or bonded labor, including by children; however, such practices occurred (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 children under the age of 18. Children between the ages of 14 and 16 legally may work in part time jobs during summer vacation. The Ministry of Labor may enforce minimum age requirements through the courts; however, there were no reports that enforcement took place. The CRCA estimated that roughly 50,000 children under the age of 18 worked either full or part time. The law forbids forced or bonded labor by children; however, there were reports that such practices occurred. NGOs reported that labor inspectors, who were charged with investigating child labor complaints, did not give out fines, penalties, or convictions to those who violated child labor laws.

There were young children working, some as many as 16 hours a day. According to the CRCA, the majority of child laborers worked as street or shop vendors, farmers or shepherds, drug runners, textile factory workers, shoeshine boys, or prostitutes; however, in Tirana and other cities, children—mostly Roma—worked as beggars or sold cigarettes and other items on the street; the police generally ignored this practice. The CRCA also noted that there were approximately 800 street children in Tirana. There were reports that children were trafficked for forced labor (see Section 6.f.).

e. Acceptable Conditions of Work.—The legal minimum wage for all workers over the age of 16 was approximately \$85 (9,354 lek) per month, which was not sufficient to provide a decent standard of living for a worker and family. Many workers looked for second jobs, which were difficult to find. Remittances from those working abroad were very important for many families. The law provides for social assistance (income support) and unemployment compensation; however, these were very limited, both in terms of the amounts received and the number of persons actually covered. The average wage for workers in the public sector was approximately \$160 (17,608 lek) per month. Persons who worked and lived in urban areas earned almost 50 percent more than counterparts in rural areas, as a result poverty was greater in rural areas. Approximately 30 percent of the population lived under the official poverty line.

No data was available for private sector wages, but they were considerably higher than in the public sector.

During the year, the Labor Code was amended to lower the legal maximum workweek from 48 hours to 40; however, in practice, hours typically were set by individual or collective agreements. Many persons worked 6 days a week. By law overtime pay must be provided and there were mandated rest periods; however, these provisions were not always observed in practice.

The Government set occupational health and safety standards; however, it had limited funds to make improvements in the remaining state-owned enterprises and a limited ability to enforce standards in the private sector. Actual conditions in the workplace generally were very poor and often dangerous. A number of job-related deaths were reported in the press during the year, particularly in the construction

industry. In such cases, the victims' families did not receive any financial support from the state social security administration because the workers often were not insured. The Labor Code lists the safety obligations of employers and employees but does not provide workers with the right to leave a hazardous workplace without jeopardy to their continued employment.

f. Trafficking in Persons.—The law criminalizes trafficking in persons and provides penalties for traffickers; however, trafficking in persons, particularly women and children, remained a problem. Police corruption and involvement in trafficking was a problem.

A 2001 Criminal Code amendment introduced specific articles on trafficking that set the following penalties: Trafficking in persons (5 to 15 years in prison); trafficking of women for prostitution (7 to 15 years in prison); and trafficking in minors (15 to 20 years in prison). The lack of prosecution of traffickers remained a problem; however, police and prosecutors claimed to have dismantled 28 trafficking groups during the year. Traffickers who were arrested often were released because of insufficient evidence, and, if prosecuted, they often were charged for lesser crimes or were given less than the minimum sentence for trafficking.

In April, Albanian and Italian authorities arrested several members of a child-trafficking ring operating out of the Adriatic port city of Durres, including a customs officer at the Durres port and the head of the local SHISH office. During the investigation, which was ongoing for 2 years and operated on both sides of the Adriatic, police rescued 30 Albanian children and arrested 40 people. The cases against the Customs and SHISH officials had not gone to trial by year's end.

In September, a regional anti-trafficking sweep called Mirage II, resulted in 125 arrests for various forms of trafficking, prostitution, and smuggling.

The absence of a witness protection program impeded the Government's ability to build strong cases against traffickers, although cooperation from the international community led to the relocation and protection of five witnesses outside of the country during the year. Victims often did not identify themselves as trafficked persons and were unwilling to testify due to fear of retribution from traffickers and distrust of the police. Cooperation between the police and prosecutors remained weak. During the year, the Government established an Organized Crime Task Force to handle high profile and sensitive organized crime and trafficking cases. Through the Task Force training and international technical assistance, police and prosecutors received training for better coordination to gather evidence, solve cases, and convict criminals.

The country was both a source and a transit country primarily for women and children trafficked for the purposes of sexual exploitation and begging; however, the number of Albanians and third-country nationals subjected to trafficking to other countries decreased. The country was a transit route for trafficked women and girls, due to weak border controls, corruption, and proximity to Italy and Greece. Most trafficked women and girls were transported to Italy, Greece, and—to a lesser extent—other European countries, such as Belgium, the United Kingdom, and the Netherlands. However, illegal transit through the country diminished significantly since 2002, primarily due to the successful interruption of illegal speedboat traffic across the Adriatic. Traffickers used overland routes such as Albania-Macedonia-Greece or falsified documents to transport their victims via plane or ferry.

According to the Ministry of Public Order, there were 4,000 children trafficked from the country between 1992 and 2000. Children were generally trafficked for begging or sexual exploitation. Trafficked Albanians increasingly fell into the 12 to 18-year-old age group. Roma and Egyptian communities were particularly vulnerable due to poverty and illiteracy. Children, including boys, also were trafficked for begging. Such children often were bought from families, and in a few cases kidnapped reportedly for the purpose of prostitution or pedophilia rings abroad.

For example, in November, five people (two in Korca and three in Pogradec) received prison sentences ranging from 15–20 years for trafficking newborn babies to Greece. At year's end, the case had been appealed and authorities were waiting for additional evidence from their Greek counterparts before presenting at the Court of Appeals. Also in November, there were press reports that an Albanian family sold their 3-year-old son to an Italian man; Italian authorities subsequently arrested two persons involved in the sale.

The majority of trafficked children ended up in Italy or Greece. According to the Ministry of Justice, 3,300 unaccompanied Albanian children lived in Italy, although not all were victims of trafficking. A 2002 study conducted by the NGO International Social Service reported that 1,800 unaccompanied Albanian children—many of whom were trafficking victims—lived in Greece; however, according to Terre des hommes, a Swiss child-welfare NGO operating in the country, the number of children trafficked to Greece has declined in recent years.

Foreign women and girls in transit mostly originated from Moldova, Romania, and—to a lesser extent—Ukraine, Russia, Serbia and Montenegro (Kosovo), and Bulgaria. Traffickers typically confiscated victims' documents, physically and sexually abused them, and sometimes forced them to work as prostitutes before they left the country. Both Albanian and foreign women trafficked by Albanian organized crime networks were abused, tortured, and raped. Traffickers also threatened many of the victims' family members.

Due to the poor economic situation, men and women from organized criminal groups lured many women and young girls from all over the country by promising them jobs in Italy and Greece. Some men, primarily in the north of the country, also married women and girls under false pretenses and took them abroad as prostitutes. Other forms of recruitment included promises of marriage, and, to a lesser extent, the selling of victims to traffickers by family members or neighbors or kidnapping, including from orphanages.

The police often were involved directly or indirectly in trafficking. Few police officers, and no other government officials, were prosecuted for trafficking during the year. Lawyers and judges were also manipulated and bribed, permitting traffickers to buy their way out of punishment if arrested. During the year, the Ministry of Public Order's Anti-Trafficking Unit within the Organized Crime Sub-Directorate and the Office of Internal Control paid particular attention to police involvement in human trafficking; the Office of Internal Control investigated 266 cases of police involvement in all forms of trafficking. Many of these cases resulted in suspensions or dismissals, and a growing number of police officials implicated in trafficking cases faced arrest and prosecution.

In December, police arrested several servicemen on suspicion of raping and trafficking a 16-year-old girl. Reports surfaced in December that a 16-year-old girl was smuggled onto the Bishti i Palles naval base to have sex with seven conscripted sailors over the course of a 3-day weekend. Military officials responded quickly by admitting the main facts of the story, issuing a public apology, and stepping aside so that the civilian investigation could take place. A total of 11 officers and non-commissioned officers—including the seven participants—were suspended and new policies were put in place to safeguard against such incidents in the future. Although media reports stated that the sailors were also involved in the girl's eventual trafficking into Kosovo, officials at the Ministry of Defense denied the conscripts' involvement; an investigation was ongoing at year's end.

Police treatment of trafficked women continued to improve during the year. Most police stopped treating trafficked women as criminals rather than victims and routinely referred them to local and international NGOs for assistance. Foreign women who were detained at times lacked translation services or were not given a choice of lawyers.

In response to concerns about child trafficking, in October, the Government formed the Child Trafficking Working Group (CTWG). The core-working group includes representatives from the Prosecutor General's office, as well as the Ministries of State, Public Order, Labor and Social Affairs, and Education. The goal of the CTWG was to develop strategies to respond to the specific issues that arise when dealing with child-victims of trafficking. The group produced a working paper on strategies for prosecution, protection, and prevention that focused specifically on child trafficking; the document was submitted to the NGO community for their comments at year's end.

Victims of trafficking often faced significant stigmatization from their families and society. Several NGOs were active in addressing victims' needs. The IOM operated a reintegration center in Tirana that provided counseling and medical services, job training, and some legal assistance. The IOM also cooperated with the OSCE to relocate outside of the country those victims whose safety was at risk. In July, the Government opened a shelter outside Tirana for trafficking victims, offering assistance ranging from psychological counseling to medical treatment. With the assistance of the IOM, the Government processed 15 repatriation cases during the year and 13 of these women were returned to their home countries by year's end. Government services available to trafficking victims remained limited.

The Vlora Anti-Trafficking Center, which opened in 2001, had not become fully operational, although, in September, it was used as a command post for Mirage II. In December, the Government signed a memorandum of understanding with Greece, Germany, and Italy to turn the Vlora Anti-Trafficking Center into a fully operational tool in the fight against all forms of illegal trafficking from and through the country. National and international NGOs carried out most of the country's trafficking awareness campaigns.

ANDORRA

The Principality of Andorra is a constitutional parliamentary democracy. Two Princes—the President of France and the Catholic Bishop of Seu d'Urgell Spain—serve with joint authority as heads of state, and each is represented in Andorra by a delegate. Elections in 2001 chose 28 members of the Parliament (Consell General), which selects the head of government. The judiciary is independent.

The country has no defense force and depends on Spain and France for external defense. Civilian authorities maintained effective control of the national police, who have sole responsibility for internal security. There were no reports that security forces committed human rights abuses.

France and Spain influenced the country's market-based economy significantly. The country had a population of approximately 68,300. Commerce and tourism were the main sources of income.

The Government generally respected the human rights of its citizens, and the law and the judiciary provided effective means of dealing with individual instances of abuse. Violence against women increased. Some immigrant workers complained that they did not have the same labor rights and security as citizens in practice, despite legal protections.

RESPECT FOR HUMAN RIGHTS

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

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

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

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

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

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

Police legally may detain persons for 48 hours without charging them with a crime. Warrants are required for arrest. The Government declined to modify the law to provide individuals under arrest immediate access to an attorney. Legislation provides for legal assistance beginning 25 hours after the time of arrest. There was a system of bail.

The country is party to a network of 47 States with prisoner transfer agreements, and qualifying prisoners were permitted to serve their sentences in their own country.

The Constitution prohibits forced exile, and the Government did not employ it.

e. Denial of Fair Public Trial.—The Constitution provides for an independent judiciary, and the Government generally respected this provision in practice. The highest judicial body is the five-member Superior Council of Justice. One member each is appointed by the two Princes; the head of government; the President of the Parliament; and collectively, members of the lower courts. Members of the judiciary are appointed for 6-year terms.

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

There were no reports of political prisoners.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence.—The Constitution provides citizens with safeguards against arbitrary interference with their "privacy, honor, and reputation," and authorities generally respected these prohibitions in practice. No searches of private premises may be conducted without a judicially issued warrant, and violations were subject to effective legal sanction. The law also protects private communications.

Section 2. Respect for Civil Liberties, Including:

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

The independent media were active and expressed a wide variety of views without Government restriction.

Internet access was unrestricted, and the Government did not monitor Internet activity.

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

c. Freedom of Religion.—The Constitution provides for freedom of religion, and the Government generally respected 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 received no direct subsidies from the Government.

The Government paid the salaries of teachers who taught optional Catholic religious classes to students in public schools; the Catholic Church provided the teachers for these classes.

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

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

The law does not provide for the granting of refugee or asylee status to persons who meet the definition of in the 1951 U.N. Convention Relating to the Status of Refugees and its 1967 Protocol. However, in practice, the Government provided protection against refoulement, and cooperated with the U.N. High Commissioner for Refugees (UNHCR) and other humanitarian organizations in assisting refugees.

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

The Constitution provides citizens with the right to change their government peacefully, and citizens exercised this right in practice through periodic, free, and fair elections held on the basis of universal suffrage. There were three political parties: The Andorran Liberal Party (ALP), the Andorran Democrat Center Party (ADCP), and the Social Democratic Party (SDP).

Parliamentary elections in 2001, considered free and fair, allowed the ALP, (the head of Government’s Party) to retain its absolute majority, winning 15 of the 28 seats in Parliament. The ADCP and the SDP won five and six seats respectively. A local group won two seats.

There were no formal barriers for women in government and politics, but relatively few women ran for office. There were 4 women in the 28-member Parliament, and 3 women held Cabinet-level positions.

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

Approximately ten human rights groups generally operated without government restriction, investigating and publishing their findings on human rights cases. Government officials were very cooperative and responsive to their views. The Association of Immigrants in Andorra (AIA) defends the rights of foreign residents, and the Association of Andorran Women (AAW) actively supports women’s rights (see Section 5). The Red Cross had a presence within the country.

An Ombudsman received and addressed complaints, some of which were against the Government’s policies.

Section 5. Discrimination Based on Race, Sex, 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, opinions, or any other personal or social condition, although the law grants many rights and privileges exclusively to citizens.

Women.—There were reports that violence against women increased from the previous year. The AIA and the AAW received approximately 40 cases of physical abuse against women. Women suffering from domestic violence requested help from the AIA and the AAW, but very rarely filed a complaint with the police for fear of reprisal. There is no specific legislation regarding violence against women, although other laws may be applied in such cases. Some complaints were reportedly filed with the police during the year, but no figures were available, as the police refused to make figures public.

The law prohibits rape and forcible sexual assault, which are punishable by up to 15 years imprisonment.

The law prohibits discrimination against women privately or professionally; however, the AAW reported that, in practice, there were many cases of women dismissed from employment due to pregnancy. Women did not earn equal pay for equal work; observers such as the Andorran Chamber of Commerce, and NGOs such as the Andorran Women's Associations estimated that women earned 25 percent less than men for comparable work, although this gap continued to decrease slowly.

The AAW actively promoted women's issues and collaborated with the Department of Public Health and Social Welfare to help battered women, single parent families, and others in need. Despite demands from both the AAW and the AIA, the Government declined to create a department specifically for women's issues or create shelters for abused women.

Children.—The Government was committed to children's welfare and provided a universal system of health care and education. The Secretariat of State for the Family was responsible for promoting children's welfare. Free, universal public education began at age 4 and was compulsory until age 16. The Government provided free nursery schools, although their number continued to fall short of what was needed.

There were isolated reports of violence against children, but there was no societal pattern of abuse.

Persons with Disabilities.—The law prohibits discrimination against persons with disabilities in employment, in education, and in the provision of other government services, and there were no reports that such discrimination occurred. Societal discrimination against persons with disabilities did exist on a small scale, in the form of social and cultural barriers.

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

National/Racial/Ethnic Minorities.—Some immigrant workers complained that they did not have the same labor rights as citizens (see Section 6.e.). The law gives legal status to the approximately 7,000 immigrants working in the country with no work permits or residence permits. This law also makes allowances for annual quotas of legal immigrants.

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. A registry of associations included the Andorran Trade Unions' Association, a group that represented more than 10 unions of workers in government and the private sector.

Negotiations on laws to protect workers and to develop social security systems and improve labor relations have not occurred; while union interest remained high, the unions claimed the Government has not pursued the matter with any vigor or real interest.

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

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

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

There are no export processing zones.

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

d. Status of Child Labor Practices and Minimum Age for Employment.—Children under the age of 18 generally were prohibited from working, although in exceptional circumstances (such as during the Christmas holidays when they are allowed to work as shop helpers) children aged 16 and 17 may be allowed to work. The Labor Inspection Office in the Ministry of Social Welfare, Public Health, and Labor is responsible for enforcing child labor regulations.

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

e. Acceptable Conditions of Work.—The workweek is limited to 40 hours, although employers may require overtime from workers. The legal maximum for overtime hours is 66 hours per month, and 426 hours per year. An official minimum wage

was set by government regulations, although higher wages may be established by contract. The minimum wage is \$6.13 (4.90 euros) per hour, and \$982 (785.7 euros) per month. The minimum wage only provided a bare subsistence standard of living for a worker and family. The Labor Inspection Office enforced the payment of the minimum wage.

Workers may be dismissed with 15 days' to 6 months' notice, depending on how long they have worked for a company. A minimal indemnification of 1 months' salary per year worked was paid if a worker was fired without cause. A dismissed worker received unemployment and health benefits for only 25 days. The Social Security Office controlled retirement benefits. The Labor Inspection Service heard labor complaints.

The Labor Inspection Service set occupational health and safety standards and took the necessary steps to see that they were enforced. During the year, the Labor Inspection Service filed approximately 200 complaints against companies for violating labor regulations, and it had the authority to levy sanctions and fines against such companies. Although the law authorizes employees to refuse certain tasks if their employers do not provide the necessary level of protection, no legislation grants workers the right to remove themselves from dangerous work situations without jeopardizing their continued employment.

Although the Constitution provides that legal foreign residents are to enjoy the same rights and freedoms as citizens, some immigrant workers believed that they did not have the same rights and security. Many immigrant workers held only "temporary work authorizations." When job contracts expired, they had to leave the country. The Government prohibited the issuance of work permits unless workers could demonstrate that they had a fixed address and at least minimally satisfactory living conditions.

f. Trafficking in Persons.—The law does not prohibit trafficking in persons, although it does provide up to 3 years imprisonment for traffickers of illegal workers. There were no reports that persons were trafficked to, from, or within the country.

ARMENIA

Armenia is a constitutional parliamentary democracy; however, the directly elected President has extensive powers of decree and appointment, including of the Prime Minister, that are not balanced by the legislature or an independent judiciary. Robert Kocharian was re-elected President in March. There were flaws and substantial irregularities in both the February and March rounds of the presidential elections and in the May parliamentary elections. A constitutional referendum on executive powers failed in a national vote in May. The Constitution provides for an independent judiciary; however, in practice, judges were subject to pressure from the executive and executive branches, and corruption was a problem.

The National Police and the National Security Service are responsible for domestic security, intelligence activities, border controls, and the police force. The civilian authorities maintained effective control of the security forces. Some members of the security forces committed human rights abuses.

The transition from a centralized command economy to a market economy continued. The country's population was approximately three million. Almost all small and medium-sized enterprises were privatized, as was all agricultural land. Foreign assistance and remittances from abroad played a major role in sustaining the economy. During the year, the gross domestic product grew an estimated 13.9 percent, and the inflation rate was 8.6 percent. Estimates of unemployment ranged from 9 to 20 percent; there was a high degree of income inequality; and an estimated 50 percent of the population lived below the official poverty rate. Foreign assistance and remittances from abroad (estimated by the Central Bank at approximately \$500 million) played a major role in sustaining the economy.

The Government's human rights record remained poor; although there were some improvements in a few areas, serious problems remained. International observers found both the presidential and parliamentary elections during the year to be well below international standards, with serious irregularities, and opposition supporters were detained between the two rounds of the presidential elections under provisions of the Soviet-era Administrative Code. Security forces beat pretrial detainees. Impunity remained a problem. There were reports of arbitrary arrest and detention. Lengthy pretrial detention remained a problem. There were some limits on press freedom, due in part to self-censorship and denial of two television broadcast licenses. There were some limits on the rights of assembly and association. In February and March, authorities denied permission for several opposition rallies and

subsequently detained approximately 200 people for participating in unauthorized demonstrations. The law places some restrictions on religious freedom. The Government continued to deny registration to and detain Jehovah's Witnesses. Societal violence against women was a problem. Trafficking of women and children was a problem, which the Government took some steps to address.

RESPECT FOR HUMAN RIGHTS

Section 1. Respect for the Integrity of the Person.

a. Arbitrary or Unlawful Deprivation of Life.—There were no confirmed reports of political killings; however, there were deaths in the military as a result of mistreatment.

On July 29, the trial began of 13 suspects in the 2002 killing of Tigran Naghdalian (see Section 1.c.).

The Military Prosecutor's Office reported that 35 soldiers died in the army during the year; 9 of these deaths resulted from hazing.

Minor cease-fire violations continued along the border with Azerbaijan. In July, crossborder fire and shelling in the Tavush region resulted in an unconfirmed number of casualties on both sides.

During the year, there were a few deaths due to landmines, although reliable statistics were difficult to obtain. All sides throughout the Nagorno-Karabakh conflict used landmines, which have been laid on the 540-mile border and territories along the contact line.

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

c. Torture and Cruel, Inhuman, or Degrading Treatment or Punishment.—The Constitution and laws prohibit such practices; however, security personnel beat pretrial detainees during arrest and interrogation. Most cases of police brutality went unreported because of fear of police retribution.

In December 2002, Murad Bojolian, head of the Turkish desk at the Foreign Ministry during the administration of President Levon Ter-Petrosian, was sentenced to 10 years in prison after being convicted for spying for Turkey. The defense counsel and some human rights watchdogs observed that Bojolian was forced to sign his pretrial testimony under threat of torture and to ensure the safety of his family. In April, the Court of Appeal upheld the verdict.

The Government abolished an article of the criminal code making it illegal to commit homosexual acts; however, the Helsinki Association reported continued unofficial harassment of homosexuals by police forces. In several instances, individual policemen reportedly sought to blackmail homosexuals with potential exposure to their families. In one case, the Helsinki Association reported a blackmail attempt to a Yerevan police precinct chief. According to the Helsinki Association, after they reported the blackmail attempt, the harassment ended. It was unknown if any disciplinary action was taken against the police officers involved.

Although there was no reliable reporting on the full extent of the problem, human rights nongovernmental organizations (NGOs) contended that soldiers complained of frequent hazing. The army did not take any significant measures to limit or end the practice. A local NGO estimated that there were 30 incidents during the year. Homosexuals and Jehovah's Witnesses reported that they were singled out for hazing or abuse by officers and other conscripts.

Prison conditions were poor. Holding and detention cells were crowded with multiple prisoners and usually did not contain toilets. Legal minimum food consumption levels for prisoners were rarely realized. Prisoners complained to Helsinki Association representatives that they received meat in their meals only during the observation visits by NGOs. Prison authorities did not provide most inmates with toothbrushes, soap, and other hygienic supplies. The Helsinki Association reported that the prison population remained at a high risk for the development of new tuberculosis infections and that children held in juvenile facilities were rarely provided with the schooling required by law. The Helsinki Association also reported that in certain prisons, prisoners were able to use their own financial resources to move into single occupancy cells with additional comforts.

Men, women, and juveniles were held in separate prison facilities. Pretrial detainees were held separately from convicted prisoners.

The Government permits domestic human rights NGOs to visit prisons and pretrial detention facilities. The 2002 transfer of administrative control of the prison system to the Ministry of Justice resulted in a policy more accommodating to NGOs seeking to visit prisoners in detention facilities. During the year, the Helsinki Association received permission from the Justice Ministry to conduct monitoring of the penitentiary system, including prison conditions and prisoners' rights. In some cases, domestic NGOs complained of complicated and time-consuming procedures in

order to obtain permits for visits; however, international observers, such as those from the Council of Europe, more easily obtained permission for visits. During the year, several domestic NGOs monitored prison conditions. The ICRC had free access to detention facilities and was able to visit any prisoner in whom it had an interest, whether held in prisons or in local police stations. The ICRC and several NGOs were able to visit prisons without monitoring by prison authorities. The Helsinki Association found that on such visits, prisoners spoke freely and openly about their treatment and prison conditions.

d. Arbitrary Arrest, Detention, or Exile.—The Constitution and laws prohibit arbitrary arrest and detention; however, there were reports that these practices occurred. Authorities continued to arrest and detain criminal suspects without legal warrants, often on the pretext that they were material witnesses.

The National Police and the National Security Service are jointly responsible for domestic security, intelligence activities, border patrols, and the police force. Both organizations are independent government organs unattached to another ministry. Police lacked training in modern investigative techniques and modern investigative tools and equipment. The majority of investigations and interview techniques were based on traditional Soviet methods. Corruption remained a large problem in the police force. During the year, the National Police dismissed several low-ranking police officials over allegations of corruption.

The Organization for Security and Cooperation in Europe (OSCE) estimated that the Yerevan police detained over 200 opposition supporters between the two rounds of the presidential election for participating in unsanctioned campaign rallies (see Section 3). Although the Constitution contains no explicit limitation on rallies and political demonstrations, the Government asserted that the detentions were permissible under the Soviet-era Administrative Violations Code. The COE had pressed the Government to remove provisions of the Code that provided for administrative detentions. The OSCE reported that over 80 individuals were subjected to administrative detention of up to 15 days for participation in “petty hooliganism,” “violation of the procedure established for organizing and conducting meetings, rallies, street marches, and demonstrations,” and “non-compliance with the legitimate orders of a police officer.” Most of the individuals charged for their participation in opposition demonstrations were subjected to closed administrative hearings with no counsel present that determined the level of punishment: Fines or up to 15 days’ detention. The OSCE also reported that the courts levied fines against other opposition supporters without any judicial or administrative hearing.

A local court sentenced Arthur Sakunts, president of the Vanadzor office of the Helsinki Citizen’s Assembly, to 10 days of administrative detention on March 15 for organizing public demonstrations without a permit. Sakunts led rallies denouncing the results of the presidential elections.

Prisoners generally were allowed access to attorneys; however, their access to family members was sometimes a problem. Those detained between the two presidential election rounds were denied access to attorneys. A bail system does not exist; however, a prisoner may be released to a form of house arrest if the court is convinced that he will not flee.

A suspect may be detained for no more than 12 months pending trial, after which the suspect must be released or tried; however, this provision was not always enforced in practice, and lengthy pretrial detention remained a problem.

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

e. Denial of Fair Public Trial.—The Constitution provides for an independent judiciary; however, the Constitution’s provisions do not insulate the courts fully from political pressure. In practice, courts were subject to pressure from the executive and legislative branches, and corruption was a problem. Lengthy public trials sometimes were a problem.

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

The selection of judges is based on scores on a multiple-choice test to determine potential judges' fitness under the system, and on their interviews with the Minister of Justice. The list of nominations is then approved by the Council of Justice and, finally, by the President. Judges are subject to review by the President, through the Council of Justice, after 3 years; unless they are found guilty of malfeasance, they are tenured until the age of 65.

Procurators continued to overshadow defense lawyers and judges during trials. Under the Constitution, the Council of Justice, which is co-chaired by the President, the Procurator General, and the Justice Minister, appoints and disciplines judges for the courts of first instance, Court of Appeals, and the Court of Cassation. 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. A national referendum in May rejected constitutional revisions proposed by a special commission and approved by the President, which would have reduced some and enhanced some of the powers of the President and the judiciary.

There is no military court system; trials involving military personnel take place in the civilian court system and are handled by military procurators. Military procurators performed the same functions as their civilian counterparts and operated in accordance with the newly adopted Criminal Code. The Military Procurator, who was also named Deputy Procurator General, was in charge of the investigation into the 1999 shootings in Parliament. In December, a Yerevan district court handed down six life sentences to those convicted of murder and terrorism for their roles in the attacks. A seventh defendant received a 14-year sentence. Some of those convicted, not including confessed mastermind Nairi Hunanian, appealed the sentences, and the case was pending at year's end. Relatives of the victims and opposition political parties criticized the Military Procurator for reported defects in his investigation of the crime.

The Criminal Procedure Code does not allow detainees to file a complaint in court prior to trial to redress abuses committed by the Procurator's Office, the police, or other security forces during criminal investigations. Witnesses have no right to legal counsel during questioning while in police custody (a period that can last up to 3 days before official charges are filed). Failure to testify is a criminal offense, and detainees must obtain permission from the police or the Procurator's Office to obtain a forensic medical examination to substantiate a report of torture. Defense lawyers may present evidence of torture in an effort to overturn improperly obtained confessions and the law requires that all such charges must be investigated; however, judges and prosecutors routinely ignored such complaints even when the perpetrator could be identified.

All trials are public except when government secrets are at issue. Defendants are required to attend their trials unless they have been accused of a minor crime not punishable by imprisonment. Defendants have access to a lawyer of their own choosing. The court appoints an attorney for any indigent defendants who need one. A 2001 survey of the courts conducted by the Helsinki Association and other NGOs reported that 38 percent of 50 respondents stated that they were not provided with defense attorneys during the preliminary investigation. Some individuals chose to defend themselves in court because they had little respect for a defense attorney's professional skills and ethics.

Defendants may confront witnesses and present evidence. The Constitution provides that those accused of crimes shall be informed of charges against them. The constitutionally mandated presumption of innocence was not always observed in practice, and acquittals were rare once a case went to trial. Defendants and prosecutors have the right to appeal.

There were no reports of political prisoners.

f. Arbitrary Interference with Privacy, Family, Home or Correspondence.—The Constitution prohibits unauthorized searches and provides for citizens' rights to privacy and confidentiality of correspondence, conversations, and other messages; however, the Government did not always respect these rights in practice. The security ministries must petition a judge for permission to wiretap a telephone or intercept correspondence. The judge acting alone must find a compelling need for a wiretap before granting the agency permission to proceed.

The law requires that security forces obtain a search warrant from a judge before conducting a search. Security forces were refused warrants because of lack of evidence in several cases. The Constitution provides that the judiciary must exclude evidence obtained without a warrant, and the judiciary did so in practice.

There were credible reports of improper, forced conscription of ethnic Armenian refugees from Azerbaijan, who by law are exempt from military service. The parents of such refugees were reluctant to complain because they feared reprisals against

their sons. Sweep operations for draft-age men no longer occurred, although police at times maintained surveillance of draft age men to prevent them from fleeing the country.

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Speech and Press.—The Constitution provides for freedom of speech and the press; however, while the Government generally respected freedom of speech, there were some limits on freedom of the press, including one incident of violence, the denial of broadcast licenses, and self-censorship.

Newspapers were privately owned with the exception of “Hayastani Hanrapetutyun” and its Russian-language version Respublika Armenia (a joint venture between Parliament and the newspapers’ staffs). The state printing house and distribution agency functioned as commercial enterprises, with no visible government intervention. Some newspapers utilized a new private printing house. Newspapers operated with extremely limited resources, and none was completely independent of patronage from economic or political interest groups or individuals. Because of prevailing economic conditions, total newspaper circulation was small (40,000 copies, by the Yerevan Press Club’s estimates, or approximately 1 copy per 85 persons). The few international newspapers and imported magazines were not censored.

State institutions that previously exerted control over the media have lost most of their functions. A Department of Information in the Ministry of Culture had no clear purpose beyond allocating small government subsidies to newspapers and occasionally interceding with the state-owned newspaper distribution agency to forward a share of its receipts to the newspapers. Newspaper readership was low because many people could not afford newspapers.

Television was the most widely accessible medium. The President’s office continued to influence state television news coverage significantly. The widely available state-owned television channel, Public TV of Armenia, took policy guidance from the Government. It presented mostly factual reporting but generally avoided editorial commentary on or criticism of official actions. In Yerevan and major regional media markets, private television stations offered generally independent news coverage of good technical quality. Most of the more than 20 radio stations were private and independent. The quality of reporting on private radio and television stations varied, and self-censorship inhibited the stations from expressing editorial opinions to avoid retribution.

On April 29, two men brutally attacked Mher Galechian, a journalist with the opposition newspaper Chorrord Ishkhanutyun (“The Fourth Estate”) for publishing an article critical of the head of the National Security Service (NSS). Even though Galechian did not write the article, the men demanded a retraction. The newspaper printed an article reporting that two unidentified men had visited their office to dispute the allegations against the head of the NSS. The next day, the two men returned and assaulted Galechian who sustained head injuries and was hospitalized. Law enforcement authorities did not investigate the attack.

There was no official censorship, publications presented a variety of views, and the opposition press regularly criticized government policies and leaders, including the President, on sensitive issues such as the Nagorno-Karabakh peace process and privatization. There were reports of intimidation of journalists. To avoid repetition of the past experience of retribution from powerful officials and other individuals, most journalists continued to practice self-censorship, particularly when reporting on major cases of corruption or national security issues.

In December, the National Assembly passed the law on Mass Media which requires journalists periodically to report their expenses and incomes. The law protects a journalist in performance of professional activities. In any case instituted against a journalist demanding that information sources be revealed, the information is to be provided in a closed court. The law stipulates that the practice of mass media registration will be abolished and removes the provisions on the responsibility for publication and dissemination of information without a preliminary registration from the Code on Administrative Violations. The dissemination of information may be restricted only in wartime, in the presence of a national security threat, in emergency situations, or if a court determines that the information is secret or incites to illegal acts.

The independent television station A-One Plus, the only major broadcaster that was frequently critical of the Government and widely watched in Yerevan, lost its operating frequency in a contested 2002 tendering process. During the year, the station continued its appeals process, both in local courts and at the European Court of Human Rights, which was reviewing the case at year’s end. A-One Plus initiated five new applications in three rounds of tenders for frequencies used by pro-govern-

ment and other broadcasters. However, the National Commission rejected the A-One Plus applications (making a total of seven rejections since the loss of their original frequency) as well as those of independent broadcaster Noyan Tapan, which was taken off the air in 2001. Now that all officially available frequencies have gone through the tender process, the next possible round will be in 5 years (broadcast licenses last for 7 years before coming up for retendering), effectively excluding A-One Plus for at least that period. Both A-One Plus TV and Noyan Tapan remained unable to broadcast at year's end.

Most media monitoring groups and international observers contended that the Public TV, the major state-funded newspaper, as well as most major private television stations, which are generally pro-government, provided heavily biased reporting in favor of incumbent President Kocharian during the presidential election campaign; however, the country's first television debate between the two main candidates took place during the second round of the presidential election.

The Government did not restrict access to the Internet and did not restrict academic freedom.

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

In February, security forces in Yerevan administratively detained over 200 opposition supporters for participation in unsanctioned demonstrations (see Section 1.d.).

The Constitution provides for freedom of association; however, there were some limits on this right. There are cumbersome registration requirements for all political parties, associations, and organizations. The process of registering an organization is time-consuming, and the Government has compelled some human rights and political organizations to revise their bylaws several times in order to have their registrations accepted; however, none had been denied registration for legal reasons during the year. A new law required political parties to re-register in November to take account of the merging of many parties in the past several years. A few parties were denied re-registration, some on legal and technical grounds, and others, like a pro-monarchy party, because they did not meet the constitutional requirement that all parties honor the democratic system. No other human rights or political organizations reported problems with registration during the year.

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

The law requires all religious denominations and organizations to register with the State Registry Office based on recommendations from the Cabinet. The Prime Minister appoints a Religious Affairs Advisor who plays a largely consultative role in the government. The Office of the State Registrar has responsibility for registering religious groups, with the Advisor on Religious Affairs holding a consultative role in the process.

A religious organization that has been refused registration may not publish newspapers or magazines, rent meeting places on government property, broadcast programs on television or radio, or officially sponsor the visas of visitors. No registered religious group has been denied reregistration under the law, and all existing registered denominations have been reregistered annually except the Hare Krishnas, whose membership fell below the membership threshold of 200, and the Jehovah's Witnesses. Members of Jehovah's Witnesses were denied registration in previous years because of their "illegal proselytism." The Jehovah's Witnesses did not seek registration during the year. The State Council also alleged that its public preaching created dissatisfaction and tension in some communities. During the introduction of the Prime Minister's new advisory committee on religion in 2002, several members made statements critical of "foreign sects" in general and of Jehovah's Witnesses in particular. In October 2002, the Advisor on Religious Affairs sent a compromise proposal to the Jehovah's Witnesses, suggesting changes in their administrative bylaws that would allow for the group's registration. The Jehovah's Witnesses were considering the proposals, pending the decision of the Assembly of Jehovah's Witnesses.

The law prohibits "proselytizing" (undefined in the law), except by the Armenian Apostolic Church, and bans foreign funding for churches whose centers are outside the country. This ban on proselytizing was not enforced, and all denominations, including Jehovah's Witnesses, could advocate their point of view. The ban on foreign funding also was not enforced, and the previous State Council on Religious Affairs

considered it unenforceable. In the past, there were reports of the seizure at the border of bulk shipments of Jehovah's Witness publications; however, there were no such incidents reported during the year. Although members of Jehovah's Witnesses supposedly were allowed to bring in small quantities of printed materials for their own use, Jehovah's Witnesses officials reported that customs officials continued to confiscate "spiritual letters" from one congregation to another, which Jehovah's Witnesses officials said were meant for internal rather than proselytizing purposes.

Members of unregistered minority religious organizations are allowed to bring in small quantities of religious literature for their own use; however, large shipments by unregistered groups are prohibited. The law also mandates that religious organizations, except the Armenian Apostolic Church, need prior permission to engage in religious activities in public places, travel abroad, or invite foreign guests to the country; however, in practice, there was no restriction on travel by the religious personnel of any denomination, including those that were unregistered.

Some groups maintained that "nontraditional" religious groups were viewed with suspicion. Some observers reported unfavorable attitudes towards Jehovah's Witnesses among the general population, both because they were viewed as "unpatriotic" for refusing military service and because of misperceptions regarding their proselytizing practices.

Jehovah's Witnesses continued to be the targets of hostile sermons by some Armenian Apostolic Church clerics and occasional societal discrimination. In May, the country's highest court reinstated Zemfira Voskanyan to her position as financial controller for a regional police division after she was dismissed for her membership in the Jehovah's Witnesses. Voskanyan returned to work but appealed the original decision, challenging the constitutionality of an internal law enforcement regulation requiring all officers to be members of the Armenian Apostolic Church. The appeal was dismissed on technical grounds.

As a result of the Nagorno-Karabakh conflict with Azerbaijan, most of the country's Muslim population was forced to leave the country by 1991, and the few remaining Muslims in the country kept a low profile. There was no formally operating mosque, although Yerevan's one surviving 18th century mosque was in practice open for regular Friday prayers on a tenuous legal basis. Although the mosque was not registered as a religious facility, the Government did not create any obstacles for Muslims who wished to pray there.

At year's end, 15 members of Jehovah's Witnesses remained in prison for draft evasion based upon their conscientious objection, and 11 members were in pretrial detention charged with draft evasion or, if forcibly drafted, with desertion due to refusal to serve. Another seven Jehovah's Witnesses were placed on probation for their conscientious objection to military service. Eight members who had been serving terms were released to house arrest after serving one-third of their sentences. Representatives of Jehovah's Witnesses said that those imprisoned were members of their community who had been called for military service who went directly to the police to turn themselves in rather than waiting until induction to declare conscientious objection. Amnesty International reported that at least 16 conscientious objectors were released from detention after serving only part of their sentences, although they were required to report regularly to the police. Others were released under the terms of an amnesty. Military conscripts who were members of Jehovah's Witnesses reported even harsher treatment than other conscripts by military and civilian security officials, because their refusal to serve in the military was seen as a threat to national security.

In December, the National Assembly passed the Law on Alternative Military Service that is scheduled to go into effect in July 2004. Under the provisions of the law, conscientious objectors will be allowed to participate in either non-combat military service or a still undefined civil/labor service. Human rights NGOs and the Council of Europe criticized the law for requiring additional lengths of service time for those participating in either form of alternative service. The Government has not made a formal announcement regarding how the law will affect conscientious objectors in prison or awaiting trial.

In September, teenagers in the town of Aparan injured four Jehovah's Witnesses in an attack. According to the Helsinki Committee and witnesses, a local priest in the Armenian Apostolic Church organized the attack.

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

d. Freedom of Movement, Travel, Emigration, and Repatriation.—The Constitution provides for these rights; however, there were some restrictions on these rights. Since approximately 25 percent of the population has emigrated in the past 12 years, the restrictions have had an extremely limited impact.

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

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

As a result of the Nagorno-Karabakh conflict, particularly in the period from 1988 to 1994, ethnic minorities on both sides frequently were subject to societal and governmental discrimination and intimidation, often accompanied by violence intended to drive them from the country. Almost all fled, and many gained refugee status in neighboring countries. As of July, officials stated that the number of ethnic-Armenian refugees in the country was 241,685. No official information based on the 2001 Census results has been published yet. The Government, OSCE, and the United Nations High Commissioner on Refugees (UNHCR) did not provide numbers or any other information on refugees in Nagorno-Karabakh.

A 1995 citizenship law provides the right for refugees of Armenian ethnicity to gain citizenship, provided that they are stateless and have resided in the country for the preceding 3 years. The UNHCR local office reported that 56,000 ethnic Armenian refugees had been naturalized between 1999 and November.

The Refugee Law provides for the granting of refugee status or asylum to persons who meet the definition in the 1951 U.N. Convention Relating to the Status of Refugees or its 1967 Protocol. In practice, the Government provided protection against refoulement and granted refugee status or asylum. In February, the Refugee Law was amended by the creation of temporary protection, which gives a more determined status to approximately 12,000 ethnic Armenian refugees from Chechnya and Abkhazia. The Government cooperated with the UNHCR and other humanitarian organizations in assisting ethnic Armenian refugees. Border officials had little training on asylum issues. There was an established procedure for the formal recognition of asylum. In some cases, rejected asylum seekers, denied permission for legal residence, were subjected to fines for illegal residence when they attempted to depart the country. However, there were few cases of applications for asylum or refugee status, since most persons used the country as a transit country.

According to the UNHCR, there were 12 open asylum cases and 28 persons who have been granted temporary asylum from such non-Commonwealth of Independent States countries as Sudan, Somalia, Iraq, and Iran.

A 2001 law states that only the President may grant political asylum status, but there have been no applications under the law. In December 2002, the National Assembly adopted the so-called "Cottage Law" (Law on Transfer of Ownership Rights of Apartments Constructed for Refugees Forcibly Displaced From Azerbaijan in 1988–1992), which gives refugees the right to privatize their houses and apartments. The UNHCR expects that at least 3,200 refugee families will become owners of the apartments they occupy.

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, there were serious flaws in the conduct of the year's presidential and parliamentary elections. As a result, neither election met international standards.

The presidential election was held in two rounds (February 28 and March 5), as none of the nine candidates won an outright majority in the first round of voting. According to the official tally, President Kocharian secured 49.5 percent of the vote in the first round and 67.5 percent in the runoff against Stepan Demirchian.

In both the presidential and parliamentary elections, OSCE observers witnessed substantial irregularities, including intimidation of territorial and local election commissioners supporting opposition candidates, serious procedural shortcomings in the failure to insure the integrity of the ballot papers and the vote counting, ballot box stuffing, and other fraudulent voting practices, as well as partisan election commissions. The OSCE noted in its final reports that the elections fell short of inter-

national standards and that confirmed instances of election day irregularities in the second round rose 13 percent from the first round. Authorities' harassment of opposition supporters, including arrests and punitive job dismissals, greatly increased before the second round of the presidential election. The OSCE estimated that Yerevan police detained more than 200 opposition supporters between the two rounds of the presidential elections for participating in unsanctioned campaign rallies (see Section 1.d.) The OSCE also noted the lack of accountability for election fraud.

Opposition candidates filed several formal legal complaints in the Constitutional Court challenging the results of the presidential election. The Court identified a number of irregularities and criticized the Government's handling of the electoral process; however, they found there was no constitutional basis to change the results of the elections.

The OSCE reported that the May 25 parliamentary elections "marked an improvement" over the presidential election, although it again recorded serious flaws. While acknowledging that the Government made clear efforts to prevent continued violations of election law, the OSCE criticized the political leadership for its failure to hold perpetrators accountable for fraudulent practices. As in the presidential election, observers recorded instances of ballot box stuffing and inaccurate voter lists. Authorities proved generally willing to provide redress to losing candidates who had viable claims of fraud in their individual races. The Central Election Commission overturned the results of three parliamentary races held in majoritarian districts, ordering another round of voting that was held on June 14–15. The Constitutional Court ordered re-run elections in another two districts due to conclusive evidence of fraud. A constitutional referendum on executive and other powers to address membership requirements in the COE received a majority of votes cast but not the supermajority required.

Of the 131 seats in the National Assembly (75 elected on a proportional basis and 56 on a district-by-district majoritarian basis), 96 went to pro-government parties or deputies (the governing coalition consisting of the Republican Party, Orinats Yerkir, and the Dashnaksutyun plus several unaffiliated deputies who voted with the government bloc), with opposition candidates and parties securing 26 seats. The nominal majority in Parliament was made up of a coalition headed by the Republican Party of Prime Minister Andranik Margaryan, with Orinats Yerkir and the Dashnaksutyun serving as lesser partners. The three parties also formed the coalition cabinet. The Speaker of the National Assembly, Artur Baghdasarian, is chairman of the Orinats Yerkir Party. The opposition comprises both the Justice Bloc organized by Stepan Demirchian and the rival National Accord Party organized by Artashes Geghamian.

The only female cabinet minister is the Minister of Culture; there were several female deputy ministers. There were 6 women in the 131-seat Parliament. The population of the country is at least 95 percent ethnic Armenian; there were no ethnic minority representatives in the Cabinet or in the Parliament, although they are not prohibited from running and have run for office.

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

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

The Vanadzor branch of the Helsinki Citizen's Association burned in an apparent arson the night of March 14. Authorities have not arrested or charged any suspects in connection with the attack. The following day, the head of the organization, Arthur Sakunts, was administratively detained for leading unsanctioned demonstrations against the government.

During the year, several local NGOs received Government permission to visit detention facilities (see Section 1.c.).

Keeping with the commitments it made before joining the COE, the Government permitted monitoring of its human rights practices by the COE and reaffirmed this right for the ICRC, which retained full access to civilian detention facilities. The Ministry of Justice is responsible for communicating with international observers, was responsive to requests for information; however, information about criminal cases stemming from election fraud remained incomplete.

A human rights commission within the President's office exists essentially as a reference bureau and has no formal legal powers; however, it had a modest impact in persuading authorities to review official actions on problems ranging from apartment allocations to police behavior, in some cases winning official reconsideration.

The commission refers such cases to the appropriate agency, but it does not follow up on specific issues. The commission visited military units and prisons, those accused in the 1999 parliamentary killings, and the Gyumri jail to check its condition, and checked on military units to hear human rights complaints by soldiers.

On September 9, the National Assembly voted to create the position of Human Rights Ombudsman to oversee the human rights situation in the country. Numerous human rights NGOs and the Council of Europe questioned the independence of the ombudsman and urged the National Assembly to provide greater oversight of the position and further define the ombudsman's duties.

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

The Constitution prohibits discrimination based on race, gender, disability, language, or social status; however, cultural and economic factors inhibited women, ethnic minorities, and persons with disabilities from participating fully in public life.

Women.—There is no specific law banning violence against women, and few cases of spousal abuse or other violence against women were reported during the year; however, such violence was believed to be more widespread than statistics indicated. In a 2001 poll conducted by the local NGO Women's Rights Center (WRC), 45 percent of the respondents acknowledged that they were subjected to psychological abuse, and 25 percent considered themselves victims of physical abuse. The problem of battered wives was also believed more widespread than generally reported. In rural areas, where most women were unemployed, economic dependence forced them to tolerate domestic violence. Free medical services were almost non-existent, and psychological and legal counseling for women did not exist in most of the regions. Many cases were not reported to police because victims were afraid of physical harm if they did so, fearful that police would refuse to take action and instead return them to their husbands, or were embarrassed to make "family matters" public. Embarrassment and concerns about family honor made the problem particularly sensitive and difficult to quantify; women's groups and health professionals also declined to offer specific figures. Several NGOs in the Yerevan and Gyumri areas, and in Martuni provided shelter and assistance to battered women.

By the end of the year, authorities registered 55 cases of rape and attempted rape, with deaths of 15 women; however, observers believed the actual number of rapes to be higher. The law cites specific punishments for rape. By the end of the year, 82 persons had been convicted for rape or attempted rape.

Prostitution is not illegal, but operating brothels is prohibited. According to anecdotal evidence, most prostitutes stopped by police simply were sent to a hospital or physician for a medical check-up. A 2000 investigation, which reported that the police had registered more than 1,500 prostitutes, was considered an accurate estimate; the study showed that some prostitutes in Yerevan operated by telephone but that the vast majority of prostitutes were streetwalkers, with their "class" and desirability defined by the area of the city in which they operated.

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

The law does not specifically prohibit sexual harassment, although articles in the criminal code address different aspects of sexual harassment; however, societal norms did not consider cases of sexual harassment worthy of legal action.

Men often played a dominant role in many societal institutions, although among younger persons it was more common for women to take an active role. Although women have been present in the work force for several generations, tolerance for broadening their roles or behavior was low, particularly among older people and in the rural regions. In the workplace, women received equal pay for equal work but generally were not afforded the same professional opportunities given to men and often were relegated to more menial or low-skill jobs. The law prohibits discrimination in employment and hiring because of pregnancy; however, the extremely high unemployment rate made it difficult to gauge how effectively the law was implemented. According to official statistics, women made up 68 percent of those officially registered as unemployed (approximately 90,000). In the past, labor unions protected women's rights in the workplace, at least nominally, but the weakness of unions made them less effective (see Section 6.a.). More women than men were enrolled in university and postgraduate programs. This may in part be accounted for by the Nagorno-Karabakh situation, which necessitated a high number of men being in military service, and in part by the economic situation, which caused men to emigrate in search of employment.

Children.—The Government is aware of the need to protect children, however, it did 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). Girls and boys received equal educational oppor-

tunities. However, many facilities were impoverished and in poor condition, and teachers were forced to tutor pupils privately to supplement salaries that were low and paid irregularly. Some teachers were known to demand bribes from parents in return for good or passing grades for their children. Free children's health care was available for all children through the age of eight for treatment of some diseases and for emergency care, but care often was of poor quality, and the practice of demanding overt or concealed payment of fees for medical service continued.

In the Yezidi community, a high percentage of children did not attend school, partly for family economic reasons and partly because schools lack Yezidi teachers and books in their native language.

Although the Procurator-General's office did not report any cases of child abuse, a recent UNICEF study found that "Armenians acknowledge that child abuse does occur."

The Government focused its efforts regarding children's rights and welfare on measures to insulate large families—those with four or more children—from the effects of the country's poor economic conditions. The Government directed foreign humanitarian aid programs toward the most socially vulnerable families and single-parent families. Despite social programs, the number of street children increased. Although the Government did not conduct a study into the number of homeless children during the year, the Ministry of Social Welfare estimated that 130 children in Yerevan were homeless. In 2002, a local NGO reported that there were approximately 900 homeless children during the year and that the number continued to grow. Abuse of street children did not appear to be a serious problem.

Trafficking in girls continued to be a problem (see Section 6.f.).

Persons with Disabilities.—The Constitution provides for the right to social security in the event of disability, and the law provides for the social, political, and individual rights of persons with disabilities; however, the Government's enforcement of the rights of persons with disabilities remained rudimentary. Legal safeguards for those with psychiatric problems are inadequate to protect patients' rights.

The law and a specially mandated government decree require accessibility in buildings for persons with disabilities; however, in practice very few buildings and other facilities were accessible to persons with disabilities.

Hospitals, residential care, and other facilities for serious disabilities were substandard. There was societal discrimination but no overt hostility against persons with disabilities.

National/Racial/Ethnic Minorities.—The population was approximately 95 percent ethnic Armenian. The Government did not discriminate against the small, officially recognized "national" communities, although the economic and social situation of such groups has deteriorated substantially since independence in 1991. The Government included Russians, Ukrainians, Belarusians, Jews, Kurds, Yezidis, Assyrians, Georgians, Greeks, and Germans in the category of "national" communities. Several hundred Azeris or persons of mixed Azeri heritage still living in the country maintained a low profile in the face of societal discrimination.

The Constitution grants national minorities the right to preserve their cultural traditions and language, and the law provides linguistic minorities with the right to publish and study in their native language. There were token publications in minority languages. By law, all citizen children must be educated in Armenian language schools. In practice, virtually all students, including members of the Yezidi and Greek communities, attended Armenian-language schools, with very limited classes available in their native tongues.

Yezidi leaders continued to complain that police and local authorities subjected their community to discrimination. The Yezidis, whose number had been estimated at 20,000 by their leaders (down from 60,000 registered in the 1988 population census, due to emigration) speak a Kurdish dialect and practice a traditional, non-Christian, non-Muslim religion with elements derived from Zoroastrianism, Islam, and animism. Yezidi leaders cited numerous incidents of unfair adjudication of land, water, and grazing disputes; nonreceipt of privatized agricultural land; a high number of beatings of Yezidi conscripts in the army; and lack of police response to serious crimes committed against Yezidis by other citizens (see Section 1.c.). On occasion, Yezidi children reported hazing by teachers and classmates. The complaints likely reflected societal discrimination as well as the more general problem of poorly functioning local and central government bodies, particularly regarding national minorities. Members of the Yezidi community had previously tried to address their grievances with the Presidential Advisor on National Minorities but claimed that all their attempts have been ignored. According to the leadership of the Yezidi community, appeals on their behalf with respect to alleged discrimination were raised at all levels of the Government; however, no government responses were forthcoming.

Section 6. Worker Rights

a. The Right of Association.—The Constitution provides employees with the right to form and join trade unions, although it stipulates that the right to form associations, including political parties and trade unions, may be limited for those persons serving in the armed services and law enforcement agencies. In practice, labor organization remained weak because of high unemployment and the weak economy. The absence of active unions and of accurate employment data precluded a reliable estimate of the percentage of the workforce that is unionized. Unions are free to affiliate with international organizations; however, none had done so at year's end.

b. The Right to Organize and Bargain Collectively.—Although the Law provides for the right to organize and bargain collectively, collective bargaining was not practiced. Factory directorates generally set the pay scales without consultation with employees. Labor disputes were arbitrated in regular or economic courts.

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

There are no export processing zones.

c. Prohibition of Forced or Bonded Labor.—The Constitution and the law prohibit forced and bonded labor, including by children; however, there reports of trafficking (see Section 6.f.).

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

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

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

e. Acceptable Conditions of Work.—The Government sets the minimum wage by decree. The monthly minimum wage was \$9 (5,000 drams) and was insufficient to provide a decent standard of living for a worker and family. The majority of the population (approximately 50.9 percent) lived below the poverty line of \$2 (1,160 drams) or less income per day, and approximately 15.9 percent of the population were considered extremely poor, with income of less than \$1 (580 drams). A significant amount of economic activity, as much as 40 percent overall and in some areas, such as retail, as high as 80 percent, took place without being recorded or taxed by the local authorities.

f. Trafficking in Persons.—The new Criminal Code, adopted in April and effective in August, criminalizes trafficking in persons; however, trafficking of women and children from and through the country was a problem. Trafficking in persons committed for "mercenary purposes" is punishable with a fine in the amount of 300 to 500 minimum salaries, correctional labor for up to 1 year, arrest for up to 2 months, or imprisonment for up to 4 years. The maximum sentence if the crime was committed under aggravated circumstances is 8 years imprisonment. Several investigations by the Office of the Procurator General, National Police, and National Security Service were ongoing at year's end. The National Police worked with law enforcement officials in both Georgia and the United Arab Emirates on trafficking investigations. The Office of the Procurator General was investigating an alleged trafficking-related corruption case involving police in Vanadzor. There have not been any convictions to date under Article 132.

A 2001 study by the International Organization of Migration (IOM) found that the country was an origin for trafficking women and adolescents, primarily for sexual exploitation, to the United Arab Emirates, Turkey, Russia, Greece, Germany, and other European countries. Of the 59 women interviewed in the study, 43 victims were trafficked from Yerevan, Gyumri, and Vanadzor. International organizations, including IOM and OSCE, which published a joint report with UNICEF on trafficking in 2001, believed that trafficking took place on a scale larger than generally

acknowledged and that there were more women and adolescents working as prostitutes in the United Arab Emirates than the 300 reported by the Government. The Government, NGOs, and international organizations were unable to estimate the numbers of women and girls who might have been trafficked to work as prostitutes in Turkey, Russia, and Europe. There were undocumented anecdotal reports of persons trafficked into the country for sexual exploitation from Russia and the Ukraine and anecdotal reports of trafficking within the country; however, there was no reliable information on such trafficking.

Officials stated that many women who claimed to have been trafficked were actually prostitutes who had departed the country voluntarily, perhaps without clear understanding of the abuses they would encounter.

Government and other reports indicated that traffickers primarily targeted young women and girls from socially vulnerable groups. Police officials believed that some of the approached victims were already engaged in prostitution. There were anecdotal cases of older children from orphanages and poor families sold to wealthy men in Dubai, but there was no documentation other than victim testimony to NGOs. An orphanage run by a religious group reported that older girls had been urged by relatives to "earn their share" for the family by engaging in prostitution. Most potential victims were approached by persons whom they personally knew, such as, neighbors or distant relatives, or by travel agencies. In some case, recruiters told victims that they would be working in such jobs as babysitters, waitresses, or cleaning ladies. According to international organizations and some NGOs, only a few of the victims knew before departure the exploitation to which they would be subject.

A broad-based Interagency Commission to Address Issues Related to Human Trafficking, chaired by the Ministry of Foreign Affairs and including representatives of relevant ministries and law enforcement agencies, coordinated activities of different government agencies and worked with donor organizations. During the summer, the Commission created a draft National Plan of Action (NPA) and Concept Paper on Combating Trafficking in Human Beings and provided the draft to various international organizations and diplomatic missions for comment; the NPA was pending final approval at year's end.

The International Organization for Migration (IOM) and a local NGO, Hope and Help, with international funding, operated a program of assistance, which has assisted eight victims to date: six Uzbek nationals that were trafficked to the country for the purpose of sexual exploitation and two returnee victims of trafficking. In addition, the IOM assisted two Uzbek nationals who were transiting the country after escaping from traffickers in Turkey and in the United Arab Emirates to repatriate.

NGOs and international organizations in the country have taken concrete steps. A foreign-funded program for journalists and government officials on awareness campaigns and investigative reporting resulted in a marked increase in media coverage and improved Government cooperation with journalists reporting on trafficking. A U.N.-organized group of interested NGOs and the Government collaborated on a series of public awareness events including screening of the film "Lilya 4ever" followed by a discussion of the local situation. The events took place at the "Moscow" Movie Theater, the American University and in the cities of Gyumri and Noyemberian. Internews produced a talk show on trafficking issues in the spring, which included participants from the government's trafficking commission, diplomatic missions, IOM, and the U.N. Development Program. In mid-January, the UNHCR launched a foreign-funded anti-trafficking public awareness program designed for refugee communities in the country. The NGO Hope and Help, with local government participation and organizational support, established a community public awareness program in the Tavush region. The Armenian Red Cross, with foreign funding, created a website on trafficking issues in the country and began production of public service announcements to inform the population of the trafficking phenomenon. The governmental Inter-agency Commission participated in these endeavors by providing speakers.

AUSTRIA

Austria is a multiparty parliamentary democracy in which constitutional power is shared between the popularly elected President and the 183-member Parliament. Citizens choose their President and representatives in periodic, free, and fair multiparty elections. In 1998, President Thomas Klestil of the Austrian People's Party (ÖVP) was elected to a 6-year term. In parliamentary elections in November 2002, the ÖVP received a plurality and renewed its right-center coalition with the Freedom Party (FPÖ). The judiciary is independent.

The national police maintain internal security, and the army is responsible for external security. The civilian authorities maintained effective control of the security forces. There were reports that the police committed some human rights abuses.

The country's highly developed, market-based economy, with its mix of technologically advanced industry, modern agriculture, and tourism, affords the approximately 8.0 million citizens a high standard of living. The per capita gross domestic product (GDP) was \$25,075 in 2002. Wages kept pace with inflation during the year. GDP grew by approximately 1 percent during the year; there were no serious inequalities in the distribution of income.

The Government generally respected the human rights of its citizens; however, there were problems in some areas. There were some reports of abuse by police, which involved occasional beatings but mainly involved verbal abuse, threats, and harassment. Foreign observers criticized the strict application of slander laws as detrimental to press reporting. There was some governmental and societal discrimination against members of some non-recognized religious groups, particularly those considered to be sects. There were neo-National Socialist, rightwing extremist, and xenophobic incidents during the year. Trafficking in women for prostitution remained a problem, which the Government took steps to combat.

RESPECT FOR HUMAN RIGHTS

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

a. Arbitrary or Unlawful Deprivation of Life.—There were no political killings. In July, a 33-year old Mauritanian man died in custody while being arrested by the Vienna police. The Interior Ministry's internal investigations led to charges filed against the emergency doctor who was present during his arrest. The Government's Human Rights Advisory Council also investigated the case and intended to issue recommendations for the future handling of arrests. Opposition parties and non-governmental organizations criticized the police and rescue workers for mishandling the situation.

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

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.—The Constitution prohibits such practices; however, there were occasional reports that at times police beat and otherwise abused persons. Government statistics for 2002 showed 1,251 complaints against federal police officials; of those, 1,160 were dropped. Sixteen cases were brought before the courts, and 2 officers were convicted of using unjustified force; 74 cases were pending at year's end. Types of abuse ranged from slander to kicking and hitting, which resulted mainly in bruising. Some of the violence appeared to be racially motivated.

NGOs and other groups continued to criticize the police for targeting minorities. In August, a regional court in Linz ruled that a policeman who verbally assaulted a black African refugee in 2002 using an extremely derogatory term, insulted the man's honor but did not injure his human rights. In the ruling, the court stated that the policeman would have injured the victim's human rights if he had denied his right to existence, either directly or indirectly. At year's end, the Justice Ministry was examining whether it could challenge the verdict. During the year, the Interior Ministry's racial sensitivity training programs for police and other officials continued to be conducted with NGO assistance (see Section 5).

A Committee in the Interior Ministry seeks to ensure that the police and gendarmerie respect human rights while carrying out their duties. Since its founding, the committee has issued 230 recommendations regarding the improvement of human rights in the country, including: Greater transparency for nongovernmental organizations (NGOs) regarding police documentation, police handling of inmates on hunger strikes, and proper police techniques in dealing with unruly suspects (see Section 2.d.).

An Austrian U.N. peacekeeper was tried in absentia and sentenced to 3 years in prison in a court in Kosovo for crimes of torture. In 2002, he was accused of hitting an Albanian detainee and forcing him to dig a hole for his grave. The Government denied Kosovo's request for extradition; their investigation into the incident remained ongoing at year's end.

Prison conditions generally met international standards. Male and female prisoners were held separately, as were adults and juveniles. Pretrial detainees were held separately from convicted criminals. The Government permits prison visits by independent human rights observers.

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

There are two law enforcement bodies—the police and gendarmerie—both with central command in the Ministry of Interior. The Ministry of Interior initiated an organizational overhaul of the structure of law enforcement bodies with the goal to merge the police and gendarmerie units in July 2004. Statistics showed an increase of 10.6 percent in criminal offenses since 2002. Unofficial figures published in the fall reflected an unusual rise of 13 percent in conventional crimes during the year, such as petty theft, burglaries, car break-ins, and pick-pocketing, which have led to a national debate on the effectiveness of law enforcement. During the year, police solved less than 40 percent of cases. The police were well trained and disciplined, and there were no reports of corruption within the police.

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

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

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

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

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

There were no reports of political prisoners.

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

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Speech and Press.—The Constitution provides for freedom of speech and of the press, and the Government generally respected these rights in practice; however, the strict application of slander laws tends to discourage reports of police brutality. Foreign observers, including the European Court of Human Rights, criticized the use of libel procedures to protect politicians, which they argued hampered freedom of speech and the press. A conviction for libel by a criminal court cannot be appealed to the Supreme Court. Publications may be removed from circulation if they violate legal provisions concerning morality or public security, but such cases were extremely rare.

In March, the Vienna Appellate Court lifted the verdicts against former FPO trade unionist Joseph Kleindienst and former Vienna FPO Secretary Michael Kreissl for bribing police in 2000. The case was referred back to the court of first instance, which held its first session on the case in December.

The small print media consisted of 16 daily newspapers, 6 of which received special subsidies from the Government. After the merger of two major publishing groups, News and Mediaprint in 2001, one company controlled 60 percent of Austria's daily newspaper market and almost 100 percent of the magazine market. European Union (EU) authorities criticized the media monopoly. All newspapers were independent. There were 49 commercial and 12 noncommercial radio stations. By year's end, 75.3 percent of citizens listened to the Austrian Broadcasting Corporation, a public but independent radio station in which the Government owns shares but has no control over content; 21.5 percent listened to private stations.

The Private Television Act and the Austrian Broadcasting Corporation (ORF) Reform Act established a new media regulatory body known as KOMM Austria that permits private television stations. In June, the first private TV channel, ATVPlus, could be received nationwide through house antennas.

The Government did not restrict access to the Internet or academic freedom.

b. Freedom of Peaceful Assembly and Association.—The Constitution provides for freedom of assembly and association, and the Government generally respected these rights in practice. However, the Law on the Formation of Associations states that permission to form an organization may be denied if it is apparent that the organi-

zation would pursue the illegal activities of a prohibited organization, such as Nazi organizations. In August, Vienna police prohibited a demonstration planned by rightwing groups against the transfer of the body of Walter Nowotny, a World War II pilot, from an honorary grave to a regular grave. A leftwing counter-demonstration on the same day was not prohibited.

In May and June, there were two large-scale peaceful demonstrations protesting the Government's planned pension reform.

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

Religious organizations may be divided into three different legal categories, each possessing a different set of rights, privileges, and responsibilities (listed in descending order of status): Officially recognized religious societies, religious confessional communities, and associations. Government recognition as a religious society has wide-ranging implications, such as the authority to participate in the mandatory church contributions program, which can be legally enforced, to provide religious instruction in public schools, and to bring in religious workers to act as ministers, missionaries, or teachers. 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 confessional communities and associations.

In March, the Coptic Orthodox Church became a religious society through the Law on Oriental Churches. The law, which also created an Oriental-Orthodox Church Commission, made the status of the Coptic Church equal to that of the Syrian and Armenian Apostolic Churches, which were already recognized as religious societies. Non-recognized groups criticized the law as circumventing the requirements for recognition under the 1874 Law on the Recognition of Churches.

The law also allows non-recognized religious groups to seek official status as confessional communities without the fiscal and educational privileges available to recognized religions. Confessional communities have juridical standing, which permits them to engage in such activities as purchasing real estate in their own names and contracting for goods and services. A decision on the application of the Sahaja Yoga group to become a confessional group was pending before the Constitutional Court at year's end.

Ten religious groups have constituted themselves as confessional communities according to the law. Numerous religious groups not recognized by the State, as well as some religious law experts, dismiss the purported benefits of obtaining status under the law and have complained that the law's additional criteria for recognition obstruct claims to recognition and formalize a second-class status for non-recognized groups. Experts questioned the law's constitutionality.

In June, the European Court for Human Rights (ECHR) received an appeal by Jehovah's Witnesses, arguing that the 10-year period of existence required under the law to be recognized as a religious group is illegal on administrative grounds. In 1998 they also filed a complaint with the ECHR, arguing that the group had not been granted full status as a religious entity under the law, despite having made numerous attempts for more than two decades. The ECHR sent a list of questions to the Government, which responded in October. A final decision was 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 was granted relatively freely.

The OVP's position that party membership is incompatible with membership in a sect remained in force at year's end.

The Ministry for Social Security and Generations ceased issuing its controversial brochure on non-recognized religious groups. However, the Ministry and the City of Vienna were funding a counseling center run by a controversial NGO that actively worked against sects and cults (the Association against Sect and Cult Dangers). This NGO distributed information to schools and the general public and ran a counseling center for those who felt negatively affected by cults and sects.

The Federal Office of Sect Issues continued to function as a counseling center for those who had questions about sects and cults. Under the law, this office has independent status, but its head was appointed and supervised by the Minister for Social Security and Generations. Several states funded offices that provided information on sects and cults. The Family Office of the Government of Lower Austria provided a presentation on its website which negatively characterized many religious groups. The presentation included the Jehovah's Witnesses, despite its status as a confessional community.

The Austrian Branch of the International Coalition for Religious Freedom (ICRF) publicly attacked a CD-ROM entitled “The Search for Meaning: an Orientation Guide to Organizations that Offer the Solution.” The CD-ROM contained informa-

tion on a range of recognized and non-recognized religious groups, including criticism of the Church of Latter-day Saints and Jehovah's Witnesses. The CD-ROM had been issued by the Catholic Diocese of Linz and contained an endorsement by the Deputy Governor of Upper Austria. In response to the ICRF's allegations, the Deputy Governor noted that the CD-ROM was no longer being produced. He also agreed that non-recognized religious groups could submit a description of themselves for use on the Upper Austrian Education Intranet.

There was some societal mistrust and discrimination against members of some non-recognized religious groups, particularly those considered to be sects. A large portion of the public perceives such groups as exploiting vulnerable persons for monetary gain, recruiting and brainwashing youth, promoting antidemocratic ideologies, and denying the legitimacy of government authority. Societal discrimination against sects was, at least in part, fostered by the Government's policy of selective recognition.

Muslims complained about incidents of societal discrimination. They reported that a school in Vienna distributed a working paper that turned the five pillars of Islam into a preparation for battle. They also complained of incidents of verbal harassment. One Muslim cemetery in Upper Austria was desecrated during the year.

Sensitivity to and fears of Scientology in the country remains an issue. The Church of Scientology reported problems obtaining credit cards, and individual Scientologists experienced discrimination in hiring. However, Scientology leaders also noted that the Vienna Provincial Tax Authority granted them tax-exempt, non-profit status.

The Austrian Jewish Community (IKG) is facing severe financial problems and has requested additional subsidies from the Government. The IKG rejected offers by the Government for interest-free loans, stating the solutions offered were inadequate and did not address the community's long-term financial problems. During the year, there were incidents of desecration of Jewish cemeteries. In December, the World Jewish Congress published an EU report on anti-Semitism in Europe, which stated that the problem of anti-Semitism in the country manifested itself in societal and traditional stereotypes rather than acts of physical force.

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

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

In July 2002, Parliament adopted an immigration reform proposal, effective January 1, which harmonized residence and employment provisions and required permanent legal residents to take German language and civics courses for the purpose of integration. Immigrants who entered the country after January 1, 1998, need to show a basic knowledge of the German language and an understanding of the country's culture when applying for an immigrant visa. Those immigrants who fail to complete the courses by various deadlines would face financial penalties and deportation or expulsion. Annual immigration quotas remained static at approximately 8,000 per year, although there have been shifts in the distribution among the categories. In 2002, the number of illegal aliens intercepted at national borders was 48,436, a slight decrease from the previous year. The decrease was attributed to the Government's increased efforts at the international level to fight alien smuggling. The elimination of the entry visa requirement for Romanian nationals, which took effect in January 2002, was believed to be a factor.

The law includes provisions for the granting of asylum and refugee status to those persons who meet the definition in the 1951 U.N. Convention Relating to the Status of Refugees and its 1967 Protocol. In practice, the Government provided protection against refoulement and granted refugee status or asylum; however, the Government subscribes to the safe country of transit concept, which requires asylum seekers who transit countries deemed "safe" to depart and seek refugee status in the country they transited. In response to continuing criticism by the Office of the U.N. High Commissioner for Refugees (UNHCR) and other humanitarian organizations, in 1997, the Government passed an amendment to the 1991 asylum law designed to bring some improvements to the safe country of transit rule and the appellate procedure. The Government cooperated with the UNHCR and other humanitarian organizations in assisting refugees. The UNHCR and other humanitarian organizations generally approved of the 1997 asylum law, but there was still some dissatisfaction with its implementation. There was widespread opposition to the safe country of transit concept implemented by the Government based on the fear that it compromised the principle of individual investigation of claims.

In October, Parliament passed an amendment to the asylum law aimed at expediting the processing of asylum claims. The new law, which is scheduled to take ef-

fect on May 1, 2004, is expected to require a first determination within 48–72 hours of filing a claim, limit the right of appeal, and provide no guarantee that an asylum applicant will stay in the country during the appeals process. The new law also would stop the practice of taking asylum claims at land borders and introduce a list of “safe countries of transit.” Opposition groups and NGOs have criticized the law as unconstitutional because it curtails the authority of the independent Asylum Senate and compromises the principle of individual investigation of claims.

Persons found to be refugees were not returned to the countries from which they fled. Asylum seekers whose claims have been rejected by the Federal Asylum Office were allowed to appeal to the independent Federal Asylum Senate, then to the Administrative Court. Asylum seekers whose claims have been rejected also had recourse to the Constitutional Court in cases in which they allege a breach of the European Convention on Human Rights and Individual Freedoms. The Government also provided temporary protection to certain individuals who do not qualify as refugees or asylees.

During the first half of the year, there were 14,781 asylum applications, compared with 17,084 received in the same period in 2002. The official approval rate for 2002 was 22.2 percent (19.7 percent, including non-refoulement decisions), compared with 20.2 percent in 2001. In 2002, the largest groups of applicants ranked by nationality were persons from Afghanistan, Serbia and Montenegro, Iraq, Turkey, and India.

Since 2002, the Government has contracted with a private German agency, European Homecare, to provide counseling to unsuccessful asylum applicants, encouraging them to return to their country of origin. As of July, this private agency was under contract to provide care and maintenance at residential facilities for asylum seekers. The Government was criticized for this privatization following a confrontation in one of the main centers for asylum seekers in August, which led to the death of a Chechen man.

In the past, the Government effectively granted assistance to only one-third of all asylum applicants who faced financial hardship. However, in a controversial decree that took effect in October 2002, the Interior Ministry prohibited members of certain nationalities from state shelters while their asylum claims were being adjudicated. Human rights groups, such as Caritas and Protestant Relief organizations, have been accommodating refugees turned away by the Government and have been involved in legal proceedings to recover costs. Following an August ruling by the Supreme Court, in connection with a family from Georgia expelled from state housing, the Government ceased implementing the directive.

The new asylum amendments also define government care as a form of voluntary support to be provided in cooperation with other entities, and narrowed down the criteria for needy applicants. The maximum number of individuals qualifying for government care, primarily those who meet the definition of an asylee who qualifies for temporary protection or who fears persecution if returned, was estimated to be about 19,000. The costs of government care were estimated at approximately \$188 to 200 million (150 to 160 million euros). At year’s end, negotiations were under way among the Government, the states, and relief organizations to determine the number of affected applicants (approximately one-third of the 21,000 open cases were believed to have abandoned their applications and left the country to apply for asylum in another country) and to find necessary financial means. Until the new law takes effect in 2004, the Government, the states, and selected relief organizations have temporarily agreed to share the costs. At year’s end, negotiations were ongoing.

The influx of Afghan refugees resulted in a considerable burden on the government’s care and maintenance system. By November, approximately 1,300 Afghan asylum seekers out of a total of some 9,700 applicants were receiving government care until a final determination of their claims could be made.

The Human Rights Advisory Council, composed of representatives from the Justice and Interior Ministries, as well as NGOs, operated to ensure that the police and gendarmerie respect human rights while carrying out their duties. A policy requires that all potentially violent individuals be deported on chartered aircraft, rather than on commercial flights.

Civil charges filed on behalf of the daughter of Marcus Omofuma, an unsuccessful Nigerian asylum applicant who died after being physically restrained for violent behavior while being deported to Lagos, Nigeria, remained pending before an Administrative Board at year’s end.

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

The Constitution provides citizens with the right to change their government peacefully, and citizens exercised this right in practice through periodic, free, and fair elections held on the basis of universal suffrage. National elections were held

in November 2002 in which the OVP won 79 seats in Parliament, the Social Democrats (SPO) 69, the FPÖ 18, and the Green Party 17. There were 63 women in the 183-seat National Assembly and 20 in the 62-member Federal Assembly. There were four women in the Federal Cabinet.

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

A number of domestic and international human rights groups generally operated without government restriction, investigating and publishing their findings on human rights cases. In some cases, they were dissatisfied with the information that the authorities supplied in response to specific complaints. There were no reports of discrimination against organizations that report on human rights. In 1999, the Interior Ministry created the Human Rights Advisory Council, composed of representatives from the Justice and Interior Ministries, as well as NGOs, to ensure that the police and gendarmerie respect human rights while carrying out their duties.

While implementing the EU Anti-Discrimination and Anti-Racism Guidelines, the Government drafted a revised Equal Treatment Bill and opened it to review in July. After the review deadline passed on September 8, opposition parties and NGOs criticized the Government for having integrated the EU guidelines into the existing legislation, but not formulating a specific anti-discrimination law.

The anti-racism NGO ZARA experienced financial difficulties due to cuts in subsidies from the Interior Ministry. The City of Vienna offered a special subsidy to the NGO, which does research and counseling on racism.

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

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

Women.—Although there are no accurate statistics available on the number of women abused annually, violence against women was believed to be a problem. Police and judges enforced laws against violence; however, there were estimates that less than 10 percent of abused women filed complaints. The Association of Houses for Battered Women estimated that one-fifth of the country's 1.5 million adult women had suffered from violence in a relationship. An amendment to the 1997 Law on the Protection Against Violence in the Family extends the period during which police can expel abusive family members from family homes. In 2002, an injunction to prevent abusive family members from returning home was applied in 3,944 cases. The Government also sponsored shelters and help lines for women.

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

Of the 1,616 new cases brought to the Ombudsmen for Equal Opportunity in 2002, 313 were complaints of sexual harassment. The Federal Equality Commission, as well as the Labor Court, may order employers to compensate victims of sexual harassment. The law prohibits sexual harassment, and the Government effectively enforced those laws.

There are no legal restrictions on women's rights. A Federal Equality Commission and a Federal Commissioner for Equal Treatment oversee laws prescribing equal treatment of men and women. The new coalition Government reestablished a ministry for Health and Women's Affairs, headed by Maria Rauch-Kallat.

An estimated 57 percent of women between the ages of 15 and 60 were employed; on average, women earned only 79 percent of what men earn for the same work. Women were more likely than men to hold temporary positions and also were disproportionately represented among those unemployed for extended periods of time.

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

Female employees in the private sector may invoke equality laws prohibiting discrimination of women. The Federal Equality Commission may award compensation of up to 4 months' salary if women are discriminated against in promotions because of their sex. The Commission also may order legal recompense for women who are denied a post despite having equal qualifications. In October, Parliament passed a law stating that parents in companies with more than 20 employees, who have children under the age of seven, have the right to work part-time.

Women are allowed to serve in the military forces voluntarily. At year's end, there were 226 women—of a standing force of approximately 35,000—serving in the mili-

tary forces, including 4 commissioned officers. There were no restrictions on the type or location of assignments of women.

Women's rights organizations were partly politically affiliated, and partly autonomous groups. They usually received wide public attention when voicing their concerns. The Government continued to provide government subsidies to these groups.

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

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

The growing number of reported incidences of child abuse was considered a result of increased public awareness of the problem. Although there was no societal pattern of abuse against children, heightened awareness of child abuse has led the Government to continue its efforts to monitor the issue and prosecute offenders. Doctors were required to report to the police suspected cases of child abuse and molestation. An exception may be made if the suspected abuser is a close relative of the victim, where doctors may refrain from reporting to the police for the sake of the well-being of the minor. However, in such cases, the victim's representative must establish contact with a youth care officer or a hospital's child protection unit.

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. The respective penal code provisions on sexual intercourse between adults and children were amended in 2002. The different provisions for homosexual relationships between minors and adults were dropped and replaced by a version that does not distinguish between hetero- and homosexual relations.

In 2002, the Ministry of Justice reported 697 cases of child abuse, most involving intercourse with a minor. Of these cases, 255 resulted in convictions. Under the law, any citizen engaging in child pornography in a foreign country becomes punishable under Austrian law even if the actions are not punishable in the country where this violation was committed. The law also entails severe provisions for the possession, trading, and private viewing of child pornography. For example, exchanging pornographic videos of children is illegal even if done privately rather than as a business transaction.

The Federal Crime Authority has a special department for cyber crime, which set up an anonymous e-mail point of contact for the public to report on child pornography on the Internet.

Trafficking of children from Romania and Bulgaria for the purpose of begging and stealing in Viennese shopping centers increased during the year (see Section 6.f.).

Persons with Disabilities.—The law protects persons with disabilities from discrimination in housing, education, and employment. A 1997 amendment to the law explicitly requires the State to provide for equal rights for the disabled "in all areas of everyday life." The law requires all private enterprises and state and federal government offices to employ one person with disabilities for every 25 to 40 employees, depending on the type of work. Employers who do not meet this requirement must pay a fee to the Government, and the proceeds help finance services for the disabled such as training programs, wage subsidies, and workplace adaptations. However, the law has received some criticism because many observers believed that penalties were too low to discourage companies from bypassing the requirement. There were no reports of societal discrimination against persons with disabilities. The Government budgeted \$86 million (69 million euros) for the year to fund projects that employed persons with disabilities.

The Government estimated that there were approximately 72,000 persons having a degree of disability of 50 percent or more. Federal law mandates access for persons with physical disabilities. However, low fines and insufficient enforcement resulted in the inaccessibility of many public buildings to persons with disabilities.

The law prohibits the sterilization of minors. Persons with mental disabilities 18 years of age and older may be sterilized only in life-threatening instances.

National/Racial/Ethnic Minorities.—The law recognizes six national minority groups: Croats, Czechs, Hungarians, Roma, Slovaks, and Slovenes. In the past, any community where at least 25 percent of the population belonged to one of these groups was entitled to bilingual town signs, education, media, and access to federal

funds earmarked for national minorities. At year's end, there was no decision on implementation of the 2001 Constitutional Court ruling ordering the lowering of the standard. The next consensus conference is scheduled to take place after the Carinthian provincial elections in March 2004. Bilingual town signs existed in other states as well.

The Slovenian minority in Carinthia complained that the Government withdrew funding of a private, Slovene-language radio station. The Government stated it intended to redirect that funding to other Slovene-language programming. In December, ORF and Slovene minority representatives reached a compromise. ORF agreed to provide 8 hours of radio programming per day while the two Slovene-language stations will receive \$308,000 (246,000 euros) annually to cover the remaining sixteen hours. In December, the local government in the state of Styria agreed to allocate a seat on its advisory council on minority issues to a representative of the Styrian Slovenes.

The largest problem facing these national minority groups is the preservation of their culture and language. During the year, the Hungarian minority in Burgenland complained that they were not receiving enough federal subsidies in order to preserve their language and culture. In addition, most human rights groups claimed that Roma faced particular discrimination in employment and housing. Members of other minority groups, such as Turks and Indians, were not considered national indigenous minorities and do not have access to the same type of assistance. Turkish citizens also benefited from a wide range of language and job promotion courses. NGOs complained that Africans living in the country were verbally harassed in public.

Statistics for 2002 showed a slight decrease in the number of neo-Nazi, rightwing extremist, and xenophobic incidents as the previous year. During 2002, the Interior Ministry recorded 326 incidents; in 2001, there were 335 incidents. During the year, the Government continued to express concern over the activities of extreme-right skinhead and neo-Nazi groups, many with links to organizations in other countries.

In March, the domestic NGO ZARA, in conjunction with other groups, released a report entitled "Racism 2002," which found that persons from diverse ethnic and racial backgrounds faced increasing discrimination from government officials, particularly the police, as well as in the workplace and in housing. The report cited 170 examples of discrimination faced by immigrants on a daily basis and called for the strengthening of public education and legal protections for immigrants.

The Government continued its training program designed to combat racism and educate the police in cultural sensitivity. A comprehensive pro-minority rights bill provides for expanded constitutional protections for the country's six officially recognized minorities.

In September, the Parliament in the state of Styria passed a law that fined restaurants for demonstrating racist behavior against black Africans.

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 had an important and independent voice in the political, social, and economic life of the country. An estimated 47 percent of the work force was organized into 13 national unions belonging to the Austrian Trade Union Federation (OGB), which had a highly centralized leadership structure. Association of national unions with the OGB was voluntary. Individual unions and the OGB were independent of government or political party control, although formal factions within these organizations were allied closely with political parties. The law does not prevent any group of workers from joining unions.

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

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, were organized. Worker councils operated at the enterprise level, and by law workers are entitled to elect one-third of the members of the supervisory boards of major companies. Collective agreements covering wages, benefits, and working conditions were negotiated for each industry by the OGB with the National Chamber of Commerce and its associations, which represented the employers.

The right to strike is not provided explicitly in the Constitution or in national legislation; however, it was recognized universally in practice. Historically, strikes have

been comparatively few and usually of short duration. A major reason for the record of labor peace is the unofficial system of “social partnership” among labor, management, and government. At the center of the system is the Joint Parity Commission for Wages and Prices, which has an important voice on major economic questions.

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

In May and June, over one million workers went on three 1-day strikes protesting the Government’s planned reform of the pension system and its failure to consult the labor union federation before sending the proposed legislation to Parliament. In November, the main rail union called a complete strike—the first all-out rail strike since the end of World War II—to protest a draft law to reform the rail service and cut costs drastically. The union and the Government eventually settled on a compromise solution and agreed to work on mutually acceptable reform steps by April 2004.

The OGB is exclusively responsible for collective bargaining. The leaderships of the Chamber of Labor, the Chamber of Commerce, and the OGB are elected democratically.

There are no export processing zones.

c. Prohibition of Forced or Bonded Labor.—The law prohibits forced or bonded labor, including by children, and there were no reports that such practices occurred.

In 2000, an agreement was signed between the Government, attorneys representing former forced and slave laborers, and representatives of foreign governments, providing compensation for former forced and slave laborers used by the Nazi government in the 1930s and 1940s. By December, approximately \$375 million (300 million euros) had been provided as compensation to 113,877 former forced and slave laborers. The Government extended the fund’s application deadline to December 31, and the fund’s period of existence was prolonged until December 31, 2004. It is expected that the fund will use less than \$406 million (325 million euros) out of the fund’s \$545 million (436 million euros). The remaining funds are to be used for special projects to benefit victims of the Nazi era.

d. Status of Child Labor Practices and Minimum Age for Employment.—The minimum legal working age is 15 years. The Labor Inspectorate of the Ministry of Social Affairs effectively enforced this law. The Government has adopted laws and policies to protect children from exploitation in the work place.

e. Acceptable Conditions of Work.—There is no legislated national minimum wage. Instead, nationwide collective bargaining agreements set minimum wages by job classification for each industry. The accepted unofficial minimum wage is \$12,718 (10,174 euros) a year, and it provided a decent standard of living for a worker and family. Every worker was entitled to a variety of generous social benefits.

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

Laws regularly enforced by the Labor Inspectorate of the Ministry of Social Affairs provide for mandatory occupational health and safety standards. Workers may file complaints anonymously with the Labor Inspectorate, which may bring suit against the employer on behalf of the employee. However, this option rarely was exercised; workers normally relied instead on the Chambers of Labor, which filed suits on their behalf. The Labor Code provides that workers have the right to remove themselves from a job if they fear “serious, immediate danger to life and health” without incurring any prejudice to their job or career, and the Government effectively enforces this law.

f. Trafficking in Persons.—There is no single law covering all forms of trafficking in persons; however, Article 217 of the Criminal Code, which describes trafficking for prostitution, is the key provision for the prosecution of traffickers. Trafficking in women for prostitution and domestic service was a problem.

Article 217 refers to recruiting aliens for prostitution and covers trafficking for prostitution through deception regarding the purpose of the journey to the country or through coercion or use of force. Article 104 of the Criminal Code also deals with trafficking for the purposes of slavery. Article 104 of the Aliens Act contains criminal law provisions on alien smuggling. Article 105 of the Aliens Act prohibits the exploitation of aliens without specifically requiring demonstration of prostitution as a goal and without requiring demonstration of assistance in the illegal entry of aliens. Some NGOs have called for an expansion of the legal definition of trafficking to include exploitation for domestic labor and coerced marriages. On November 4, the Minister of Justice presented legislation to the Cabinet that would expand the

definition of trafficking to include trafficking of persons for the exploitation of labor and trafficking of organs; Parliament is expected to vote on the legislation in early 2004.

Although prostitution is legal, trafficking for the purpose of prostitution is illegal, and can result in jail sentences of up to 10 years for convicted traffickers. Trafficking for purposes of slavery can lead to a prison sentence of from 10 to 20 years. The maximum penalty for alien smuggling is 10 years' imprisonment.

In 2002, the Interior Ministry, which is the primary government agency involved in anti-trafficking efforts, reported that there were 70 complaints filed under Article 217, of which 27 resulted in convictions. There were 58 cases filed under Article 105, resulting in 15 convictions. Cases filed for alien smuggling under the Aliens Act were much higher, affirming that many traffickers were prosecuted under this section of law. In 2002, there were 1,988 cases filed, leading to 281 convictions.

The Interior Ministry worked at the national and international level to raise awareness of human trafficking. In 2002, the Ministry created a new body, the Federal Crime Authority, which has a division solely dedicated to combating human trafficking and alien smuggling. Federal police units addressing organized crime and sex crimes also focused on this problem.

In 2001, in response to a marked increase of illegal border crossings at the eastern borders in the first half of that year, the Government set up a special task force to coordinate the Government's efforts to fight trafficking. However, many victims of trafficking continued to migrate legally. Local and national level governments cooperated with authorities from other countries to investigate and prosecute trafficking cases. The Government cooperated with Eastern European countries in particular to dismantle a number of trafficking rings.

The country was a transit point and final destination for women trafficked from Bulgaria, Romania, Ukraine, Moldova, the Balkans and, to a lesser extent, the Czech Republic, Slovakia, and Hungary. The women were trafficked into Austria and other western European countries, primarily for the purpose of sexual exploitation. Women also were trafficked from Asia and Latin America to Austria for domestic labor. Police noted increased trafficking of Romanian and Bulgarian boys to engage in begging, stealing, and possible sexual exploitation.

There are no accurate statistics on trafficked persons specifically. However, the number of intercepted illegal immigrants, of whom some were trafficking victims, continued to increase. In 2002 the NGO LEFOE reported that it assisted 208 victims of trafficking, up from 183 victims in 2001. The country is particularly attractive to traffickers because of its geographic location and the fact that citizens of the Czech Republic, Slovakia, Hungary, Romania, and Bulgaria do not require visas to enter the country. Most trafficked women were brought to Austria with promises of unskilled jobs such as nannies or waitresses. Upon arrival they were coerced or forced into prostitution. There also were cases of women who knowingly went to Austria explicitly to work as prostitutes but who then, according to police, were forced into states of dependency akin to slavery. Most victims were in the country illegally and feared being turned into authorities and deported. Traffickers usually retained victims' official documents, including passports, to maintain control over the victims. Victims of trafficking reported being subjected to threats and physical violence. A major deterrent to victim cooperation was widespread fear of retribution, both in Austria and in the victims' countries of origin.

The majority of traffickers arrested by police were citizens; however, the number of foreigners engaged in trafficking has increased over the years. Police estimated that a large portion of trafficking was controlled by organized crime, primarily from Eastern Europe.

The Government provided temporary residence to victims of trafficking who were prepared to testify or intend to raise civil law claims. However, victims still rarely agreed to testify, due to fear of retribution. Temporary residency status allowed victims to stay in the country only during a trial. No provisions were made for them to stay in the country following their testimony; virtually all victims of trafficking were repatriated.

LEFOE provided secure housing and other support for victims of trafficking. The International Organization for Migration (IOM) sought to put victims in contact with NGOs in their countries of origin upon their return. With financial assistance from the Interior Ministry, LEFOE also continued to operate the Intervention Center for Victims of the Trade in Women (IBF) in Vienna, which provides services to trafficked women, including: psychological, legal, and health-related counseling and assistance, emergency housing, and German language courses. There also were similar centers located in other cities in the country that were financed by federal and local governments.

The Government worked actively with international and regional organizations to carry out preventive programs throughout the region. Government-funded research on the problem of trafficking and NGO prevention work included anti-trafficking brochures, law enforcement workshops, and international conferences on the issue, funded by private and public sources. The Government also provided funding for intervention centers that provided emergency housing and psychological, legal, and health-related assistance to victims. The Government also was active in U.N. and Organization of Security and Cooperation in Europe international efforts to combat trafficking. During the year, Austrian experts often were involved in regional training and capacity building programs sponsored by the Stability Pact Anti-trafficking Task Force.

AZERBAIJAN

Azerbaijan is a republic with a presidential form of government. The Constitution provides for a division of powers between a strong presidency and parliament (Milli Majlis) with the power to approve the budget and impeach the President. The President dominated the executive and legislative branches of Government. Ilham Aliyev was elected President in October in an election marred by numerous, serious irregularities. Parliamentary elections in 2000, 2001, and during the year featured similar irregularities, resulting in some domestic groups regarding the parliament as illegitimate. Opposition members made up only a small minority of the Milli Majlis' 125 deputies. The Constitution provides for an independent judiciary; however, the judiciary did not function independently of the executive branch and was corrupt and inefficient.

The Ministries of Internal Affairs (MIA) and National Security are responsible for internal security and report directly to the President. Civilian authorities maintained effective control of the security forces. Members of the security forces committed numerous human rights abuses.

The Government continued to affirm its commitment to develop a market economy, but economic reform continued to be slow. According to official figures, the population was approximately 8 million, of which an estimated 2 million lived and worked abroad. Widespread corruption and patronage reduced competition, and the slow pace of reform limited development outside the oil and gas sector, which accounted for more than 90 percent of export revenues. Despite the privatization of 98 percent of farmland, commercial agriculture remained weak and subsistence farming dominated the rural economy. The GDP growth rate was 11.2 percent. Poverty nationwide has decreased, but 49 percent of the population still lived below the poverty level. Estimates of unemployment ranged from 15 to 20 percent.

The Government's human rights record remained poor, and it continued to commit numerous serious abuses. The Government continued to restrict citizens' ability to change their government peacefully. Law enforcement officers killed one person at a post-election demonstration on October 16 that turned violent. Police tortured and beat persons in custody, including several opposition members, and used excessive force to extract confessions. In most cases, the Government took no action to punish abusers, although the Government reportedly took disciplinary action against more than 200 police officers. Prison conditions remained harsh and life threatening, and some prisoners died as a result of these conditions. Arbitrary arrest and detention and lengthy pretrial detention continued to be problems. After the election, authorities conducted a wave of politically motivated detentions and arrests of more than 700 election officials, opposition members, and journalists; more than 100 remained in custody at year's end. The Government continued to hold many political prisoners and infringe on citizens' privacy rights.

The Government continued to restrict some freedom of speech and of the press, and police used excessive force and continued to harass journalists during the year. Government officials sued journalists for defamation. The Government restricted freedom of assembly and forcibly dispersed several demonstrations held without a permit, and law enforcement officers beat protestors at several demonstrations during the year. The Government continued to restrict freedom of association by refusing to register some political parties and harassing domestic human rights activists and nongovernmental organizations (NGOs). There were some restrictions and abuses of religious freedom, and lower-level and local government officials continued to harass some "nontraditional" religious groups. Violence against women, societal discrimination against women and certain ethnic minorities, and limitations of some worker rights remained problems. Trafficking in persons was a problem.

Despite a cease-fire in effect since 1994, minor outbreaks of fighting with Armenia over Nagorno-Karabakh occurred during the year, resulting in the deaths of civilians and combatants. Armenian forces continued to occupy an estimated 16 percent of Azerbaijan's territory (including Nagorno-Karabakh); this fact continued to dominate national politics and undermine democratic and economic development. The Government did not exercise any control over developments in the territories occupied by Armenian forces, and little verifiable information was available on the human rights situation there. Approximately 800,000 Azerbaijani refugees and internally displaced persons (IDPs) left or were forced from their homes in the occupied territories and Armenia.

RESPECT FOR HUMAN RIGHTS

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

a. Arbitrary or Unlawful Deprivation of Life.—There were no reports of political killings by the Government or its agents; however, law enforcement officers beat one person to death at a post-election demonstration on October 16 that turned violent (see Section 2.b.). Some detainees and prison inmates died, in part as a result of mistreatment by law enforcement personnel and harsh prison conditions. Authorities did not prosecute suspects in these cases (see Section 1.d.).

There was no investigation into the 2002 death of Beylar Kuliyeu, who jumped to his death from a window in the General Prosecutor's office following 10 days' imprisonment and interrogation. The Government reported that it closed the criminal case in June 2002, since a forensic examination indicated all bodily injuries resulted from a fall.

The police officer accused of killing Ilgar Javadov in 2001 was convicted in March 2002 and sentenced to 5 years in prison.

During the year, a number of deaths occurred among army conscripts, in which hazing of the victims was suspected. According to press reports, 15 army conscripts died in 2002.

Occasional cease-fire violations by both sides in the conflict with Armenia over Nagorno-Karabakh resulted in 13 deaths and some injuries to both civilians and soldiers during the year.

According to the National Agency for Mine Actions, landmines killed 15 persons and injured 14 during the year.

During the year, the Government suspended the investigation into the 2001 killing of a senior Chechen military commander, having determined that two Chechen nationals killed him and were fugitives.

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

The International Committee of the Red Cross (ICRC) repeatedly urged the Azerbaijani and Armenian Governments to provide information on the fate of those missing in action since the fighting over Nagorno-Karabakh began. Since the early 1990s, the ICRC has collected from concerned family members the names of approximately 2,300 missing Azerbaijani citizens allegedly held by Armenia. The Government estimated the number to be closer to 4,922.

Since June 2002, ICRC assisted in the repatriation of six Azerbaijani citizens and three Armenian citizens, at the request of both governments.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.—The Criminal Code prohibits such practices and provides for up to 10 years' imprisonment for violators; however, there were credible reports that security forces continued to torture inmates and used excessive force to extract confessions. Police beat prisoners during arrest, interrogation, and pre-trial detention.

Security officers forcibly disrupted some demonstrations and in some cases harassed, beat, and detained some opposition party members, demonstrators, and journalists, causing injuries, and arrested several persons, whom they sometimes beat in detention (see Sections 2.a. and 2.b.). Following violent disturbances in Baku on October 16, Interior Ministry personnel detained and tortured several opposition leaders. There were credible reports that security personnel beat and tortured Hope Party Chairman Iqbal Agazade, Azerbaijan Democratic Party Secretary General Sardar Jalaloglu, and Azerbaijan Party election secretary Natiq Jabiyev (see Section 3). Human Rights Watch (HRW) documented numerous cases in which members of the MIA's organized crime unit used electric shock, severe beatings, and threats of rape to torture detainees. According to HRW, police used severe beatings and torture to extract confessions, and to pressure detainees to sign false statements denouncing the opposition and implicating opposition leaders in the post-election violence.

Police at times beat and harassed members of certain religious groups (see Section 2.c.).

After clashes in Nardaran in June 2002 between protesters and police, authorities detained and, his lawyer alleged, beat Haji Jubrail Alizade (see Sections 1.e. and 2.b.).

Conditions in prisons, which the Ministry of Justice (MOJ) managed, remained harsh and sometimes life threatening. Overcrowding and poor medical care combined to make the spread of infectious diseases a serious problem. Tuberculosis (TB) continued to be the primary cause of death in prisons. By year's end, approximately 800 detainees were undergoing treatment for TB, according to the Government. Due to the absence of systematic screening in prisons, patients often started treatment when already seriously ill. There were widespread and credible reports that authorities withheld medical treatment from selected inmates, particularly political prisoners.

Prisoners had to rely on their families to provide food and medicine, and bribes generally were required for families to gain access to imprisoned relatives. Authorities severely limited lawyer and family visits and exercise in maximum security prisons. Some pretrial detainees were kept in "separation cells" often located in basements, in which food and sleep reportedly were denied to elicit confessions with no physical evidence of abuse. There were separate facilities for men and women, juveniles and adults, and pretrial detainees and convicts. Deaths of inmates occurred, in part due to harsh conditions and in some cases due to mistreatment by law enforcement personnel.

During the year, the Government undertook a program to improve conditions in prisons; they remodeled some and built five new prisons.

The ICRC has had access to all prisons since June 2000; and in 2002 the Government extended its agreement on access to all places and to all detainees, both sentenced and unsentenced. The ICRC has had access to prisoners of war (POWs) and civilians held in relation to the conflict over Nagorno-Karabakh. Foreign observers regularly received permission to enter maximum security prisons to meet with alleged political prisoners. During the year, one domestic human rights organization reported that authorities restricted their access to police stations and detention centers, though not prisons.

d. Arbitrary Arrest, Detention or Exile.—The Constitution prohibits arbitrary arrest and detention; however, arbitrary arrest and detention were problems.

The MIA and Ministry of National Security are responsible for internal security and report directly to the President. The MIA oversees the local police forces in Baku and in the regions; it also maintains internal troops trained in civil defense. The Ministry of National Security has a separate security force.

In most cases, the Government took no action to punish abusers, although the Government reported that it took disciplinary action, including dismissals, against more than 200 police officers for the violation of human rights and civil liberties during the year. By year's end, the Government did not arrest any police officers or announce the results of an investigation of police in connection with a clash with journalists and opposition activists on September 8. The Government also did not arrest or announce the findings of an investigation of police in connection with violent disturbances in Baku on October 15 and 16, during which several police officers and demonstrators were injured and one demonstrator was killed. The Government did not undertake investigations or punitive action against those named in the HRW report that documented numerous cases of torture and abuse of post-election opposition detainees by the MIA's Organized Crime Department, which reports directly to the Minister. Low wages throughout the police and law-enforcement community contributed to the general problem of police corruption, which mainly consisted of informal "fines" for traffic and other violations and the payment of protection fees to neighborhood police.

Authorities often arbitrarily arrested and detained persons without legal warrants. Police may detain and question persons for 3 hours without a warrant. The Constitution states that persons detained, arrested, or accused of a crime should be advised immediately about their rights, reasons for arrest, and the institution of criminal proceedings against them; however, authorities often did not inform detainees of the charges against them. The Constitution provides for access to a lawyer from the time of detention; however, access to lawyers was poor, particularly outside of Baku. Authorities often restricted family visitations and withheld information from detainees' family members; frequently, days passed before relatives were able to obtain information. Bail commonly was denied, and lengthy pretrial detention was a serious problem.

Members of opposition parties and their families were more likely to experience arbitrary arrest and detention than other citizens. Police forcibly disrupted

unsanctioned protests and detained participants, opposition party activists, and journalists after several demonstrations throughout the year (see Sections 1.c. and 2.b.). Following violent demonstrations in Baku after the October election, police detained more than 700 persons across the country. Most of those detained were members of opposition parties, primarily the Musavat Party. Approximately 120 members of opposition parties remained in detention at year's end, during a court ordered 3-month investigation. During the year, Musavat Party reported that close to 800 of its members were detained for short periods (3 to 15 days), and the Azerbaijan Democratic Party (ADP) claimed more than 700 members had been briefly detained. On October 27, police arrested Rauf Arifoglu, Deputy Chairman of the Musavat Party and Chief Editor of the New Musavat newspaper, for his alleged involvement in post-election demonstrations; he remained in detention at year's end pending investigation of his activities in the party. The Popular Front and Azerbaijan National Independence (AMIP) parties each reported that approximately 100 members had been detained for 1 to 15 days on administrative charges. At year's end, 4 to 6 members of the Popular Front party remained in jail. Popular Front Party chairman Ali Karimli's cousin, Ingilab Karimov, was arrested in July for hooliganism and given 3 years' conditional release in September.

Five relatives of former parliamentary speaker and ADP leader Rasul Guliyev, who were convicted for various alleged crimes related to corruption allegations against Guliyev during his parliamentary membership, remained in jail at year's end. Police also continued to harass several other Guliyev associates and ADP figures. On September 5, authorities detained ADP Secretary Taliyat Aliyev and held him for 7 days in the counter-terrorism and organized crime unit of the MIA on charges of stockpiling weapons with intent to overthrow the Government. Authorities in the same division detained Eldar Guliyev, a member of the AMAL movement, from September 3 to 6 on charges of verbally insulting the police, and Deputy Chairman of the Umid ("Hope") Party Habil Rzayev from September 6 to 11, during which time he said police physically and emotionally tortured him without due process, notification of his family, or access to a lawyer. Rzayev was outspoken on human rights issues as the leader of the People's Defense Committee.

On December 1, authorities arrested Ilgar Ibrahimoglu, the Imam of the independent Juma Mosque and a human rights activist with the Center for Protection of Conscience and Religious Persuasion Freedom (DEVAMM), allegedly in connection with the violent demonstration on October 16; he remained in custody at year's end (see Sections 2.c. and 4).

Chechens residing in the country reported some arbitrary detentions during the year (see Sections 2.d.).

After a court convicted and sentenced 15 residents of Nardaran arrested in connection with the 2002 protests over living conditions, all were released from custody by year's end (see Sections 1.e. and 2.b.).

During the year, a total of three POWs were released, one from Azerbaijan and two from Armenia.

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

e. Denial of Fair Public Trial.—The Constitution provides for an independent judiciary; however, in practice, judges did not function independently of the executive branch, and the judiciary was widely believed to be corrupt and inefficient.

Judges preside over and direct trials. The President appoints Supreme and Constitutional Court judges, whom Parliament confirms. The President appoints lower-level judges without confirmation. Qualifying exams for judges were administered periodically as part of a judicial reform effort; however, credible allegations persisted that judgeships were bought and sold. Low salaries for judges and lawyers increased the incentives for bribe taking and undermined the rule of law. The Government organizes prosecutors into offices at the district, municipal, and republic level. They are responsible to the Minister of Justice, appointed by the President, and confirmed by Parliament.

Courts of general jurisdiction may hear criminal, civil, and juvenile cases. District and municipal courts try the overwhelming majority of cases. The Supreme Court may not act as the court of first instance. A panel consisting of one judge and two lay assessors hears cases at the district court level. A 2002 referendum amended the Constitution to provide all citizens the right to appeal to the Constitutional Court. Citizens also have the right to appeal to the European Court of Human Rights.

The Constitution provides for public trials except in cases involving state, commercial, or professional secrets, or matters involving confidential personal or family matters. The Constitution provides for the presumption of innocence in criminal cases and defendants' rights to confront witnesses and present evidence at trial, a court-approved attorney for indigent defendants, and appeal (for both defendants

and prosecutors). Foreign and domestic observers generally were allowed to attend trials. Although the Constitution prescribes equal status for prosecutors and defense attorneys, in practice, prosecutors' prerogatives outweighed those of the defense. By year's end, the 2001 Law on Advocates and Advocate Activity, which was expected to reform the legal profession, had not been implemented and no independent bar association had been created. The law limits representation in criminal cases to members of state-controlled Collegium and therefore restricts the public's access to legal representation.

The Constitution prohibits the use of illegally obtained evidence; however, investigations often focused on obtaining confessions rather than gathering evidence against suspects. No judge has dismissed a case based on a prisoner's claim of abuse, and there was no independent forensic investigator to determine the occurrence of abuse (see Section 1.c.). Judges frequently sent cases unlikely to end in convictions back to the prosecutor for "additional investigation." Authorities sometimes dropped or closed such cases, occasionally without informing either the court or defendant.

The Government continued to hold a number of political prisoners. Some local NGOs reported that the Government held approximately 180 political prisoners, although others claimed the number was much higher. Estimates of the number of prisoners varied and were inconsistent as to the definition of a political prisoner. The Council of Europe (COE) created a list of 8 citizens it considered to be political prisoners according to a definition it adapted for Azerbaijan and Armenia; it also has another list of approximately 180 prisoners considered by local NGOs to be political prisoners, whom COE experts have been unable to verify. Estimates of the number of prisoners varied due to inconsistent definitions of the term. A number of these individuals were convicted of alleged participation in armed efforts to overthrow the Government. In June, the Parliamentary Assembly of the Council of Europe criticized the Government's non-cooperation on the release of political prisoners. During the year, then President Heydar Aliyev issued 3 pardons that resulted in the release of 283 prisoners and reduced sentences for 25 others. President Ilham Aliyev issued a decree that resulted in the release of 160 prisoners and reduced the sentences of 5 others. Many of those released were on lists of political prisoners developed by NGOs and the COE, including Isgender Hamidov, a former Minister of Internal Affairs convicted for appropriating state property. The Government permitted international humanitarian NGOs access to alleged political prisoners.

Faina Kunqurova and Jan Mirza-Mirzoyev continued to serve 3- and 8-year terms, respectively, after allegedly politically motivated trials in 2001.

The trial of the 15 defendants arrested in Nardaran in September 2002 took place between December 2002 and April 2003; all 15 defendants were found guilty (see Sections 1.c. and 2.b.). On April 1, the Court of Serious Crimes handed down sentences to the 15 defendants. Four were sentenced to prison, while the remaining 11 were given 2- to 3-year suspended sentences and released from custody. During the year, the four imprisoned defendants were pardoned and released. On November 14, Jabrail Alizade, the village elder arrested in Nardaran in 2002, was released from prison; he had been sentenced to 8 years in prison.

The Government completed three retrials requested by the COE for political prisoners accused of plotting against the Government in the early 1990s; two of three prisoners remained in prison or detention at year's end. After his retrial in July, the sentence of Isgender Hamidov was reduced from 14 to 11 years before he was pardoned by presidential decree in December. The courts maintained a life sentence for Alikram Humbatov and reduced from life imprisonment to 15 years in prison the sentence of former Defense Minister Rahim Gaziyeve—who was convicted and sentenced to death in 1995 for abuse of power in war conditions, large-scale embezzlement of state properties, and illegal storage and possession of weapons. Authorities rejected repeated appeals in 2002 by the defendants, foreign embassies, and international organizations to move these retrials to Baku from Gobustan prison, where observer access was difficult, but foreign and domestic observers were not otherwise hindered in attending these trials.

f. Arbitrary Interference with Privacy, Family, Home or Correspondence.—The Constitution prohibits arbitrary invasions of privacy; however, the Government restricted privacy rights in practice. The Constitution provides for secrecy of correspondence and telephone conversations, subject to limits provided by law in criminal investigations or in the prevention of a crime; however, it was believed widely that the Ministry of National Security and other security entities monitored telephones and Internet traffic, particularly those of foreigners and prominent political and business figures. The Constitution allows searches of residences only with a court order or in cases provided by law; however, authorities often conducted searches without warrants, particularly after the October election. Police continued

to intimidate and harass family members of suspects, particularly those belonging to opposition parties (see Section 3).

Some local officials continued to prevent Muslims from wearing headscarves (see Section 2.a.).

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Speech and Press.—The Constitution provides for freedom of speech and of the press and specifically outlaws press censorship; however, the Government restricted these rights in practice. The Government harassed and attacked the media, particularly in the run-up to and aftermath of the October presidential election. Nonetheless, except for state television, there was lively public debate and criticism of government policies in a variety of areas, and direct criticism of the President was common.

Most newspapers were printed in government publishing houses, and government associates owned many of the private publishing houses. There were more than 40 independent newspapers and magazines. The finances of most independent and opposition newspapers were precarious, and they had continued problems meeting their wage and tax payment obligations. Private advertisers were intimidated and harassed into removing their advertisements from some independent and opposition publications, forcing them to subsist on newsstand sales alone and adding to the financial pressures on newspapers that do not benefit from government financial support. In January, a presidential decree suspended newspaper debts owed to the state-owned printing house—reportedly a cumulative \$300,000 (1.47 billion manat)—until 2005. These unpaid debts continued to put pressure on the opposition newspapers. In November, private printing houses reported a newsprint shortage that left them unable to publish the major opposition newspapers for 3 days.

Government-run and independent kiosks distributed government, opposition, and independent publications during the year. However, independent and opposition newspapers only sporadically were available in regions outside of Baku; according to some Baku-based journalists, authorities in the exclave of Naxchivan actively prevented distribution of opposition newspapers. The editor of independent newspaper Bizim Naxchivan was harassed and temporarily forced to cease publication. A number of editors continued to report that government-run kiosks refused to carry their newspapers, or claimed to have sold all received copies while actually retaining many unsold copies in stock, leading some newspapers to depend on independent distributors. Gaya, the country's largest independent distributor, reported continued government harassment. In 2002, the company's manager complained that some of its most profitable newsstands had been torn down arbitrarily in Baku and in regional cities in an effort to run the company out of business. Gaya was unable to reopen these newsstands during the year, and authorities closed an additional two kiosks, one each in Baku and Naxchivan. Authorities confiscated the kiosk it closed in Naxchivan and took it to a military unit. By the end of the year, Gaya reported that it retained only 39 newsstands throughout the country, of the 55 that it had previously. As a result, there were no independent newsstands in Naxchivan and other parts of the country. Opposition newspapers continued to face economic pressure from the Government, which did not allow state businesses to buy advertising in opposition newspapers and pressured private businesses not to buy advertising. Unable to make a profit solely from newsstand sales, many opposition newspapers were vulnerable to printing lapses when the state printing house periodically refused to print opposition newspapers that had unpaid debts.

A large number of opposition and independent media outlets functioned during the year. Government-controlled radio and television were the main sources of information for much of the population. The Government periodically used state television to conduct campaigns of denunciation and harassment against political parties and leaders critical of the Government. Most international observers agreed that television coverage on both state and independent networks was overwhelmingly biased in favor of Ilham Aliyev and against opposition presidential candidates, although Azerbaijan State Television provided each candidate 10 minutes of free air time per week for their campaigns. Privately run television channels broadcast views of both government and opposition officials, but their programs were not available in all parts of the country. A new local television station in Ganja (Alternative TV) continued to broadcast during the year. Radio was oriented largely to entertainment, but one independent station broadcast programs on political topics. Radio Free Europe/Radio Liberty and the Voice of America operated without restriction, and there were no restrictions on reception of foreign stations via satellite.

Violence against journalists continued during the year. The Azerbaijan Committee for the Protection of Journalists (RUH) reported more than 170 incidents of physical attacks or harassment against journalists during the year. After journalists alleged

harassment in 2002 and during the year, government investigations determined that police wrongfully detained journalists and that appropriate disciplinary action was taken against the responsible members of police (see Section 1.d.).

Police used excessive force against journalists at several pre- and post-election events. On September 8, police harassed or struck journalists from seven news services in front of the Baku police station as they gathered to witness the arrival of the Deputy Chairman of the Popular Front party, whom authorities had summoned for questioning after a televised altercation during an election debate. On September 21, police physically harassed and arrested a journalist from Millat, the Azerbaijan National Independence Party (AMIP) newspaper, and struck or detained four other journalists at a meeting of AMIP and Popular Front voters in Lenkoran. On election day, police and unidentified civilians detained and harassed several journalists.

Journalists were also injured during violent demonstrations in Baku after the election, in some cases as a result of police beating them. The Azerbaijan Journalists Confederation and RUH reported that police beat 54 journalists, detained or arrested 18, and broke the equipment of 6. Rauf Arifoglu, Chief Editor of the New Musavat newspaper and Deputy Chairman of the Musavat Party, was arrested in connection to his position in the party (see Sections 1.d. and 3). At year's end, no journalists were in detention, other than Rauf Arifoglu, who was in detention in connection with his party position, not his status as a member of the press.

The Organization for Security and Cooperation in Europe's Office for Democratic Institutions and Human Rights (OSCE/ODIHR) reported that the Government restricted freedom of the media prior to the presidential election. Coverage of candidate Ilham Aliyev in his official capacity as Prime Minister dominated broadcast media, although media coverage of the election was lively. Some opposition newspapers faced lawsuits as a result of their criticism of government officials, which observers viewed as an effort by authorities to silence criticism. The Prosecutor General and Ministry of Justice issued a public statement calling for the opposition press to stop printing "libelous materials" about then President Heydar Aliyev. ODIHR reported that other restrictions of the opposition press included systematic harassment and intimidation of journalists, including physical and verbal attacks, detentions, life-threatening phone calls, and editorial interference that amounted to censorship.

According to Internews, there were no new television stations licensed during the year; at least three license requests for entertainment-oriented television stations were pending at year's end. In Tovuz one local television station was reopened after being closed for 3 years. The Law on Television and Radio failed to ensure transparency in licensing or independence from state organs, and it established content requirements for programs and advertisements. According to the law, the President appoints all members to the regulatory body, thus limiting its independence. Television and radio stations continued to require a license to operate, and the Government used this requirement in the past to prevent several independent stations from broadcasting; however, this was not a problem during the year.

Libel laws allow for fines and up to 3 years' imprisonment. According to the RUH, a total of 40 lawsuits were brought against 18 journalists or media outlets during the year, resulting in fines of approximately \$325,000 (1,592.5 million manat). Journalists and media outlets were fined an additional \$149,000 (730.1 million manat) as a result of decisions made during the year on lawsuits brought in 2002. Authorities postponed 11 of the 38 libel suits made in 2002, primarily against Yeni Musavat, while several others resulted in monetary fines and the freezing of a Yeni Musavat bank account. In 2002, 38 libel suits were brought against 16 journalists or media outlets, of which 8 were later dropped. Authorities brought 11 new lawsuits against Yeni Musavat during the year, and 3 criminal charges brought in 2002 against Yeni Musavat's editor-in-chief Rauf Arifoglu were still pending at year's end. Three libel suits were brought against Mukhalifat newspaper in during the year, of which one remained pending at year's end. In the two cases tried by year's end, the newspaper was fined \$10,000 (50 million manat), and an editor was sentenced to 5 months in prison but later pardoned.

In November 2002, Monitor magazine lost an appeal of the lower court's decision to fine the publication approximately \$7,000 (35 million manats) after two high-ranking Ministry of Defense officers brought a successful suit against it in 2002 for printing an article about poor conditions and hazing in the military. Monitor appealed to the Supreme Court, which had not reached a decision by year's end. During the year, Monitor was published and available for purchase, although no distribution companies could sell it openly, and it twice stopped publication for short periods. During the year, the chief editor of Monitor was fined approximately \$26,000 (127.4 million manat), of which \$6,000 (27.4 million manat) was forgiven.

All Internet providers in the country were required to have formal links with the Ministry of Communications. A number of Internet service providers and vendors existed, and Internet access cost less than \$1 (4,800 manats) per hour. Internet usage grew, particularly in Baku, which had numerous Internet cafes, but it was less common in other parts of the country. Many observers believed that the Government monitored Internet traffic, particularly that of foreign businesses, opposition leaders, and intellectuals (see Section 1.f.).

The Government did not restrict academic freedom. Several professors with tenure were active in opposition parties, although some faculty and students experienced political pressure. In the aftermath of the October election, a number of professors and teachers alleged that they were dismissed due to their membership in opposition political parties. In October, officials at Lenkoran State University allegedly dismissed Yadigar Sadigov for his membership in the Musavat Party, although they reinstated him in November after pressure from international observers. According to Physicians for Human Rights, Ilqar Altay, a forensic specialist who investigated the June 2002 confrontation between police and residents in Nardaran, was dismissed from his job in October 2002 at Azerbaijan International University for "activities against the state." During the year, police threatened, intimidated, and detained for short periods Elnur Sadikhov, a correspondent of the Popular Front's Azadliq newspaper in Ganja, and Ganja State University suspended his enrollment.

b. Freedom of Peaceful Assembly and Association.—The Constitution provides for freedom of assembly; however, the Government restricted this right on occasion. Laws permit citizens to assemble, associate with others, and organize demonstrations, processions, and pickets (demonstrations with less than 50 participants), "provided that they notify respective governmental bodies in advance." A permit was required in advance from local government authorities (such as the mayor's office in Baku or the local executive authority in other cities) to stage a demonstration or picket. However, while both sanctioned and unsanctioned protests took place throughout the year, the Government denied permission for some assemblies and, in some cases, forcibly disrupted unsanctioned protests.

Several large-scale demonstrations and political meetings took place in Baku and other cities during the year, including leading up to, during, and after the October election. At these rallies, demonstrators numbering up to an estimated 25,000 gathered to support opposition presidential candidates, demand free and fair elections, and call for action in Nagorno-Karabakh. The majority of these rallies proceeded peacefully; however, police and MIA officers harassed, beat, and detained several opposition party members, demonstrators and journalists, causing injuries, and arrested several persons, whom they often beat in detention (see Sections 1.c., 1.d., and 2.a.).

In November, the nongovernmental National Press Council created a joint monitoring group together with representatives from the MIA to examine relations between the police and journalists during mass actions. The monitoring group was working on the development of an identification card and special clothes for journalists to distinguish them from demonstrators.

At a joint Popular Front and AMIP rally in Lenkoran on September 21, local authorities blocked roads and set up police lines to prevent the opposition candidates and their supporters from gathering at an approved location. Police then beat opposition supporters with sticks, injuring many, and detained at least 20. On October 15, Musavat Party supporters gathered outside the party's headquarters to protest the presidential election results, and security forces harassed and beat many protesters.

On October 16, a large crowd gathered for an unsanctioned demonstration in downtown Baku that turned violent. Protestors marched from Musavat headquarters to Azadliq Square and along the way beat dozens of security officers, destroyed security forces' vehicles, and damaged government buildings. As several thousand security forces surrounded the square, a group of protestors attacked the security forces, who stormed the demonstrators with tear gas and truncheons, while unknown demonstrators drove a stolen military truck into police lines. Security forces responded with excessive force, beating many demonstrators, sometimes to the point of unconsciousness and even after they were trying to leave the area or were detained, killing one and reportedly injuring at least 300 persons.

On February 5, a special task force of the MIA entered the Baku area village of Nardaran and assaulted a tent on the main square where approximately 60 villagers were holding a vigil to protest the continued imprisonment of 15 Nardaran residents since a June 2002 demonstration. Human rights organizations reported that the task force fired guns in the air, used gas and smoke grenades, and beat villagers in the tent, causing injuries such as severe head trauma and broken ribs in several persons. The task force arrested and later released eight persons. During

the year, authorities released all of the 15 prisoners arrested in June 2002, after the Chairman of the Caucasus Muslim Board, Sheikh Allahshakur Pashazade, worked as an intermediary to resolve the dispute (see Sections 1.c. and 1.e.).

Authorities occasionally prevented political parties critical of the Government from conducting indoor meetings as well as outdoor gatherings. Local authorities in the regions frequently prevented opposition parties from holding rallies in central locations, occasionally using roadblocks or police lines to discourage local opposition supporters from attending. Authorities cited security considerations in banning larger demonstrations by opposition parties in central Baku during the year, although authorities increasingly granted permits to hold demonstrations outside the city center in the run-up to the presidential election. Pro-government provocateurs sometimes disrupted opposition rallies.

The Constitution provides for freedom of association; however, the Government continued to restrict this right. A number of provisions enabled the Government to regulate the activities of political parties, religious groups, businesses, and NGOs, including a requirement that all organizations register to function normally. Registration was necessary for an organization to rent property, open a bank account, and generally act as a legal entity. Vague, cumbersome, and nontransparent registration regulations resulted in long delays and inaction that, in effect, limited citizens' right to association. There were more than 40 registered political parties (see Section 3.).

c. Freedom of Religion.—The Constitution provides for freedom of religion; however, there were some abuses and restrictions. The Law on Religion expressly prohibits the Government from interfering in the religious activities of any individual or group; however, there are exceptions, including cases where the activity of a religious group “threatens public order and stability.” Some officials at times discriminated against members of minority religions, although there were improvements.

Police reportedly arrested and beat some Muslim worshippers in the northern city of Khachmaz on suspicion of links to terrorism and beat other Muslim worshippers, who denied any wrongdoing and complained to authorities. Police also called in some family members of the accused for questioning.

A number of legal provisions enable the Government to regulate religious groups, including a requirement in the Law on Religion that religious organizations be registered by the State Committee for Work with Religious Associations (SCWRA). Government authorities gave SCWRA and its chairman, Rafiq Aliyev, sweeping powers for registration; control over the publication, import, and distribution of religious literature; and the ability to suspend the activities of religious groups violating the law. Registration enables a religious organization to maintain a bank account, rent property, and generally act as a legal entity. Lack of registration exposed groups to charges that they were illegal and made it more difficult, but not impossible, for a religious group to function. The process was burdensome, and there were frequent, lengthy delays in obtaining registration. Religious groups may appeal registration denials to the courts. The Government registered 73 groups during the year. The SCWRA registered the Baku International Fellowship Church in April after a multi-year battle and an Adventist church in Naxchivan after the MOJ revoked its earlier registration.

By year's end, several religious groups continued to report that they had not been registered; however, this did not prevent them from functioning. Other churches, including Greater Grace Baptist Church, the Baptist community in Neftchala, and Protestant churches in Sumgayit, remained unregistered after months of applying. Unregistered groups were more vulnerable to attacks and closures by local authorities.

On December 1, police detained Ilgar Ibrahimoglu, a human rights activist with DEVAMM, head of the Baku Chapter of the International Religious Liberty Association, and Imam at the independent Juma Mosque in connection with the election disturbances on October 15 and 16. Ibrahimoglu says that police also questioned him about his activities at the mosque and his advocacy on behalf of Baptists and other Christians. He was charged with organizing violence and resisting or using violence against representatives of the authorities and remained in prison at year's end. On December 16, authorities gave the Juma Mosque congregation 15 days to vacate the premises, based on allegations of the Imam's political activities, and declared that the mosque would be either returned to the Soviet-era status of a carpet museum or given to the official Muftiate. Although the mosque belongs to the city of Baku and the congregation pays no rent for its use, the mosque was renovated at its members' expense and registered in the early 1990s; however, it has experienced problems reregistering.

Authorities continued to require members of the Jehovah's Witnesses to serve in the military, although this contradicted their religious beliefs. Parliament began

consideration of a draft Law on Alternative Military Service to correct this problem. Members also reported that authorities interfered with their ability to rent public halls for religious assemblies.

Some officials at times discriminated against members of minority religions and harassed nontraditional religious groups. In many instances, abuses by officials reflected the popular prejudice against conversion to Christianity and other nontraditional religions (see Section 5).

In October 2002, the Supreme Court supported the 2001 SCWRA decision to liquidate the ethnic Azeri "Love" Baptist Church, which followed accusations that Pastor Sari Mirzoyev insulted Muslim fasting traditions in a sermon during the holy month of Ramadan. The Church continued to hold services despite the revocation of its registration.

There was official concern regarding "foreign" (mostly Iranian and "Wahhabist") Muslim missionary activity. In May, authorities sentenced several members of the religious extremist group Hizb-ut-Tahrir to 6 to 7 years' imprisonment for allegedly planning terrorist attacks against targets that included a foreign embassy. There were reports that the Government closed down Muslim groups and organizations with alleged ties to terrorists. In December, the military Court for Grave Crimes ordered the Abu-Bekr Mosque closed for its involvement in illegal activities, after 13 persons who reportedly attended the mosque were convicted of training to fight for Chechens in Chechnya. In April and September, the Court for Grave Crimes sentenced six Muslim clerics in Ganja to between 3 and 7½ years' imprisonment for allegedly preparing a forcible seizure of power. In November 2002, security forces detained Imam Kazim Aliyev of Juma Mosque in Ganja on charges of preparing a coup d'etat. According to Forum 18, the Chairman of the SCWRA closed 22 of the country's 26 Islamic schools in 2002.

The law prohibits foreigners from proselytizing, and the Government enforced this provision. Authorities deported several Iranian and other foreign clerics operating independently of the organized Muslim community for alleged violations of the law.

Although there were no legal restrictions on large religious gatherings, local authorities discouraged them. Both the Jehovah's Witnesses and the Pentecostal "Cathedral of Praise" reported that authorities interfered with their ability to rent public halls for religious assemblies.

Some local officials continued to prevent Muslim women from wearing headscarves; and the International Religious Liberty Association reported that women were still prohibited from wearing them in identification and passport photos, which complicated voter registration.

The Government at times restricted or delayed importation of religious materials. In March, a bookstore that had previously been denied permission to import 400 religious books received permission to import the books with the assistance of a local church, as well as on two other occasions during the year.

During the year, several newspapers and television broadcasts depicted nontraditional religious groups as a threat to the identity of the nation. Some of these attacks extended to humanitarian organizations operating in the country that were linked to foreign religious organizations.

Hostility also existed toward foreign (mostly Iranian and "Wahhabist") Muslim missionary activity, which partly was viewed as seeking to spread political Islam and thus a threat to stability and peace. Pro-government media targeted some Muslim communities that the Government claimed were involved in illegal activities.

Ethnic Azerbaijanis have fled areas of the country controlled by ethnic Armenians, and mosques in this area not already destroyed did not function. Animosity toward the Armenian population elsewhere in the country forced most Armenians to depart, and all Armenian churches, many of which were damaged in ethnic riots that took place more than a decade ago, remained closed. As a consequence, the estimated 10,000 to 30,000 Armenians who remained in the country were unable to attend their traditional places of worship.

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

d. Freedom of Movement within the Country, Foreign Travel, Emigration, and Repatriation.—The Constitution provides for these rights; however, at times, the Government limited freedom of movement. The internal residence regime from the Soviet system ("propiska") still was imposed on IDPs—i.e., those forced from their homes following the Armenian occupation of western areas of the country—who were required to register with the authorities and could reside only in approved locations. The Government required IDPs to have a "propiska" registering their temporary residence in order to find them to provide the assistance and subsidies to which the IDPs are entitled. A passport was required for travel abroad. There were no exit visa requirements.

Residents of border areas in both Azerbaijan and Iran traveled across the border without visas. Law required draft-age men to obtain documents from military officials before they could travel abroad, and some restrictions were placed on military personnel with access to national security information. Citizens with pending criminal charges could also not travel abroad.

The number of refugees and IDPs from the Nagorno-Karabakh conflict was approximately 800,000; more than 200,000 of these were refugees, and, according to the State Statistics Committee, 572,000 were IDPs. There were credible reports that Armenians, including ethnic Armenian immigrants from the Middle East and elsewhere, had settled in parts of Nagorno-Karabakh and possibly other Azerbaijani territories occupied by Armenian forces. Approximately 20,700 Armenians, almost exclusively persons of mixed descent or mixed marriages, remained in the country (in addition to Armenians residing in occupied territories). While official government policy allowed ethnic Armenians to travel, low-level officials seeking bribes have harassed citizens of Armenian ethnicity who sought to obtain passports. According to the International Organization for Migration (IOM), more than 20 Armenians of mixed descent reported to an Azeri NGO problems with officials in the passport and registration department when seeking identification cards; applicants who applied with Azeri surnames encountered no problems aside from regular bribe-taking. The Armenian Government continued to prevent the hundreds of thousands of Azerbaijanis who were forced out of their homes in occupied territories from returning; the Armenian government did permit the return of some ethnic Armenians.

The Government's care for refugees and IDPs, which continued to decline, depended on international assistance. During the year, the Government budgeted for the transfer of \$27.9 million (136.7 billion manats) from the country's oil fund to the IDP and Refugees Committee to improve the social and economic conditions of IDPs and refugees. Of that, the Government transferred and spent \$16.8 million (82.3 billion manats) during the year for housing, social infrastructure development, and financial grants to IDPs and refugees. At year's end, \$11 million (54 million manats) remained budgeted to be transferred from the Oil Fund to the IDP and Refugees Committee. According to IOM, approximately 60,000 IDPs continued to live in camps, 60,000 in underground dugout shelters, and 20,000 in railway cars at below-subsistence levels, without adequate food, housing, education, sanitation, or medical care; the Government made efforts to move IDPs from railway cars and camps into special settlements. At the same time, 40,000 IDPs lived in settlements provided by the European Union, 40,000 lived in houses provided by the U.N. High Commissioner for Refugees (UNHCR), and the rest were scattered among unfinished buildings, hostels, public health facilities, or at relatives' homes.

The law provides for the granting of asylum and refugee status to persons who meet the definition in the 1951 U.N. Convention relating to the Status of Refugees and its 1962 Protocol. In practice, the Government provided some protection against refoulement, but did not grant refugee status or asylum during the year. The Government cooperated with the UNHCR and other humanitarian organizations in assisting refugees. Such organizations reported full and unrestricted access to the refugee population. During the year, the State Committee on Refugees and IDPs received training from UNHCR and reviewed 48 applications for refugee status—all from Afghan nationals who have lived in Azerbaijan for many years—of which 10 were rejected and 38 were pending at year's end.

Approximately 8,000 Chechens who fled from Russia resided in the country. By year's end, the UNHCR had registered 8,975 asylum seekers/refugees, 84 percent of whom were from Chechnya. Approximately 1,100 Afghans who fled their country have registered with UNHCR and have lived in the country for many years. A small number of new Afghans, Iranians, Iraqis, and refugees of other nationalities also registered during the year.

The Laws on Place of Residence and Registration and the Legal Status of Refugees and IDPs did not apply to Chechens; the Government did not consider Chechens to be legal residents and required them to register with the police. Chechens may receive 3-month visas, but not residence permits. While arbitrary harassment, detention, and arrests of undocumented Chechens continued to be a problem, UNHCR personnel noted fewer cases during the year. A new governmental decree allowed Chechen children to attend public schools as of September 1, and more than 500 children out of an estimated population of 3,000 were attending public schools. Children also attended unofficial classes organized by the Chechen community. Some improvements were made regarding access to medical services by Chechen refugees. Chechens accused of criminal offenses were extradited to Russia; Chechens not registered with UNHCR were not provided with letters of concern.

According to the IOM, the Government continued to deport illegal Iranian immigrants during the year.

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

The Constitution and the law allow citizens to change their government by peaceful means; however, the Government continued to restrict citizens' ability to do so by interfering in local and national elections. The country is a republic with a strong presidency, and the Constitution provides for an independent legislature. However, in practice, Parliament's independence was minimal, and it exercised little legislative initiative independent of the executive.

The October 15 presidential election failed to meet international standards due to a number of serious irregularities. These included the lack of a level playing field in the pre-election campaign—including a flawed candidate registration process, unequal access to state media, and harassment of the opposition; police violence in the pre- and post-election periods; and partisan election commissions. While individual domestic observers were allowed, NGOs receiving foreign assistance were barred from observing, in contrast to the 1998 presidential election, and some observers reported harassment and impediments to observing the process. The Government did not accept all of the recommendations made by the COE's Venice Commission regarding composition of the Central Election Commission (CEC). On election day, observers witnessed serious irregularities, including the disenfranchisement of voters through inaccurate voter lists, intimidation of voters and election commission members, ballot box stuffing, and serious irregularities in vote counting and tabulation. In the days prior to the announcement of preliminary results, the CEC denied OSCE/ODIHR observers access to its documents and activities, resulting in a lack of transparency during the final stage of vote tabulation.

There were some improvements in the October election, including the new Unified Election Code (UEC), a multiparty choice for voters, and technical improvements that made fraud difficult to hide. The CEC cancelled election results in 694 polling stations due to reports of irregularities; however, it did not do so in many other precincts where serious violations occurred. In a positive development, the Government posted election results on the Internet; however, the observed irregularities and insufficient transparency in vote counting and tabulation led to serious doubts about the accuracy of the 77 percent of the vote officially recorded for Ilham Aliyev. The Government granted 30 long-term OSCE/ODIHR election observers from 18 OSCE member states access to political rallies, polling stations, and most of the proceedings related to the October presidential elections. Approximately 700 short-term observers under the OSCE umbrella also observed voting and vote counting during the October 15 election.

Fraud and ballot box stuffing also marred parliamentary by-elections held in March in Ismayili, Qaradag, and Khanlar-Dashkesan, although international observers noted improvement from previous elections.

Voter list irregularities, multiple voting, and observer intimidation marred the April 2002 by-elections in Baku, Ganja, and Ali Baramli.

Serious voting irregularities marred the August 2002 referendum on then President Heydar Aliyev's proposed amendments to the 1995 Constitution. International observers saw widespread irregularities, including voter list fraud, multiple voting, voter intimidation, ballot box stuffing, and restriction of domestic nonpartisan observers. The Government's claims of 95 to 96 percent approval of each of the eight clusters of constitutional amendments and 83.6 percent voter turnout were highly questionable.

Two amendments that passed in the 2002 referendum continued to be the subject of controversy. One of the amendments eliminated the proportional representation system required for 25 of the 125 seats in Parliament. Another controversial amendment replaced the Chairman of the Parliament with the Prime Minister in the line of succession to the presidency, which made it easier for the President to pass on power to his preferred successor. On August 4, then President Heydar Aliyev named his son, Ilham, Prime Minister. In this office, Ilham Aliyev unofficially assumed the responsibilities of president due to his father's ill health and was therefore acting as president during the October elections, which he won. Officially, he was on a leave of absence for much of the campaign period due to a legal requirement that presidential candidates other than incumbents take a leave of absence during the campaign.

The November 2000 parliamentary election showed some improvement over the 1998 presidential and 1999 municipal elections, according to OSCE/ODIHR; however, they did not meet international standards due to numerous serious irregularities. Only after international pressure did authorities allow all major parties, including some disqualified as a result of alleged falsifications in voter petitions, to run candidates for office. Some opposition candidates were harassed, and some were beaten or detained. The law prohibited domestic NGOs that received foreign funding

from monitoring the election. Individual parties and some NGOs were able to post their own monitors at the polls, but intimidation, harassment, and even arrests of the observers took place.

During the year, authorities harassed and evicted opposition political parties from their headquarters. HRW documented more than 100 cases of job dismissals of opposition members or their relatives throughout the country. Many of those dismissed reported that their employers had warned them before the election and explicitly told them the reason for their dismissal was their opposition activity or that of their relatives. There were also credible reports of dismissals of some election commission members who refused to sign falsified vote tallies.

At least 20 of the 42 registered political parties were considered opposition parties (see Section 2.b.). Unregistered political parties continued to function openly; however, authorities occasionally prevented political parties critical of the Government from conducting indoor meetings as well as outdoor gatherings (see Section 2.b.). Members of unregistered political parties may 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; however, anti-government opposition members occupied only 5 of the Parliament's 125 seats.

In May, Parliament passed and the President signed into law the UEC, which was scheduled to take effect until the parliamentary election of 2005. The code combines four existing laws governing the conduct of elections and referenda in the country and was drafted partially in consultation with the international community, including the International Foundation for Election Systems, the COE, and OSCE/ODHIR. The law permitted the creation of election commissions structured in favor of the ruling party and did not change provisions in separate legislation on NGOs prohibiting domestic NGOs that receive foreign funding from observing elections.

There were no legal restrictions on women's participation in politics; however, traditional social norms limited women's roles in politics, and they were underrepresented in elective offices. The practice of "family voting," where men cast the votes of their wives and other female members of their families, persisted. There were 12 women in the 125-seat Parliament and several women in senior government positions, including Deputy Chairman of Parliament, Chairman of the Supreme Court, and Deputy Chairman of the CEC; Lala Shovket, the founder of the Liberal Party, placed third in the October presidential election.

There were no restrictions on the participation of minorities in politics. Several Lezghins, Talysh, and Avars continued to serve in Parliament and Government.

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

A wide variety of domestic and international human rights groups generally operated without government restriction, investigating and publishing their findings on human rights cases. Some NGOs wholly independent of the Government were objective and effective conduits of information to local officials, the diplomatic community, and such international institutions as the Council of Europe. The Government maintained ties to some of the human rights NGOs and responded to inquiries. However, the Government occasionally criticized and intimidated some human rights NGOs and activists, and the MOJ routinely denied or failed to register many groups, including human rights NGOs (see Section 2.b.).

On September 20, Baku police and legal officials confiscated office documents without a warrant from the Director of the Committee for the Prevention of Torture, Elchin Behbudov, and his wife. Police later called him to say that the incident was a mistake.

Several NGOs reported that the Government and police officers refused to provide protection from, and sometimes incited, "provocateurs" who harassed, attacked, and vandalized NGO activists and property. On February 24, Ilham Aliyev, then a Member of Parliament, publicly insulted Leyla Yunus as "pro-Armenian" for her work on Nagorno-Karabakh and called for "an end to the accomplices of our enemy." In February and March, government-run television stations aired open calls by private citizens and some local NGOs for violent action against the Chairman of the Human Rights Center of Azerbaijan (HRCA), Eldar Zeynalov, and the Director of the Institute of Peace and Democracy, Leila Yunus, for their work on Nagorno-Karabakh. In late April, police did not intervene on several occasions when approximately 30 picketers threw eggs and broke windows at the HRCA. In September, the Committee for the Protection of Women's Rights reported that government security officials at the Nakchivan airport were unwilling to assist a group of human rights activists whom a crowd of women struck several times, throwing eggs and tomatoes; the activists were visiting Nakchivan to conduct pre-election training sessions and attend the launch of an independent newspaper.

A law on NGOs makes registration a cumbersome process and was vague on the procedures for liquidation. During the year, new amendments to several laws on NGOs and grants further complicated requirements for registering grants and made them subject to a cumulative social security tax of 29 percent on employees' salaries. Grants from a few countries that had bilateral agreements were subject to only 2 percent tax on employees' salaries. NGOs continued to be exempt from the value added tax under the Tax Code.

In September, the MOJ revoked the registration of Islam-Ittihad, a Muslim NGO focused on alcoholism, narcotic abuse, orphans, and children with thalassemia, on charges of religious propaganda and aiming to establish a religious regime in the country. The directors of Islam-Ittihad, Azer Ramizoglu and Ilgar Ibrahimoglu, who were also active on religious freedom issues, appealed the decision and subsequently faced harassment by the MIA in October. On December 1, authorities arrested Ilgar Ibrahimoglu (see Section 1.d.).

The Government accused some human rights activists of working in the interests of foreign governments. The Government has alleged that some domestic activists provided inaccurate lists of political prisoners to visiting foreign government officials. Physicians for Human Rights reported that harassment and intimidation of Ilqar Altay, an NGO commission's forensic specialist, ceased during the year.

The local diplomatic community, the ICRC, and delegations from the COE enjoyed access to prisons and conducted meetings with inmates throughout the year (see Section 1.c.). During the year, the Government received more positively Andreas Gross, one of the Rapporteurs for Azerbaijan at the COE who visited the country to monitor pre-election conditions and met with Prime Minister and presidential candidate Ilham Aliyev, who had called Gross "pro-Armenian" in 2002. The Government allowed OSCE/ODIHR and other international observers to monitor the October election, but prevented domestic NGOs that receive foreign assistance from monitoring the election (see Section 3).

In October 2002, Parliament approved the first Ombudsman. Citizens of the country may appeal to the Ombudswoman for violations of their human rights committed by state bodies or individuals. The Ombudswoman may refuse to handle a case if it happened more than a year before it was submitted to the office. The Ombudswoman also does not handle anonymous complaints and may not become involved in complaints that are being addressed by the judiciary branch. The Ombudswoman traveled to many of the regions in the country to hear complaints and cooperated with the human rights activities of foreign embassies. The Ombudswoman presented her annual report on her activities to parliament at the end of December but did not make the report publicly available.

Both Parliament and the MOJ had human rights offices that heard complaints from citizens and followed up with investigations and recommendations to the relevant government bodies. The Ministry of Foreign Affairs has a human rights office under the direction of a Deputy Foreign Minister and conducted regular meetings with the diplomatic community.

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

The Constitution provides for equal rights without respect to gender, race, nationality or national origin, language, social status, or membership in political parties, trade unions, or other public organizations; however, in the wake of the Nagorno-Karabakh conflict, there was widespread anti-Armenian sentiment in society.

Women.—Violence against women, including domestic violence, continued to be a problem. In rural areas, women had no real recourse against assaults by their husbands or others; no laws exist regarding spousal abuse or spousal rape. The Criminal Code prohibits rape, which is punishable by up to 15 years in prison. According to the State Statistics Committee, there were 46 rapes and attempted rapes reported during the year. According to an NGO, most rape victims knew their assailants, but did not report incidents due to the associated stigma.

There were no government-sponsored or funded programs for victims of domestic violence or rape. A women's crisis center in Baku, opened by the Institute for Peace and Democracy, provided free medical, psychological, or legal assistance to more than 2,500 women. During the year, the Institute also produced, with Internews, a six-segment television series regarding women's rights.

Prostitution was a serious problem, particularly in Baku. The legal age of consent was 16. Prostitution is not a crime under the Criminal Code; however, pimps and brothel-owners may be convicted for up to 6 years in prison.

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

Women nominally enjoy the same legal rights as men; however, societal discrimination was a problem, and traditional social norms and poor economic conditions continued to restrict women's roles in the economy. Representation of women was

significantly lower in the higher levels of the work force, and there were few women in leading business positions. The Labor Code prohibits pregnant women and women with children under the age of three from working at night; pregnant women and women with children under 18 months of age from working more than 36 hours per week; and all women from working in tunnels, mines, or underground.

There were approximately 50 registered NGOs that addressed women's issues. The Society for the Defense of Women's Rights, one of the most active women's NGOs in the country, provided speech and communication training for women from all political parties and urged party leadership to appoint women in high-ranking positions.

Children.—The Constitution and laws commit the Government to protect the rights of children to education and health care; however, difficult economic circumstances limited the Government's ability to carry out these commitments. Public education was compulsory, free, and universal until the age of 17. According to the Ministry of Education, 100 percent of school-age children attended school during the year; however, according to UNICEF, 91 percent of children attended school. The Government provided minimum standards of health care for children, although the quality of medical care overall was very low.

The Criminal Code mandates severe penalties for crimes against children; although there were reports of abuse of children, children generally were treated with respect regardless of gender. An NGO reported that three children were used in the making of a pornographic film during the year.

Prostitution was a serious problem, particularly in Baku. The legal age of consent was 16. During the year, there were 18 reports of women under age 18 involved in sexual activity that may or may not have been prostitution. The Ministry of Foreign Affairs referred three court cases of "coercion of minors into prostitution or immoral activities" during the year. A clinic that assists women reported that there were 11 patients under the age of 18 who sought assistance for sexually transmitted diseases.

Trafficking of children continued to be a problem (see Section 6.f.).

A large number of refugee and IDP children lived in substandard conditions in refugee camps and public buildings (see Section 2.d.). In some cases, children were unable to attend school; in impoverished rural areas, large families sometimes prioritized their sons' education so that their daughters could work at home. Poverty at times compelled families to force their children to beg on the streets (see Section 6.d.).

A coalition of more than 20 local NGOs are working with the Government to protect children's rights by implementing a National Plan of Action for Children.

Persons with Disabilities.—The law gives priority to persons with disabilities in obtaining housing, as well as discounts for public transport and pension supplements; however, the Government did not have the means to fulfill these commitments. There are no special provisions in the law mandating accessibility to public or other buildings for persons with disabilities, and such access was not a government priority.

National/Racial/Ethnic Minorities.—Many indigenous ethnic groups live in the country. The Constitution provides for the right to maintain one's nationality and to speak, be educated, and carry out creative activity in one's mother tongue or any language, as desired. However, some groups have complained that authorities restricted their ability to teach or print materials in indigenous languages. Separatist activities undertaken by Farsi-speaking Talysh in the south and Caucasian Lezghins in the north in the early 1990s engendered some suspicions in other citizens and fostered occasional discrimination. Meskhetian Turks displaced from Central Asia, as well as Kurdish displaced persons from the Armenian-occupied Lachin region, also complained of discrimination. A senior government official was responsible for minority policy. Some members of other ethnic groups also complained credibly about discrimination; preventing this discrimination was not a government priority.

Some Armenians and persons of mixed Armenian-Azerbaijani descent complained about being unable to register their residences, find work, and get access to medical care and education due to their ethnicity. The approximately 30,000 citizens of Armenian descent complained of discrimination in employment, schooling, housing, and other areas. They also complained of workplace discrimination and harassment and of the refusal of local authorities to pay pensions. Most shielded their identity or tried to leave the country. Some changed their nationality, as reported in their passports. Authorities revoked some Armenian widows' permits to live in Baku. In September, the Government denied entry visas to three foreign citizens of Armenian ancestry on the grounds that the Government could not guarantee their safety in

Baku. Some persons of mixed Armenian-Azerbaijani descent continued to occupy government positions. Public figures whose parents reportedly were of mixed-Armenian and Azerbaijani marriages, or had such marriages, were attacked publicly by colleagues in the press.

In the area of the country controlled by ethnic Armenian forces, the Armenians forced approximately 600,000 ethnic Azerbaijanis to flee their homes (see Section 2.d.). The regime that controlled these areas effectively banned them from all spheres of civil, political, and economic life.

Section 6. Worker Rights

a. The Right of Association.—The Constitution and laws provide for freedom of association, including the right to form labor unions; however, there were some limits on this right in practice. Police, customs, and military personnel are prohibited from forming unions. The law also prohibits managerial staff from being members of a trade union; however, in practice, managers in state industries often had union dues automatically deducted from their paychecks. The law prohibits unions from engaging in political activity, but government-aligned unions were politically active. Individual members of trade unions were not restricted from political activity. The law allows trade unions to participate in drafting legislation regarding labor, social, and economic matters, but most trade unions did not participate in this.

The overwhelming majority of labor unions still operated as they did under the Soviet system and remained tightly linked to the Government; one exception were independent journalists' unions. Most major industries were state-owned, although the Government opened several industries to privatization. The Azerbaijan Trade Union Confederation (ATUC) had approximately 1.5 million members, including 26 Labor Federations in various industrial sectors, 30 percent of whose members were active. The ATUC was registered independently, but some workers considered it a "yellow trade union" because of its close alignment with the Government. The Union of Oil and Gas Industry Workers continued to operate without a vote by rank and file workers, and membership remained mandatory for the State Oil Company's (SOCAR) 60,000 workers, whose union dues (1 percent of each worker's salary) were automatically deducted from their paychecks. An independent group of oil workers, the Oil Workers Rights Defense Committee (ORDC), operated outside of established trade union structures and promoted the interests of workers in the petroleum sector; the ORDC had 5,000 anonymous members but sought to defend the rights of all oil workers and did not charge dues.

According to the International Confederation of Trade Unions' (ICFTU's) Annual Survey of Violations of Trade Unions Rights, one of the most serious problems facing unions in the country was that union dues rarely were transferred to them. As a consequence, the unions did not have the resources to carry out their activities effectively. According to a local NGO, various government entities seized ATUC property—financed through union funds—for government use.

The Law on Trade Unions and the Labor Code prohibit antiunion discrimination and requires employers to reinstate workers who are fired because of election to a trade union body. There were no reports of government antiunion discrimination, but there were unofficial reports of antiunion discrimination by foreign companies operating in Baku. Foreign oil companies did not allow union membership, and there was no effective recourse for oil workers. The Labor Code requires that individual labor disputes be handled in a court of law; under the law, employers and trade unions can also, through collective agreement, establish independent bodies (reconciliation commissions, arbitrators, or mediators) to consider collective labor disputes before taking them to court. Labor disputes were primarily handled by local courts, which were widely considered corrupt. The ATUC and representatives of local unions sometimes helped plaintiffs with lawyers and legal advice. The ORDC pressured oil companies through alternate means to respect labor rights and rehire dismissed workers, for example through media pressure.

Unions were free to form federations and to affiliate with international bodies. The ATUC was a member of the ICFTU, and the Government, ATUC, and the non-governmental Employers' Confederation represented the country in the International Labor Organization (ILO). The Government also cooperated with the Russian Federation of Independent Trade Unions. During the year, the EKO-IS Trade Union joined the Commonwealth of Independent States Forestry Workers Trade Union Federation and the Forestry and Construction Workers Trade Union Federation in Switzerland.

b. The Right to Organize and Bargain Collectively.—The Law on Trade Unions provides for trade unions to conduct their activities without interference and independent of state bodies, institutions, political parties and public associations; however, in practice, most trade unions were not independent. According to a local

NGO, during the year the Ministry of Labor and Social Welfare took over the ATUC's legal and technical inspection responsibilities. The NGO also reported that the ATUC voted as a block for the ruling party in the 2002 parliamentary elections and the year's presidential election, and the ATUC chairman is a deputy in parliament. According to the ORDC, the Azerbaijan Union of Oil and Gas Industry Workers required its members to join the ruling New Azerbaijan Party.

Laws provide for collective bargaining agreements to set wages in state enterprises, but they did not produce an effective system of collective bargaining between unions and enterprise management. Government-appointed boards ran the major state-owned firms and set wages in accordance with the Unified Tariff Schedule. Unions did not effectively participate in determining wage levels.

The Constitution and the Law on Trade Unions provide for the right to strike; however, according to the ICFTU and the ILO, the Criminal Code restricted that right by imposing penalties of up to 3 years' imprisonment on striking workers who aimed to disrupt public transportation. The Labor Code prohibits retribution, such as dismissal or replacement, against strikers. Some classes of workers—including high-ranking executive and legislative officials, law enforcement and court employees, and health, electric power, water supply, telephone, fire fighting, and railway and air traffic control workers—are prohibited from striking. During the year, there were two large peaceful strikes to demand payment of unpaid wages.

There are no export processing zones.

c. Prohibition of Forced or Bonded Labor.—The Constitution allows forced or bonded labor only under states of emergency or martial law or as the result of a court decision affecting a condemned person; a law permits compulsory work in connection with the military or extreme situations based on legislative authorization and under governmental supervision. Although there were no reports of slavery or prison labor imposed by administrative or legislative authority, there were reports of forced or bonded labor, including trafficking of persons (see Sections 6.d and 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) were responsible for enforcing the prohibition on forced or bonded labor.

HRW reported in 2002 that officers in some military units secretly used conscripts as unpaid laborers on construction projects. According to a local NGO, this situation worsened during the year; private companies bribed detachment commanders to force their soldiers to work on the construction of government buildings and homes of governmental officials.

d. Status of Child Labor Practices and Minimum Age for Employment.—Under the Labor Code, children at the age of 15 may be party to an employment contract. With the consent of their parents, children at the age of 14 can work in family businesses or after-school jobs that pose no hazard to their health; 14-year-olds may not perform heavy or dangerous work or work at night. Children under the age of 16 may not work more than 24 hours per week; children between 16 and 18 years of age may not work more than 36 hours per week. The law prohibits employment of persons younger than 18 years old in jobs with difficult and hazardous work conditions. The Ministry of Labor and Social Security had primary enforcement responsibility for child labor laws. With high adult unemployment, there were few, if any, complaints of abuses of child labor laws. The ILO requested during the year that the Government more specifically limit access to employment of children under the age of 16 in compliance with the 1973 Convention on Minimum Age.

At year's end, the Government had not ratified the ILO Convention 182 on the worst forms of child labor.

There were reports that some parents forced their children to beg.

e. Acceptable Conditions of Work.—According to a new presidential decree, as of September 1, the minimum wage of \$5.60 (27,500 manats) was raised to \$9.20 (45,000 manats) per month and would be raised again to \$12.25 (60,000 manats) on January 1, 2004. The minimum wage for calculating pensions was \$17.35 (85,000 manats) per month. Several presidential decrees during the year raised the minimum wage of most government employees between 50 and 100 percent. The minimum wage was 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 \$96 (470,400 manats) per person. Most workers earned more than the minimum wage, and the average actual salary was \$73.50 (360,000 manats). Many relied on the safety net of the extended family or on remittances from relatives working in Russia. Combinations of these and other strategies were the only way for broad sectors of the urban population to reach a subsistence income level.

The Labor Code limits the legal workweek to 40 hours, and the maximum daily work shift is 12 hours. The Labor Code prohibits laborers in physically, chemically, or biologically hazardous industries from working more than 36 hours per week. The Labor Code requires lunch and break periods, which were determined by labor contracts and collective agreements. The Government attempted to enforce this law in the formal sector, but not in the informal sector, where the majority of persons worked.

Health and safety standards existed but were widely ignored; the Government weakly and ineffectively inspected working conditions on a regular basis. The Law on Trade Unions provided for unions to monitor compliance with labor and trade regulations, including safety and health conditions and workers' standard of living; according to the ATUC, from 1997 to 2002, it inspected 2,000 enterprises and organizations and found 14,000 legal and technical violations. The outcome of these inspections was virtually invisible to most workers. No official complaints were registered during the year. Workers could not leave dangerous work conditions without fear of losing their jobs. According to the ORDC, two SOCAR workers at Gum Adasi ("Sand Island") were lost at sea on March 25, after falling from separate platforms in the absence of rescue equipment; the ORDC reported that eight oil workers died under similar circumstance in 2002.

The law provides foreign workers the same rights as citizens. During the year, the Government drafted a migration management policy, which included programs regarding forced migration and labor resources.

f. Trafficking in Persons.—There are no laws that specifically prohibit trafficking in persons, although traffickers may be prosecuted under articles prohibiting forced prostitution, forced labor, and forgery of travel documents; trafficking in persons remained a problem. There were unconfirmed reports that corruption by officials facilitated trafficking.

Under the Criminal Code, the act of forcing an individual into prostitution carries a 10- to 15-year jail term, which is a harsher sentence than in the previous code. The Criminal Code provides penalties for persons who enslave, rape, or coerce children into prostitution. The Criminal Code is not limited to citizens, but it has no extra-territorial effect. The October presidential election slowed the response of the presidential administration to begin modifying the Criminal Code to include anti-trafficking legislation in compliance with the Protocol.

During the year, there were 17 cases of "coercion into prostitution" and 3 cases of "coercion of minors into prostitution or immoral activities" referred to the courts. In 2002, four persons whom international organizations considered to be traffickers were prosecuted under forgery laws in the Criminal Code.

According to the IOM, the country was primarily a country of origin and a transit point for trafficked women, men, and children. In a 2002 report, the IOM documented approximately 32 cases of trafficking victims from the country. The IOM reported that Azeri, Russian, and Georgian women were most often trafficked from, or via, the country to the United Arab Emirates (UAE) and Turkey for work in the sex industry. There were also reports of internal trafficking from the rural regions to the capital of Baku. Primarily Iranians, Iraqis, Afghans, and migrants from south Asia were smuggled via the country to Europe—particularly Germany, Sweden, France, and the Netherlands—and possibly the United States, where they may have had their passports confiscated, been subjected to forced labor, and/or sought asylum. Traffickers generally targeted women; however, there also were cases in which men and children were victims of trafficking.

Traffickers identified by the IOM were either foreigners or ethnic Azerbaijanis who acted in loose international networks, probably without central coordination. Victims were approached directly and indirectly through friends and relatives. Traffickers also used newspaper advertisements offering false work abroad. According to the Society for the Defense of Women's Rights, draft-age men seeking to escape military service in 2000 were invited by local traffickers to work in the hotel industry in Turkey, but ended up in male brothels; however, the IOM was not aware of such reports. Another NGO reported that families of young women had been approached by individuals claiming that visiting Iranian businessmen had seen their daughters and wished to marry them. Following parental permission for such marriages, the women were transported to Iran to work as prostitutes. According to the IOM, families sometimes willingly married their daughters to wealthy men in Iran and turned a blind eye to their outcomes.

There was no evidence of government complicity in the facilitation of the trafficking of persons; however, NGOs suspected that lower-level civil servants accepted bribes from traffickers in exchange for overlooking their activities.

The MIA, the Ministry of Labor and Social Protection, the Ministry of National Security, and the Border Guards were responsible for antitrafficking efforts. There

were no government antitrafficking campaigns. There was no mechanism to return trafficked women to Azerbaijan; according to the IOM, there were deportations of Azerbaijani and third country nationals back to the country for trafficking or prostitution, particularly by Turkey and UAE, but the Government had no program to assist trafficked victims who were returned to the country, pending implementation of the national plan of action.

Several NGOs and the State Committee for Women's Issues dealt with the problems of trafficking in women and prostitution. The IOM provided training to domestic NGOs to operate emergency hotlines and secure accommodations for trafficking victims and conducted awareness campaigns; in 2002, it completed a study of trafficking in the country.

BELARUS

According to its amended Constitution, the country is a republic with a directly elected President. President Alexander Lukashenko intensified his attack on democratic institutions. First elected in 1994, Lukashenko amended the 1994 Constitution in 1996 through a seriously flawed referendum and extended his term in office in 2001 through an election process that the Organization for Security and Cooperation in Europe (OSCE) described as neither free nor fair. In March and November, local elections were held that were neither free nor fair. The judiciary is not independent.

The Committee for State Security (KGB) and the Ministry of Internal Affairs (MVD), both of which report directly to the President, share law enforcement and internal security responsibilities. The Presidential Guard—created initially to protect senior officials—continued to act against the political enemies of the Lukashenko Government with no judicial or legislative oversight. Apart from the President, civilian authorities did not maintain effective control of the security forces. Members of the security forces committed numerous serious human rights abuses.

The economy was centrally planned with industry accounting for approximately half of economic output. The country had a population of just under 10 million, although this number was decreasing. The majority of workers were employed in the state industrial and state agricultural sectors. In the state sector, wages were lower than the national average and wage arrears were chronic though often of short duration and limited scope. The living standards for many segments of society remained low. The Government reported GDP growth of 6.3 percent, but wages remained flat (and decreased against the euro), averaging approximately \$130 per month. While unemployment remained low at 3.5 percent, underemployment was widespread.

The Government's human rights record remained very poor and worsened in some areas; although there were improvements in a few areas, it continued to commit numerous abuses. Authorities effectively continued to deny citizens the right to change their government. Authorities did not undertake serious efforts to account for the disappearances of well-known opposition political figures in previous years and continued to discount credible reports regarding the Government's role in those disappearances. Police abuse and occasional torture of prisoners and detainees continued. There were also reports of severe hazing in the military forces. Prison overcrowding remained a problem. Security forces arbitrarily arrested and detained citizens, and the number of politically motivated detentions remained high, although most of these detentions were for short periods. Security services continued to infringe on privacy rights and freedom of movement by closely monitoring the activities of opposition politicians, human rights organizations, and other segments of the population.

The Government continued to restrict freedom of speech and of the press, and did not respect freedom of assembly or association. The Government introduced several new decrees that further restricted these freedoms. It intensified an assault on the independent media that resulted in the closure of several newspapers and the jailing of journalists on libel charges. It severely restricted the activities of NGOs, closing many of them. Religious freedom was severely restricted, and the Belarusian Orthodox Church (BOC) was favored as the expense of nontraditional religions. The Government restricted freedom of movement. Opposition political parties and movements were subjected to increased pressure through both judicial and extrajudicial measures, including physical abuse of political opponents. Security agents closely monitored human rights organizations and hindered their efforts. Societal violence and discrimination against women remained significant problems. Authorities con-

tinued to restrict severely workers' rights to associate freely, organize, and bargain collectively. Trafficking in women and children remained a problem, which the Government took some steps to address.

RESPECT FOR HUMAN RIGHTS

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

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

There was no credible government effort to solve the disappearances and presumed killings of journalist Dmitry Zavadsky in 2000 and opposition figures Yury Zakharenko, Viktor Gonchar, and Anatoliy Krasovsky in 1999 (see Section 1.b.). Observers suspected that Zakharenko, Gonchar, and Zavadsky, who each worked for the Lukashenko Government prior to joining the opposition, were killed because of their involvement with the opposition. Zavadsky was officially declared deceased on November 28, although no body was found.

On December 31, the Minsk City Court convicted two police officers who had been charged with beating a homeless man to death in September 2002.

After an investigation by independent foreign experts, a court in Ukraine ruled that the 2002 death of Ukrainian journalist Mykhailo Kolomyets in the country was a suicide.

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

The disappearances and presumed killings of television cameraman Dmitry Zavadsky, former Minister of Internal Affairs Yury Zakharenko, 13th Supreme Soviet Deputy Chairman Viktor Gonchar, and opposition supporter Anatoly Krasovsky remained unresolved despite the 2002 conviction of four members of the SOBR (a special Ministry of the Interior SWAT team). There were credible reports of involvement of senior government officials in the disappearances. Such reports were reinforced when President Lukashenko acknowledged to the press that he had ordered the security services to kidnap a former Belarus Ambassador and return him to the country (an order that was not carried out). The U.N. Commission for Human Rights (UNCHR) approved a resolution on April 17 urging the Government to conduct an impartial investigation of the disappearances of Krasovsky, Gonchar, Zakharenko, and Zavadsky, and to begin by suspending those senior officials suspected of involvement (see Section 4); however, the Government made no credible effort to solve these cases during the year. The Parliamentary Assembly of the Council of Europe sent a Special Rapporteur to investigate the disappearances of Krasovsky, Gonchar, Zakharenko and Zavadsky; a report on this investigation was pending (see Section 4).

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.—Both the 1994 and 1996 Constitutions prohibit such practices; however, police and prison guards regularly beat detainees and prisoners. By law, police and prison officials may use physical force only against detainees and prisoners who are violent, have refused to obey the instructions of the prison administration, or have violated "maliciously" the terms of their sentences. However, human rights monitors repeatedly reported that investigators coerced confessions through beatings and psychological pressure.

Police and plainclothesmen occasionally beat individuals while arresting them or holding them in detention. On July 23, police beat Dmitry Dashkevich, Artur Finkevich, and 16-year-old Oleg Gnedchik during their arrest for posting political fliers. Police did not respond to a complaint by Gnedchik's parents requesting criminal proceedings against the responsible police officers by year's end.

The Minsk Prosecutor's office did not institute proceedings against the police in response to Dmitry Dashkevich's complaint of brutality during his arrest and detention in February 2002.

During the year, a Brest court sentenced a policeman to 100 hours of public service after a judge convicted him of groundlessly beating Pyotr Savchuk and causing what was termed minor injuries. Savchuk suffered a cerebral injury, a concussion, and several contusions and spent 12 days in the hospital. According to Savchuk, the judge repeatedly suggested that Savchuk drop the trial and settle out of court (see Section 1.e.).

Police also beat participants in demonstrations and delayed medical care while they were in detention (see Section 2.b.). Retired police Lieutenant General Myacheslav Grib told journalists in 2002 that the police enjoyed "permissiveness and impunity for several years." He said that police violence against peaceful street demonstrators, which had become an ordinary occurrence and was almost encour-

aged by authorities, had made the process uncontrollable and that more individuals were victims of ill treatment.

On March 26, police pulled Anton Kishkurno out of a car and beat him during his arrest for failure to produce documents. Kishkurno was waiting outside of a courtroom where his father faced trial for organizing an unauthorized demonstration. He suffered a broken arm and facial injuries; after a short detention, Kishkurno was taken to a hospital. His trial was postponed on several occasions because of the failure of police officials to appear.

During the year, unknown persons attacked several political opponents of the Government. For example, three men attacked Vladimir Kolas on May 31, just 3 days after his controversial replacement as head of a prominent school that teaches in the Belarusian language. Unknown assailants attacked academicians Yevgeni Babossov on July 11 and Radim Goretski on January 17; some considered these attacks to be attempts to intimidate the Belarusian intelligentsia. On September 24, an unidentified man attacked Oleg Volchek, leader of the Association for Legal Assistance to the Population, hit him in the face, and then disappeared. The assault took place just 2 weeks after a Minsk court shut down the Association. No arrests were made nor were charges filed in these cases by year's end. There were no developments in the 2002 assaults on opposition figures and Hindu believers, including those on Aleksei Korol, Tatyana Zhilevich, and Viktor Polevnikov.

Dedovshchina—the practice of hazing new army recruits through beatings and other forms of physical and psychological abuse—reportedly continued. During 2002, the most recent date for which information is available, 15 criminal charges were brought against servicemen accused of beating their subordinates and disciplinary action was taken against 160 officials. The Government asserted that the overall crime rate in the armed forces had decreased by 35 percent, but no data on hazing incidents was available. The authorities blocked efforts by family members and human rights monitors to investigate these and other reports of Dedovshchina.

Prison conditions remained poor and were marked by severe overcrowding, shortages of food and medicine, and the spread of diseases such as tuberculosis, syphilis, and HIV/AIDS. On October 23, Interior Minister Naumov stated that the prison population exceeded its capacity by 21 percent. Credible reports indicated that prison guards regularly beat detainees and prisoners. According to Vladimir Kudinov, a member of the disbanded Parliament and vocal critic of the Lukashenko Government who spent 4 years in prison, torture was widespread in prisons. Several persons held in administrative detention complained about conditions and claimed that authorities ignored their complaints.

According to human rights monitors, conditions in prison hospitals were also poor. In prisons, the average amount of space provided for each inmate was 1.2 square yards. Interior Minister Vladimir Naumov stated that the prison population, 52,500, exceeded total capacity by 20 percent. In many cases, food provided in prisons did not meet minimum medical requirements or accommodate dietary restrictions. Unlike in previous years, the Belarusian Helsinki Committee reported that food was not denied to prisoners during the year. Valery Levonevsky, an opposition activist jailed for an unauthorized protest, stated that inmates were denied the opportunity to exercise and that food did not meet minimum sanitary standards. In December 2002, the Constitutional Court ruled that prisons must consider appeals against prison-imposed punishments; however, prisons refused to consider such appeals on the grounds that there were no laws outlining the procedures for handling such appeals.

Tatyana Yelovaya, an activist of the youth group Zubr serving a 10-day sentence for participation in an unauthorized protest, complained that guards ignored her requests for medical attention for several hours before calling for a doctor, who directed that she be taken to a hospital (see Section 2.b.).

According to prison policy, male and female prisoners were held separately. Juveniles were held separately from adults, and pretrial detainees normally were held separately from convicted prisoners; however, due to prison overcrowding, they occasionally were held together.

At times, authorities granted human rights monitors access to observe prison conditions; however, only family members and lawyers were permitted to visit individual prisoners during the year. On October 28, the Ministry of Interior denied the request of several international observers to visit a prison in Mozyr, Gomel Region.

d. Arbitrary Arrest, Detention, or Exile.—The law places limits on arbitrary detention; however, security forces continued to arrest and detain citizens arbitrarily. Such detentions most often were connected with demonstrations, many of which the authorities had refused to authorize (see Section 2.b.). Politically motivated arrests continued, although most of those arrested were released within a few hours or days.

Under the law, the President has the right to subordinate all security bodies to his personal command. The Presidential Guard—created initially to protect senior officials—continued to act against the political enemies of Lukashenko with no legislative or judicial oversight. Impunity remained a serious problem. The authorities often did not investigate abuses by the security forces or hold the perpetrators accountable. Credible reports indicated that petty corruption among police was widespread.

Both the Criminal Procedure and Administrative Codes specify that police may detain a person for up to 3 hours without providing any explanation for the detention, and the authorities frequently used this provision to detain opposition members and demonstrators. According to the Criminal Code, police may detain a person suspected of a crime for 24 hours without a warrant, within which time the procurator is notified. The procurator then has 48 hours to review the legality of the detention. If the procurator finds that the detention is legal, a suspect may be held for a maximum of 10 days without a formal charge. However, once the decision is made to hold a suspect, formal charges generally are filed. Once a suspect is charged, a trial must be initiated within 2 months, although in some cases the procurator general may extend pretrial detention to 18 months for further investigation. Alternatively a suspect who has been charged may be released on a written pledge not to flee, in which case there is no time limit on pretrial investigation. The law gives detainees (rather than the procurator) the right to petition the court to determine the legality of their detention. In practice, the appeals of suspects seeking court review of their detentions were frequently suppressed because detention officials were unwilling to forward the appeals. No provision for bail exists under the legal code.

There was credible evidence that prosecutors charged and courts convicted individuals on false charges. A Minsk city court sentenced Viacheslav Sivchik to 15 days of administrative detention for participating in a banned protest despite photographic evidence and testimony showing that Sivchik was giving an interview at the time of the protest.

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

There were several reports that individuals and members of organizations involved in publishing opposition media were arrested and detained (see Section 2.a.). Unidentified plainclothes officials working for the security services also regularly apprehended and detained individuals engaged in anti-government demonstrations and in the distribution of opposition materials. Security officials also held some detainees incommunicado following demonstrations. In addition to the hundreds of anti-government protesters, many of whom authorities held for several hours or days, authorities also held several prominent political detainees for prolonged periods of time in pretrial detention.

Lengthy pretrial detention was common, although statistics on the number of persons in pretrial detention and the average length of such detention were not available. Mikhail Leonov, director general of the MTZ tractor factory, remained in pretrial detention from January 2002 until December 23, when he was convicted on embezzlement charges. On June 12, Leonid Kalugin, former director of the Atlant refrigerator factory, was released after 6 months in administrative detention and over 12 months of restricted freedom under the provisions of the 2002 Amnesty Law. On August 22, Viktor Rakhmanko, former chief of Belarusian railroads and member of the upper house of parliament, was convicted of abuse of power and forgery; he was released as his sentence matched the 21 months he had spent in pretrial detention and under house arrest.

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

e. Denial of Fair Public Trial.—The 1994 Constitution provides for an independent judiciary; however, in practice the judiciary was not independent and was unable to act as a check on the executive branch and its agents. The 1996 Constitution further subordinated the judiciary to the executive branch by giving the President the power to appoint 6 of the 12 members of the Constitutional Court, including the chairman. The Council of the Republic, which itself is composed of individuals appointed by the President or those deferential to the President, appoints the

remaining 6 members. The President appoints the chairmen of the Supreme Court and the Supreme Economic Court. The President also has the constitutional authority to appoint and dismiss all district and military judges. There were reports that some judges attempted to influence defendants to alter their pleas (see Section 1.c.).

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

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

Both the 1994 and 1996 Constitutions provide for public trials, although there can be exceptions in cases established by law (for example, in cases of rape or on grounds of national security); however, the courts frequently held trials in judges' offices, which prevented some interested observers from monitoring certain trials. Judges adjudicated trials; juries determine innocence or guilt only in the case of capital offenses in which the defendant pleads not guilty and demands a jury trial. Since judges were dependent on the Ministry of Justice for sustaining court infrastructure and on local executive branch officials for providing their personal housing, there were widespread and credible reports that executive and local authorities dictated the outcome of trials to the courts.

Defendants have the legal right to attend proceedings, confront witnesses, and present evidence on their own behalf; however, in practice these rights were not always respected. The law provides for unlimited access to legal counsel for detainees and that the court appoint one for those who cannot afford a lawyer; however, at times these rights were not respected.

A presidential decree subordinates all lawyers to the Ministry of Justice, which controls the licensing of lawyers; therefore, the bar association also was to a considerable extent under Ministry of Justice (MOJ) control. According to international legal experts and human rights monitors, the decree seriously compromised the independence of lawyers from the authorities. Several lawyers claimed that they were told they would not receive licenses because of their activities in non-governmental organizations (NGOs) or political parties.

Article 62 of the Constitution provides for the right to freely choose legal representation; however, Presidential Decree number 13 prohibits members of NGOs from representing individuals other than members of their organizations in court. This decree was used on several occasions during the year to deny NGO members the right to defend individuals in court and was also used as a pretext to close certain NGOs (see Section 4). On April 28, a court in Mogilev refused to permit Barys Bukhel of the human rights NGO Vyasna to represent an individual in a civil trial, despite the fact that he was acting as a private citizen.

The Constitution establishes a presumption of innocence; however, in practice defendants frequently had to prove their innocence. According to 1998 statistics, the latest available, from the Belarusian Helsinki Committee, criminal charges were brought by prosecutors against 59,700 individuals. Of these, only 272, or fewer than 0.5 percent, were found to be not guilty. Both defendants and prosecutors have the right to appeal court decisions, and most criminal cases were appealed; however, appeals rarely resulted in reversals of verdicts. In an appeal, neither defendants nor witnesses appear before the court; the court merely reviews the protocol and other documents from the lower court's trial. Throughout the year, anti-government protestors arrested after demonstrations were subjected to assembly-line style trials, often without opportunity to exercise their right to counsel or the opportunity to present evidence or call witnesses (see Section 2.b.). On February 12, the Presidium of the Supreme Court and the board of the MOJ stated that in 2002 only 1.3 percent of verdicts by district courts were overturned and that only 17 persons were ruled to have been wrongfully convicted.

There were no reports of political prisoners; however, authorities continued to use administrative measures to detain political activists before, during, and after protests.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence.—The Constitution prohibits such actions; however, these rights were not respected in practice. The interception of telephone and other communications without a court order is prohibited; however, in practice authorities continued to monitor residences, telephones, and computers. The KGB, MVD, and certain border guard detachments may use wiretaps, but under the law they must obtain a prosecutor's permission be-

fore installing them; however, the KGB entered homes, conducted unauthorized searches, and read mail without warrants.

The prosecutor's office exercised no independence from the Government, effectively rendering the due process protections regarding wiretaps meaningless. The Administrative Offenses Code provides penalties for those who obstruct KGB officers in the performance of their duties. Any effort to prevent KGB officers from entering the premises of a company, establishment, or organization is an administrative offense, as is any refusal by such entities to allow audits or to deny or restrict access to company information systems and databases. Contracts used by the Ministry of Communications for supplying telephone service prohibit subscribers from using telephone communications for purposes that run counter to state interests and public order. The Ministry has the authority to terminate telephone service to those who breach this provision; however, there were no reports during the year that the Ministry exercised this authority.

In most circumstances, night searches are prohibited; however, on the night of February 15, ten armed police officers searched the apartment of Valery Levonevsky after he returned from a meeting to plan a series of demonstrations. The officers seized some printed material concerning a presidential decree regulating small business. Mr. Levonevsky claimed the authorities refused to give him a copy of the search warrant.

Unknown intruders broke into the offices of several prominent opposition members and human rights NGO. Unknown intruders broke into the apartment of Vasily Golovatskikh, an opposition deputy in Novopolotsk. Papers were scattered and property was damaged but nothing was taken, according to Golovatskikh. Human rights groups widely believed that members of security services perpetrated these break-ins.

Nearly all opposition political figures reported that authorities monitored their activities and conversations; the Government did nothing to refute these reports. Representatives of certain NGOs also said that their conversations and correspondence were monitored routinely by the security services. The Procurator General declined to investigate charges of illegal wiretapping brought by members of the opposition.

The Presidential Guard or security service reportedly continued to conduct surveillance activities of the President's political opponents. There was no judicial or legislative oversight of the Presidential Guard's budget or activities, and the executive branch repeatedly thwarted attempts to exercise such oversight. Some officials were themselves monitored. Militia officers assigned to stand outside diplomatic missions were known to keep records of visits by political opposition leaders. On March 6, a panel of Minsk City Court judges threw out a complaint by United Civic Party leader Anatoly Lebedko over his 2002 detention; plainclothes officers who refused to identify themselves forcibly detained Lebedko near a foreign Embassy. The officers drove him to the KGB headquarters and issued him a formal warning that he would be charged with treason if he did not cease his contacts with foreigners. Some opposition figures expressed reluctance to visit foreign embassies due to fear of reprisals.

Harassment in the form of inspections by security officials and confiscation of political literature, often without warrants, was widespread. Targets included opposition candidates and their supporters. On September 30, customs officials searched the vehicle of Valery Frolov and Vladimir Parfenovich, members of the parliamentary opposition group Respublika, as it crossed the border from Lithuania. As Members of Parliament, both Frolov and Parfenovich claimed they enjoyed immunity from such searches, though such immunity is not outlined in the law. The director of the State Customs Committee stated that he ordered the search and claimed that at the state border there were no immune persons, and that he would search any vehicle he deemed necessary.

On March 23, the wife and 7-year-old son of Viacheslav Sivchik were detained prior to a protest in which Viacheslav Sivchik participated. This was considered a move to pressure Sivchik not to participate in the protest.

There were credible reports that the 2002 trials of Alexandr Chigir on charges of car theft and assisting in car hijacking were related to the political activity of his father, former Prime Minister Mikhail Chigir. Human rights observers widely believed that his 6-year sentence was disproportionate to the allegations of wrongdoing. On May 16, authorities brought new charges against Mikhail Chigir, claiming that there was new information on Chigir's illegal activity; the trial was suspended and no further action had been taken by year's end.

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Speech and Press.—Both the 1994 and 1996 Constitutions provide for freedom of speech as well as the freedom to receive, retain, and disseminate in-

formation; however, the Government restricted these rights in practice. Laws and decrees restrict freedom of expression by limiting citizens' use of symbols and words on posters and by overly broad interpretation of libel laws to restrict criticism of government officials and activities. During the year, the Government engaged in an apparently calculated campaign to restrict media freedom. The Government continued to make use of its monopoly on television broadcasting to present biased news coverage and to minimize the presentation of opposing points of view. On September 9, President Lukashenko called upon mass media to be used as an instrument for promoting a pro-government state ideology (see Section 3).

The executive branch continued its suppression of freedom of speech. A presidential decree prohibits a range of broadly defined activities and limits freedom of expression. The decree prohibits individuals from carrying placards or flags bearing emblems that are not officially registered with the State, as well as emblems, symbols, and posters that intend to harm the State and public order or rights and legal interests of the citizens. The decree also prohibits activities that demean state authorities. This decree was used to prosecute and fine those carrying symbols emphasizing the country's independence, such as the pre-Lukashenko red and white flag. Throughout the year, authorities fined, warned, or jailed members of the media, members of opposition and religious groups, and others who publicly criticized the Government. The defamation law makes no distinction between private and public persons in lawsuits concerning defamation of character. A public figure who was criticized for poor performance in office by a media outlet may ask the prosecutor to sue both the journalist and media outlet that printed the criticism.

The authorities undertook numerous actions during the year intended to hamper the opposition media. These included the continued use of: Libel laws, limitations on foreign funding, pressure on businesses not to advertise with independent media, limitations on access to newsprint and printing presses, censorship, restrictions on the import of media-related materials, temporary suspension of independent and opposition periodicals, and detention of those distributing such material.

The newspapers and other print media with the largest circulation were state-owned, although there also were a number of independent publications, some of which were critical of the Government. Independent newspapers were available widely in Minsk, but outside of the capital, variety was limited to the state-run national newspaper and local newspapers, only some of which were independent.

All nationally available radio and television broadcasts originating in the country were government-owned, although some broadcasts from other countries, including Russia, Poland, and Lithuania, could be received in many parts of the country. The two state-run television networks ONT and Belarusian Television were the only ones to broadcast nationwide. Both regularly featured reporting that was biased heavily in favor of the Government, sharply critical of opposition politicians and organizations, and failed to provide an outlet for opposing viewpoints. In October, a third state-owned television station, LAD, was established that broadcast to over half of the country, using a channel formerly used by the popular Russian television network Kultura and other Russian state television channels. Local, independent television stations operated in some areas and reported local news relatively unhindered by the authorities; however, most of these stations reported that they were under pressure not to report on national level issues or were subject to censorship.

All foreign media correspondents are required to register with the Ministry of Foreign Affairs. There were no known instances of journalists denied registration during the year.

Unlike in 2002, there were no incidents in which the independent journalists were beaten. There was no indication that the authorities would investigate or prosecute those responsible for the beatings in 2002 of Oleg Suprunyuk, Yuri Grimenyuk, or Stanislav Pochobut.

On November 29, police detained eight opposition activists for distributing a questionnaire for a street poll about a possible referendum to enable President Lukashenko to run for a third presidential term. The detained activists, including prominent opposition politician Lyudmila Gryaznova, were charged with distributing unregistered print materials. Gryaznova was later fined \$12 (25,000 rubles). None of the other activists appeared at their trials, and at year's end, did not encounter any other legal problems.

In September, the Government released the text of a draft media law that would require media outlets, including Internet outlets, to reregister with the Government, refute any information considered false and libelous, and stipulate that journalists may be stripped of their accreditation should they publish such information. The draft law also includes provisions that severely limit the provision of international financial assistance to media outlets, prevents media outlets from publishing mate-

rials from unregistered organizations, and requires journalists to “truthfully” report in their articles. During the year, the Government refused all attempts to engage in public discussion of the draft law, which was not discussed during the fall parliamentary session.

On January 9, Minsk authorities fined Oksana Novikova approximately \$6 (12,000 rubles) for criticizing President Lukashenko and the Government after she published an open letter calling for the President’s resignation. In April, Novikova received a 2-year suspended sentence for distributing leaflets critical of Lukashenko at a metro station. In August, Novikova was fined approximately \$1,333 (2.8 million rubles) for illegally protesting in front of the Presidential Administration. On September 8, Novikova was fined \$2,000 (4.2 million rubles) for displaying a sign in support of the Association for Legal Assistance to the Population during its liquidation trial; Novikova appealed the fine and on October 6, a Minsk court dismissed the charge. By year’s end, Novokiva faced additional charges after holding similar demonstrations on November 24 and December 11.

The Government’s use of presidential decrees was another obstacle for independent press. A presidential decree “On Improving the System of Receipt and Use of Humanitarian Assistance,” allegedly aimed at stopping foreign-supported seditious activity, specifically prohibits foreign-supported activities directed at alteration of the constitutional order, overthrow of state power, or encouragement of such activities; preparation, administration, and organization of elections, referenda, organization of meetings, rallies, demonstrations, pickets, strikes, publication, and distribution of promotional materials, organization of seminars, and other types of promotional activities involving the population. The decree was the basis for a nationwide crackdown during the electoral campaign on independent media outlets and independent NGOs, many, if not most, of which were supported by the international community.

The Government utilized tax inspections, safety inspections, and confiscation of printed matter and equipment to immobilize much of the pro-democratic opposition throughout the campaign, thus severely restricting freedoms of speech and expression (see Section 1.f.).

On May 28, local authorities in Borisov ordered state-owned stores to stop the sale of all publications that did not have a special license. Independent newspapers complained that the process of obtaining such licenses, which require the approval of 20 local agencies, was difficult and expensive.

Authorities continued to pressure independent newspapers. The law specifies that the Government may close down a publication after two warnings. Regulatory provisions grant authorities power to ban and censor critical reporting; for example, the State Committee on the Press was given authority to suspend the publication of periodicals or newspapers for 3 months without a court ruling. Amendments to the law prohibit the media from disseminating information on behalf of political parties, trade unions, and NGOs that are not registered with the MOJ.

On May 28, the Ministry of Information suspended the popular independent newspaper *Belaruskaya Delovaya Gazeta* (BDG) after giving the newspaper two warnings for articles critical of the Government. The articles reported on the use of President Lukashenko’s personal airplane by a Russian model who had visited Lukashenko and provided information about the trials of Mikhail Leonov, former director of the Minsk Tractor Factory, and Viktor Kazeko, former President of the Belarusian State Food Industry Concern. The Government allowed BDG to resume publishing and distribution activities in August; however, BDG was unable to find a printing press in the country willing to print the newspaper and was forced to use a printing press in Russia.

Following BDG’s suspension, the Government undertook what appeared to be a systematic campaign to punish any entity that printed or published BDG articles through suspensions, fines, personnel dismissals, and deprivation of access to printing presses. Actions included the June 4 suspensions of the independent trade union paper, *Solidarnasts*, the independent newspaper *Navinki*, and the newspaper *Echo*, all of which had provided space for BDG’s articles. Vladimir Telesh, the director of the printing press that printed *Solidarnasts*, *Navinki*, and *Ekho* was fired from his position for his “failure to meet the provisions of the contract in accordance with the existing law.” On June 19, the Ministry of Information suspended *Predprinimatelskaya Gazeta* for 3 months after the newspaper published a June 8 article regarding Telesh’s dismissal. On July 22, a state-run printing house in Slonim refused to continue printing the independent newspaper *Mestnaya Gazeta Shag* after it began printing BDG’s articles in its paper. After their suspensions ended, none of these newspapers were able to secure contracts with local printing presses.

On September 23, the Minsk Regional Economic Court upheld a 2002 decision by the Minsk Oblast Executive Committee to liquidate Mestnoye Vremya Press Ltd, the owner of the independent newspaper Mestnoye Vremya, allegedly for failing to provide notification of the company's change of address and charter. The decision was made despite the fact that in April, the Minsk City Economic Court had overruled the 2002 decision and ordered the restoration of the company's registration.

In February, the Grodno Regional Economic Court ruled that the publisher of the independent newspaper Novaya Gazeta Smorgoni, Romulad Ulan, had violated tax, safety, and labor regulations following a 2002 inspection by the State Control Committee (SCC) of the newspaper. Ulan was stripped of his status as an individual entrepreneur. On April 26, a court in Smorgon fined Nikolai Slizh, a farmer who began to publish the newspaper from his farm, approximately \$120 (240,000 rubles) for illegally printing the newspaper, and ordered the seizure of all profits generated through the sales of the newspaper. Following the court's ruling, the Lida branch of the Belarusian Language Society published the newspaper until July, when Ulan's wife took over as publisher of the newspaper. On October 2, the Ministry of Information suspended publication of the newspaper for up to 3 months alleging that Ulan's wife had no right to engage in publishing activities, despite existing legislation that allows individuals and legal entities to publish newspapers. The decision was made despite the fact that Ulan's wife also had successfully defeated attempts by local authorities to deny her registration as an individual entrepreneur, which granted her the right to engage in newspaper publication. In November, Ulan's wife filed a lawsuit in the Grodno regional economic court against the local authorities' decision against her. The case was then transferred to the Supreme Economic Court.

In November, Ulan began publishing Novaya Gazeta Smorgoni under another name, Mestnaya Gazeta. On December 24, police detained a minibus carrying 5,700 issues of the independent newspaper Mestnaya Gazeta. Romulad Ulan and the driver were forced to go to the police station but were released 2 hours later when police were unable to find any legal violations. On December 26, police sealed the newspaper's offices after fire safety officials determined that the fire safety code violations found on December 23 had not been rectified. However, fire safety officials in Grodno later determined that the local fire safety officials had exceeded their authority and the offices were unsealed on December 29.

On July 28, the Ministry of Information annulled the registration of the independent newspaper Den, because the newspaper had not published within 1 year of its last issue. On August 26, the Ministry of Information revoked its annulment after it became aware that the newspaper had published an issue of the paper within the past year. Despite being allowed to resume publication, Den was unable to secure an agreement with printing presses to publish the newspaper.

On November 27, the Presidential Administration successfully insisted that as a condition of President Lukashenko's appearance on a televised live debate on a Russian television show called Freedom of Speech, the station remove 21 representatives of independent media and civil society from the list of intended participants.

On December 16, two opposition activists were each fined \$80 (165,000 rubles) for distributing copies of a newspaper called Supratsiw (Against) that did not contain information about the publisher.

On December 27, BSTRC granted the state-owned news agency BelTa the exclusive right to distribute weekly television listings through media outlets starting January 1, 2004. The decision, made by the Presidential Administration, raised fears among independent newspapers that they will be denied access to these listings and may face a decline in readership of their newspapers.

The independent press is prohibited by presidential decree from using the country's name in its titles. The decree on "the Use by Legal Entities of the Name of the Republic" allows only legal entities specially authorized by the President to use the name of the country in their titles. Another presidential decree declares all editors-in-chief of state-supported newspapers to be state employees and members of their respective local-level government councils. Another decree grants the Ministry of Press the authority to assign graduates of state-supported journalism schools to work in state-owned media organizations as a way to repay their schooling.

Beginning on June 7, all radio stations were required to forward copies of the news stories and play lists they had broadcast to the Ministry of Information.

On January 2, the SCC seized audio and video recording equipment from the office of the Belarusian Union of Filmmakers that was donated by a Russian company on the grounds that the organization improperly prepared documents proving ownership and customs clearance of the equipment. After the Government issued a decree in 2002 transferring responsibility for registering electronic media from the Ministry of Communications to the Ministry of Information, all electronic media out-

lets were required to reregister with the Ministry of Information. According to the Belarusian Association of Journalists, the authorities did not reject any reregistration applications from electronic media outlets.

The law allows for punishment of public insults or libel against the President by up to 4 years in prison, 2 years of *khimya* (detention in internal exile), or by a large fine. The authorities also continued to make use of the articles in the Criminal Code that prohibit slandering and insulting the President or officials to stifle press freedom. The Criminal Code provides for a maximum penalty of 5 years' imprisonment for such offenses. According to the Belarusian Association of Journalists (BAJ) President Zhana Litvina, the laws penalizing slander of officials effectively imposed a ban on press criticism of the Government. On September 2, the Constitutional Court, in response to a BAJ petition in July, asked the National Assembly for clarification of these articles, and suggested adding a clause decriminalizing criticism of officials if it does not defame or dishonor them, or use offensive language. However, the National Assembly took no action by year's end.

In March, Nikolai Markevich, editor in chief of the opposition newspaper *Pahonia*, and *Pahonia* journalist Pavel Mozheiko were released from their respective detention facilities in Osipovichy and Zhlobin. They were sentenced to 2.5 and 2 years of *khimya* respectively for printing libelous information about President Lukashenko. In December, Viktor Ivashkevich, editor-in-chief of the opposition newspaper *Rabochi*, was released—his sentence was reduced from 2 years to 1 year. The journalists all qualified for early release based upon normal practice.

On February 24, the Ministry of Information ordered the opposition newspaper *Vcherny Stolin* to suspend its printing activities for 3 months for alleged "flagrant violations" of the law, inciting social intolerance, and publishing classified material about a police investigation into corruption in the local government without permission. The Ministry also cited the newspaper's failure to properly report that the newspaper was switching the focus of its reporting from economic issues to political issues. On March 8, following *Vcherny Stolin*'s suspension, Alexander Ignatyuk, editor-in-chief of *Vcherny Stolin*, launched another newspaper, *Provintsialka*, which continued to provide critical reporting of local officials. A local official successfully sued the newspaper over a report accusing the official of accepting a bribe and was awarded approximately \$990 (2 million rubles). On April 18, the Ministry of Information suspended *Provintsialka* for 3 months on the grounds that *Provintsialka* exceeded its advertising limit. The Ministry of Information gave *Vcherny Stolin* permission to resume publishing so that Ignatyuk could generate income to pay his fines. Publication was resumed in April. On December 26, Ignatyuk was fined approximately \$8 (17,500 rubles) after an article in *Vcherny Stolin* compared a local official to a gangster.

In addition to the March 8 fine, local officials who were accused of corruption and abuse of power sued Ignatyuk on three other occasions during the year. Local courts convicted Ignatyuk for libeling these officials, and levied fines of over \$2,500 (5 million rubles) against him.

On November 17, a Minsk City Appeals Court panel levied heavy libel fines against the country's largest daily independent newspaper *Narodnaya Volya* and two journalists for an article written 2 years ago. The appellate court increased the amount of damages three to five times over what a lower court previously levied against the newspaper and the journalists. It made this decision in spite of the regional prosecutor's legal opinion that the fine far exceeded the damages suffered by the complainant. The article alleged that Yegor Rybakov, head of the Belarusian State Television and Radio Company (BSTRC), was responsible for the company's decline and suggested that Rybakov was partly responsible for the death of a BSTRC employee.

In 2002, the Prosecutor General's Office initiated libel proceedings against BDG journalist Irina Khalip. In response to Khalip's articles about official investigations into the alleged corrupt business practices of Viktor Kozeko, the former head of a large state-owned food concern, *Belgospisheprom*, and his son. The Prosecutor's Office also issued a warning to *Delaya Sluzhebnogo Polzovania*, a monthly supplement featured in BDG. At year's end, no further developments had occurred.

On June 28, the Ministry of Interior expelled Pavel Selin, a journalist with the Russian television station NTV and banned him from returning to the country for 5 years. The expulsion order came following Selin's reporting on the June 25 funeral of the prominent Belarusian writer Vasili Bykov. Selin's report described police efforts to interrupt Bykov's funeral procession, the refusal of officials to participate in the funeral along with opposition figures, and Bykov's wife's problems in obtaining residential registration. On July 8, the Government announced the closure of NTV's Minsk office until NTV issued a formal apology for Selin's report. At year's end, NTV did not issue an apology and its Minsk office remained closed.

Prior to the March 2 local elections, on February 6, one radio station in Vitebsk denied a local opposition candidate the opportunity to address radio listeners on a radio program, although three other candidates were able to do so.

According to the BAJ, independent newspapers in the provinces engaged in self-censorship.

During a March visit to Orsha, Culture Minister Leonid Guliaka ordered the removal of several opposition and independent newspapers including *Narodnaya Volya* and BDG from a local library because “damaging opposition press has no business in a cultural center.”

A Council of Ministers decree specifically prohibits the import and export of printed, audio, and video materials, or other news media containing information “that could damage the economic and political interests of the country.” On June 11 and June 18, authorities seized shipments of the independent newspaper *Predprinimatelskaya Gazeta*, which printed articles from BDG.

On July 6, officials from the Ministry of Culture and the Minsk City Executive Committee ordered the removal of a painting by Alexei Marochkin at an art exhibit marking the 750th anniversary of the coronation of Grand Duke Minduah, the founder of the Grand Duchy of Lithuania. The painting depicted a critical comparison between Lukashenko and Duke Minduah.

Although there were several Internet service providers in the country, they were all state controlled. The Government’s monopoly on Internet service resulted in high prices, poor quality, limited service, and allowed the Government to monitor practically all e-mail. Unlike in previous years, there were no confirmed instances of authorities selectively cutting off Internet access. In June, hackers attacked a website that posted a copy of a book critical of President Lukashenko.

In addition to restrictions placed on the media, the Government continued to restrict academic freedom. University administrators targeted and strongly discouraged research into politically sensitive subjects, such as the country’s independence movement during the Soviet era, a theme that is seen to challenge the Government’s policy of integration with Russia (see Section 1.c.). All independent, non-state, academic institutions are required to obtain special permission from the authorities to hold educational seminars or lectures. There were also credible reports that independent universities engaged in self-censorship.

According to President Lukashenko, educational institutions are to serve as the centers of promoting the new state ideology, with teachers to become “active propagandists.” During his March 27 speech on establishing a state ideology, he called for the removal of all teachers who refuse to support government policies: “If you do not accept the ideas declared by the Government and the President, do not apply to a state university for a job.” He declared it to be intolerable “that officials or professors at educational institutions do not share the state ideology and sometimes even openly oppose the government and the course that they are supposed to promote, once integrated in this system of government.”

On May 15, then Education Minister Pytor Brigadin instructed university rectors to give priority to promoting a new state ideology within educational institutions, adding that school curricula and research should conform to the principles of the ideology.

The Government also continued to harass students engaged in anti-government activities, such as demonstrations (see Section 2.b.). The unregistered Belarusian Association of Students (ABS) reported that with the introduction of the new state ideology campaign in schools, students were pressured to join the Belarusian Republican Youth Movement (BRYM). In at least one instance, the university’s administration warned students at Belarusian State Technology University that they would be deprived of their benefits and stipends if they did not join the BRYM.

During the year, government efforts to close educational institutions that promoted Belarusian and Jewish studies led many in these respective groups to believe that the Government sought to prevent teaching in the Belarusian language and the teaching of Judaica (see Sections 2.c. and 5).

b. Freedom of Peaceful Assembly and Association.—The 1994 and 1996 Constitutions both provide for freedom of peaceful assembly; however, the Government severely restricted this right in practice. Following many unsanctioned demonstrations, police and other security officials beat, detained, and attempted to coerce confessions from some demonstrators.

Organizers must apply at least 15 days in advance to local officials for permission to conduct a demonstration, rally, or meeting. Under the law, the local government must respond with a decision no later than 5 days prior to the scheduled event. However, such permits were not routinely issued during the year. Beginning with the September 2001 elections, most permits either have not been granted or have been granted only for demonstrations in obscure, hard-to-reach locations.

On August 29, a law on demonstrations took effect that further restricts citizens' ability to assemble peacefully, and allows the Government to close any organization after a single violation of the law. These violations include: Failure of organizers to maintain law and order during a demonstration, demonstrations that result in damages of approximately \$67,000 (140.7 million rubles), and demonstrations that violate the rights and interests of the general public or the interests of the state. The new law was intended to codify a 2001 Presidential decree that banned demonstrations by unregistered organizations, limited participation to under 1,000 persons, and prohibited the wearing of masks and use of unregistered flags, symbols, and placards bearing messages deemed threatening to the state or public order (see Section 2.a.).

According to members of opposition parties, authorities frequently denied permission to opposition groups to meet in public buildings. Nevertheless, public demonstrations occurred frequently in Minsk, varying in size from a few participants to several thousand. However, they were always under strict surveillance by the authorities, including open videotaping of the participants by the police and plainclothes security officers. Demonstrations also occurred in other parts of the country although less frequently, particularly in eastern areas close to the border with Russia.

On February 14, police broke up an opposition march that was attended by 50 persons and organized by the unregistered youth movement Malady Front. On February 17, five members of Malady Front, including Malady Front leader Pavel Severinets, were sentenced to 5 to 15 days' imprisonment.

Following the March 12 "People's March for a Better Life" demonstration, authorities arrested and convicted several of its organizers. Dmitry Bondarenko, Andrei Sannikov, Ludmilla Gryaznova, Leonid Malakhov, Yuri Khadyko, and Valery Levonevsky, leader of the Market Vendors' Strike Committee, were sentenced to 15 days' imprisonment for their involvement in the demonstration.

During a March 23 demonstration marking the anniversary of the foundation of the Belarusian National Republic, police arrested approximately 50 persons including Belarusian Popular Front leaders Vintsuk Vyachorka and BPF activist Vladimir Kishkurnko, as well as members of other opposition parties. Many were released after a few hours, but 23 were convicted of participating in an unauthorized rally, and 10 of those convicted, including Vyachorka, Kishkurno, and Vyacheslav Sivchiuk, were sentenced to up to 15 days' imprisonment; 6 participants were heavily fined; and 7 received warnings. Valentin Baranov, an organizer of the March 23 demonstration, was sentenced to 14 days' imprisonment. Baranov had received a 14-day sentence on March 24, and again on April 25, for his involvement in the March 23 demonstration. After the trial, Baranov, complaining of ill health, was hospitalized and his sentence was cancelled. However, his case was subsequently returned to court, which reintroduced the charges against him.

On April 3, police detained approximately 15 members of the unregistered youth movement Zubr after they held an unsanctioned demonstration outside of a foreign embassy in Minsk in support of Operation Iraqi Freedom. One participant was sentenced to 10-days' imprisonment, while two received warnings. A fourth person, Tatyana Yelovaya, went into hiding and was sentenced in absentia to 10 days imprisonment. On June 18, Yelovaya was arrested at her university after she finished taking her final exams. On June 20, Yelovaya was rushed to a hospital and underwent medical treatment after developing an infection while in detention. After receiving treatment, Yelovaya was released from the hospital and went into hiding. At year's end, Yelovaya remained in hiding.

On October 1, Anatoly Shumchenko, leader of the Perspektiva business association, was arrested and sentenced to 5 days imprisonment for his involvement in organizing a September 3 demonstration in front of a Minsk district administration building to protest the city authority's pressure on kiosk owners.

On October 29, a Minsk court fined eight members of the human rights NGO Vyasna, including head Ales Beliatski, between approximately \$40 and \$80 (82,500 rubles and 165,000 rubles) after they held an impromptu protest in a Minsk court regarding the court's closure of Vyasna the day before (see Section 4).

On October 30, Alexander Bukhvostov, leader of the Belarusian Union of Automobile and Agricultural Implement Workers, was sentenced to 10 days' imprisonment for attempting to demonstrate against increased government violations of workers rights in downtown Minsk (see Section 6.a.).

On November 17, two members of the Conservative Christian Party were fined approximately \$2,299 (2.5 million rubles) for staging a November 2 march through downtown Vitebsk to mark Dzady, a holiday of remembrance.

On November 10, Artur Finkevich, a member of the unregistered youth organization Malady Front, was detained for distributing leaflets promoting a November 24

demonstration that ostensibly lacked required publication information. After being released on November 11, Finkevich was again arrested on November 12 for distributing similar leaflets and was sentenced to 15 days' imprisonment. Three other youths, who were detained with Finkevich for distributing leaflets, were fined \$8 (16,500 rubles). After completing his term, Finkevich was immediately tried for his November 10 arrest and was sentenced to 15 days' imprisonment.

On November 24, 17 persons were arrested in downtown Minsk for participating in an unauthorized demonstrating against possible plans to hold a referendum to allow President Lukashenko to run for president a third time. Two of those arrested were sentenced to 15 days imprisonment and another demonstrator was sentenced to 5 days imprisonment. Twelve minors who were detained during the demonstration were released. Most of those released ignored subpoenas to appear before court.

On December 2, Gomel oblast authorities prohibited the Belarusian Party of Communists from staging demonstrations throughout the oblast to protest a sharp rise in utility rates in the oblast.

On December 20, approximately 20 members of the unregistered youth organization Zubr held an unsanctioned outdoor vigil to mark the death of Andrei Zaitsev, a former member of Zubr, who committed suicide in 2002 after alleging that the KGB attempted to recruit him. On December 22, a Gomel court sentenced five members of Zubr to 5 days' imprisonment for participating in the event.

Unlike in previous years, there were no reports that police beating demonstrators during protests. However, there were reports that police violently pulled demonstrators to police vans as they were detaining demonstrators.

The Constitution provides for freedom of association; however, authorities severely restricted this right in practice. During the pre-election period in 2001, the authorities regularly harassed members and supporters of opposition parties and confiscated leaflets and publications (see Section 3). Authorities also continued to attempt to impose severe limitations on the activities of NGOs (see Section 4).

During the year, the unregistered Association of Belarusian Students reported that members of the organization, like other students, were pressured to join the government organized Belarusian Republican Youth Movement.

Employees at state-run enterprises were discouraged from joining independent trade unions (see Section 6.a.) and officials warned alumni of foreign-sponsored education programs against continued affiliation with their programs' sponsoring agencies.

According to the law, NGOs, political parties, and trade unions are required to register with authorities and it is illegal to work with an unregistered NGO. Presidential decree 24, issued on November 28, stipulates that international assistance can be granted to, or accepted by, an organization that is registered with the Ministry of Economy. Interim activities that had previously been legal while registration was pending are now prohibited. The new decree would essentially freeze the activities of foreign-sponsored NGOs for as long as the reregistration process was prolonged. Decree 24 also specifies that any local body that receives "illegal" foreign aid, including from an unregistered NGO, be closed after just one violation.

Private organizations are prohibited by regulation from using private residences as their legal addresses. In light of government control or ownership of many office buildings, the regulations had the effect of complicating the reregistration process by making nonresidential addresses difficult to establish.

After the reregistration process had begun, the authorities announced that in addition to registering, organizations would have to alter their charters to indicate recognition of the 1996 Constitution and to exclude the words "popular" or "national" from their titles. In 1999, an amendment to the Law on Public Associations codified this announcement by prohibiting political and social organizations from using the words "Belarus," "Republic of Belarus," "national," or "popular" in their titles. Although most of the major political parties and unions that applied were allowed to reregister, the Assembly of Belarusian Pro-democratic NGOs reported that only 1,268, or 57 percent, of the NGOs in existence when the reregistration law went into effect, were reregistered by the summer of 2000. The MOJ rejected a total of 202 NGOs for reregistration on various grounds, and 31 were in the process of reregistering at year's end.

According to statistics from the MOJ, during the year 913 regional branches of trade unions, 867 regional branches of social associations, and 115 regional branches of political parties were registered. The same statistics indicate that the MOJ liquidated 51 NGOs, many of which have been actively involved in promoting civil society and human rights. According to one human rights NGO, most of the organizations that were registered during the year dealt with sports and entrepreneurial interests and none of the registered organizations promoted civil society.

During the year, the MOJ challenged the registration of several opposition parties and NGOs over their legal addresses. These organizations were unable to obtain space in office buildings since many locations were either owned by the Government or were too expensive. Instead, they must operate out of private apartments that the Government did not consider legal addresses.

On December 24, the Supreme Court upheld an MOJ decision to deny registration to the Assembly of Democratic Non-Governmental Organizations. The Assembly, the country's largest NGO umbrella organization, complained that it had applied for registration in April 2002, but the MOJ decided the matter only on October 14 (the law requires that the MOJ render a decision in 1 month). The MOJ argued that the organization had provided an incorrect address in its founding documents and that several of its constituent associations were dissolved while the MOJ was considering the application. Ales Belyatsky, one of the organization's founders, said that the organization would continue functioning without registration, as it has been doing for the past 5 years.

On October 16, Justice Minister Viktor Golovanov said that recent closures of NGOs were part of his agency's "purposeful work" to enforce the law on the third sector. He denied that the NGOs were closed by the order from a higher authority. Golovanov said that the MOJ's "purposeful work" was also targeted at courts, notary publics, and political parties.

On October 28, the Vyasna Human Rights Center was liquidated after the MOJ accused the organization of forging signatures of its members as it was reregistering. In addition, Vyasna was charged with failure to collect dues from Vyasna members, and representing non-Vyasna members in court. Although Vyasna successfully refuted the Ministry of Justice's charges, the court nevertheless liquidated Vyasna based upon a warning Vyasna received during its observation of the 2001 presidential elections.

On October 21, the Ministry of Justice refused to register the Belarusian Democratic Party, founded by Valentina Polevikova, former Chairwoman of the Belarusian Women's Party, ostensibly on the grounds that the party would not be able to fulfill its party program of securing the interests of families and women. The Ministry of Justice noted that the presence of 237 men among the 1,070 members of the party prevented the party from being able to achieve its goals.

On October 23, the Lower House of Parliament announced that the parliamentary faction Respublika faction was formally liquidated. The faction, which was pro-democratic, had only 6 members rather than the required 10. They vowed to continue their activities despite the ban and death threats members have received.

On November 11, the Supreme Court liquidated the Association of Young Entrepreneurs for irregularities during its registration process in 1999. The NGO focused on education activities, published a bulletin, and provided legal counsel to young persons involved in small businesses.

On December 9, the Supreme Court upheld the MOJ's decision to deny the registration request of the Young Social Democrats. The organization filed its application on July 29. The MOJ replied on November 17, more than 3 months after the deadline stipulated by law, that the Young Social Democrats were denied registration because one of the purposes stated in their charter was to promote political, cultural, and universally recognized human values among youth. According to the Young Social Democrats, the MOJ objected to the reference to promoting political culture.

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

On June 12, the Prime Minister and Metropolitan Filaret signed a Concordat between the Government and the Belarusian Orthodox Church (BOC), which is subordinate to the Moscow Patriarch. The Concordat provides the BOC autonomy in its internal affairs and the ability to fulfill all religious rights, as well as the right to consider itself in a special relationship with the State. It recognizes the BOC's "influence on the formulation of spiritual, cultural, and national traditions of the Belarusian people." The Concordat calls for the Government and the BOC to cooperate in implementing policy in various fields, including education, development and protection of cultural legacies, and security. Although it states that the agreement will not limit the religious freedoms of other faiths, the Concordat calls for the Government and the BOC to combat unnamed "pseudo-religious structures that present a danger to individuals and society."

In 2002, the Parliament approved a new law on religion, despite protests from international and domestic human rights organizations, non-Orthodox faiths, as well as Orthodox religious groups not affiliated with the BOC. The law contains a number of very restrictive elements, which observers feared would be used to hinder and to prevent the activities of religious groups other than the BOC. Under the law, all religious organizations must undergo compulsory reregistration by November 2004, with specific requirements for membership size and years of activity for religious groups. Government officials stated publicly that no organization that was registered when the law was enacted would lose its registration status even if it failed to meet the new criteria, but the leaders of some minority religious groups were skeptical of this assurance. In addition, the law restricts the ability of registered religious organizations to conduct religious education, requires all religious groups to receive governmental approval to distribute literature, and prevents foreigners from leading religious organizations. The law effectively prohibits all religious activity by unregistered religious groups.

The Government increased its harassment of religious groups based not only upon the religion law, but also on directives that provide additional rules and requirements for religious groups that are not outlined in the law. According to the Committee of Religious and Nationalities Affairs of the Council of Ministers (CRNA), which regulates all religious matters in the country, 26 religious denominations were officially registered at year's end; however, authorities continued to refuse legal registration at the national level to faiths considered to be nontraditional. Religious groups that could not register often were forced to meet illegally or in the homes of individual members.

In May and June, police broke up three prayer gatherings of the unregistered Hindu religious group "Light of Kaylasa" that were taking place in private apartments. In one incident, police forced the group's members to lie on the floor as they conducted a search of the apartment, which resulted in heavy damage.

On January 30, the CRNA issued a document containing methodological recommendations on registering and reregistering religious groups. The recommendations required religious groups to fulfill additional requirements and submit additional information about their groups. Although the CRNA claimed that these recommendations, which had not been approved by the MOJ, were an internal document, local officials have used them to deny registration to a Church of Scientology religious community in Minsk.

In addition to the religion law, the Government used several other legislative acts to levy additional requirements on religious groups. In 2002, the CRNA issued an instruction to oblast authorities requiring them to assess public opinion before the construction or reconfiguration of religious buildings for religious purposes. According to the CRNA, authorities may deny permission for such work if it is opposed by the local population, although this requirement is not established in the law.

Although the Greek Catholic Church is officially registered, it experienced problems with the Government because of historical tensions between the BOC and the Greek Catholic Church's emphasis on the use of the Belarusian language.

On April 18, an article in the state-run newspaper Respublika alleged that a student at a Mogilev school had fallen under the dangerous influence of a Scientologist instructor at school, and that he was returned from his zombie state after 1-year of psychiatric treatment.

During the year, the government-run newspaper Narodnaya Gazeta continued to publish articles hostile towards Pentecostals in connection with the 2000 death of Igor Orlovsky, a Union of Evangelical Faith Christian deacon in the town of Starie Dorogi. The articles, which appeared in four issues, continued to allege that the pastor was sacrificed by Evangelical Christians.

On April 1, the Minsk City Court upheld a prior district court ruling that Yevgeny Novikov, the host of a television program on which these accusations had been propagated, had defamed Evangelical Christians and ordered Novikov to air an open apology. Novikov's apology was aired during the June 21 television program "Pa Sutnasti." Instead of offering an apology to Evangelical Christians, Novikov's presentation was filled with numerous anti-Protestant remarks, which included his apology to members of "the sects." The program was aired on the state-owned Belarusian Television Channel. The CRNA claimed that Belarusian Television refused its request to examine the program and advised Protestant groups to take action to pursue their cases in court. The CRNA further claimed that on June 23, Novikov appeared on television and issued a second apology, for comments made during his June 21 program; however, Protestant groups have stated that no such apology was aired.

Despite an October 8 statement by President Lukashenko that the Government should not inhibit activities of the Jewish community, officials continued to take a

number of actions indicating a lack of sensitivity toward the Jewish community. Throughout the year, the Government authorized construction and reburial activity in former Jewish cemeteries in Grodno and Mogilev, which upset local and international Jewish organizations. Since January, renovation work has been conducted at a sports stadium in Grodno that was originally built on a former Jewish cemetery. During the course of excavating the earth, workers at the site found human remains, which were removed from the site to be collected for future reburial. Photographs taken by the Jewish community showed human remains, not only mixed in earth filling dump trucks, but also mixed with earth from the site used to resurface a road. In August, the Governor of Grodno signed an agreement with a national Jewish organization that allowed for the continuation of construction work at the site, so long as such work did not damage underlying soil. Despite signing the agreement, construction work that could be construed as damaging the underlying soil continued. International and other national Jewish groups refused to recognize the agreement, claiming that it allows the Government to continue to desecrate the cemetery. In November, the Governor of Grodno Oblast signed a second agreement with another Jewish leader to excavate human remains that were mixed with earth and paved over at a nearby road.

In June, after intense pressure by the local Jewish community, which appealed to President Lukashenko to intervene, local authorities in Mogilev banned all non-Jewish burials in the city's Jewish cemetery.

Government officials continued to make anti-Semitic comments in the media. For example, in a September 13 Associated Press article about the Grodno cemetery and an unsubstantiated claim that local authorities in Mozyr had desecrated a Jewish cemetery and site of a yet to be confirmed self-immolation of local Jews during World War II, Sergei Kostyan, Deputy Chairman of the International Affairs Committee of the lower house of parliament, rejected criticism for the work being conducted near a former Jewish cemetery. Kostyan accused Jews of sowing "ethnic discord," adding "Must we [citizens of Mozyr] leave the city without gas because of Jews? I am not an anti-Semite, but Belarusians suffered no less than the Jews. And now everybody is trying to say that it was Jews that won the war." During an October press conference, Information Minister Vladimir Rusakevich made derogatory public remarks about Jews.

During a November 2002 interview with the newspaper *Belorusskaya Gazeta*, Sergei Kostyan said he opposed attempts to "turn Belarus into a springboard for Zionism." He added, "If a mosque or a synagogue stands in the way of the city development plan, I believe it is acceptable to bulldoze it."

According to the Government, the law permits residential property to be used for religious services only after it has been converted from residential use. This ruling effectively requires all religious organizations to reregister their properties as religious properties. Government figures from 2002 showed that 110 religious communities, including 34 Protestant denominations, registered their property through this process; however, authorities continued to deny permission to many Protestant churches, as well as other nontraditional faiths.

The Government issued a decree specifying measures to ensure public order and safety during public gatherings, and meeting hall officials cited this decree as a basis for canceling or refusing to extend agreements with religious groups for the use of their facilities. According to the Full Gospel Evangelical Christian Church, Minsk authorities rejected several applications from the Church during the year to rent space at a local meeting hall.

Many Protestant and nontraditional religious groups experienced problems obtaining property. There were anecdotal reports that local authorities denied land to Roman Catholic communities to construct churches in Brest Oblast. However, in April, the Minsk City Council lowered the land tax for religious groups and subsequently implemented the decision to the satisfaction of the Muslim Religious Association that was trying to construct a mosque in Minsk but had been prevented from doing so due to the high tax on land.

In 2002, despite an appeal by the Belarusian Autocephalous Orthodox Church (BAOC), local authorities in the town of Pogranichny demolished the church of the BAOB that they claimed was built illegally, since the building permit specified a private house. Local courts continued to refuse to hear appeals made by the BAOB to overturn the Government's decision not to register their churches.

Citizens were not prohibited from proselytizing; however, while individuals may speak freely about their religious beliefs, the authorities have intervened to prevent, interfere with, or punish individuals who proselytize on behalf of an unregistered religion. During the year, the Government heavily fined and detained members of unregistered religious groups that engaged in illegal religious activity. Police regularly detained, fined, and jailed numerous Hare Krishnas for illegally distributing

religious literature. Baptists, Pentecostals, and other Protestants were fined for illegally conducting and hosting religious services. According to the CRNA, convictions for such offenses were based on charges of either disturbing public order or illegally gathering without prior permission.

The law allows persons to gather to pray in private homes; however, it places restrictions on holding rituals, rites, or ceremonies in such locations and requires permission from local authorities for such events.

Foreign missionaries were not permitted to engage in religious activities outside of the institutions that invited them. The law requires 1-year, multiple-entry "spiritual activities" visas for foreign missionaries. According to the CRNA in 2002, all visa requests from registered religious organizations were approved. CRNA statistics showed that in 2002, over 1,250 foreigners went to the country to work with domestic religious groups. The CRNA reported that 956 foreigners came to the country during the year to engage in religious activity, education, and humanitarian assistance activity with registered religious groups; however, religious groups, even those with a long history in the country, continued to experience difficulties in obtaining visas. Members of the Hare Krishna and Protestant communities reported that they were unable to invite foreign clergy to participate in religious activity.

The Roman Catholic Church reported that local authorities in Grodno Oblast took steps to limit the number of foreign Roman Catholic workers, and in April, revoked the residence permits of three foreign Roman Catholic nuns who were subsequently deported. Bishops also had to receive permission from the CRNA before transferring a foreign priest to another parish. Since April, Grodno city authorities have repeatedly denied the registration of a foreign rabbi because he does not speak Belarusian or Russian.

Restitution of religious property remained limited. There was no legal basis for restitution of property seized during the Soviet and Nazi occupations, and legislation restricts the restitution of property that is being used for cultural or educational purposes.

Government officials and state media, including textbooks issued by the Ministry of Education, referred to nontraditional faiths as "sects," although it was not an official designation. In April and May, the Minsk Community of Krishna Conscience and the Union of Evangelical Faith Christians filed separate appeals to the Procurator General's office to remove a textbook that discusses the various characteristics of religious sects. On May 30, the Ministry of Education defended the use of the word "sect" as a scientific term and refused to remove the books from circulation or punish the writers of the book. However, the Ministry promised not only to instruct teachers to devote more time in their lessons to this issue, but also to consider the concerns expressed by Hare Krishna and Evangelical Christian groups, as well as to revise the controversial text when the book is reprinted. Fearing for their safety, some Baptist families in Brest Oblast and Minsk removed their children from classes because of the reference to "sects" in textbooks.

According to one Baptist leader, high school students in Brest Oblast were repeatedly questioned about their attendance at Sunday schools, the church they belonged to, and the names of their pastors and Sunday school teachers. These teachers were then requested to provide their curriculum to the high schools, which they refused to do.

Members of the Light of Kaylasa who were fined for their participation in unsanctioned demonstrations and protests reported that authorities have threatened them with confiscation of property and additional legal charges should their fines go unpaid. In March, authorities forced the parents of one member of the group to pay the outstanding fine of their son. On May 15, unknown assailants attacked a member of the group, while yelling anti-Hindu statements.

In September and October, unknown individuals harassed the family of BAOC priest Yan Spasyuk.

In two separate incidents in May and August 2002, skinheads attacked several foreign Jews in downtown Minsk. In one incident, police arrived at the scene but did not arrest the assailants. In September 2002, unknown assailants attacked a rabbi and his son near a foreign embassy in Minsk. Local guards at the embassy assisted the rabbi and notified the police, who opened an investigation into the incident that was pending at year's end.

In 2000, a court denied a request by the Jewish community to punish a company called The Orthodox Initiative that distributed an anti-Semitic book called "War According to Evil Means," since according to the judge, the book contained scientific information and was therefore not within the jurisdiction of the court. All subsequent appeals of the verdict were denied.

Anti-Semitic material, imported from Russia, could be found throughout Minsk. In April, several Jewish leaders appealed to the Government to stop the sale of

Russki Vestnik, an anti-Semitic newspaper printed in Russia. In May, the Government ordered the removal of Russki Vestnik from stores and kiosks. In spite of the order, Russki Vestnik continued to be sold and distributed in Minsk. On October 25, the newspaper was distributed to participants attending a meeting of the All-Belarusian Cossacks' Association.

While the Jewish community continued to call upon the Government to prevent the sale of anti-Semitic literature, sales of such literature continued throughout the year in government-owned buildings and in stores and at events affiliated with the BOC. Anti-Semitic and Russian ultra-nationalistic literature continued to be sold at Pravoslavnaya Kniga (Orthodox Bookstore), a store operated by Orthodox Initiative, that sells Orthodox literature and religious paraphernalia. Although the store claims to be the official bookstore of the BOC, Metropolitan Filaret stated that such literature does not reflect the BOC's attitude towards the Jewish community and pledged to pressure Pravoslavnaya Kniga to stop such sales. However, Pravoslavnaya Kniga continued to sell anti-Semitic literature at year's end. Anti-Semitic literature continued to be sold at kiosks selling Orthodox literature, including in one located in the National Academy of Sciences.

There were a number of acts of vandalism against religious groups during the year. In February, unknown vandals spray-painted anti-Muslim graffiti in downtown Minsk. In May and June, unknown assailants vandalized both Jewish and non-Jewish gravesites at three Gomel cemeteries. On August 25, unknown individuals broke into a private apartment and vandalized religious paraphernalia that belonged to the "Light of Kaylasa" which was using the apartment for religious services. On August 27, unknown vandals threw a Molotov cocktail on the front entrance of a Minsk synagogue. The attack resulted in minor damage to the entrance and no injuries. Throughout the year, unknown assailants also vandalized Holocaust memorials throughout the country, including the Yama Holocaust memorial in Minsk on May 26 and a new Holocaust memorial in Lida on October 13.

Unknown vandals destroyed crosses, both Orthodox and non-Orthodox, that were erected at Kuropaty, an area used by the NKVD to kill over 300,000 persons in the 1930s. The authorities made no attempts to find those responsible.

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

d. Freedom of Movement within the Country, Foreign Travel, Emigration, and Repatriation.—Both the 1994 and 1996 Constitutions provides that citizens are free to travel within the country and to live and work where they wish; however, the authorities restricted these rights in practice. Passports served as primary identity documents and were required for internal travel, permanent housing, and hotel registration.

In 1999 the Constitutional Court declared unconstitutional an article of the Administrative Code barring enterprises, establishments, and organizations from employing persons without a propiska (pass) or a registered address. Under that article, employers faced fines for giving jobs to persons who had no stamp in their passport indicating that their residence and their new place of employment were located in the same city or district. However, the extent to which this court decision actually affected the practice by local security officials was unknown. In practice, the right to choose one's residence remained restricted.

Official entry and exit regulations specify that citizens who wish to travel abroad must first obtain exit visas valid for 1 to 5 years. Once the traveler has this document, travel abroad was not restricted further by law; however, the authorities occasionally limited foreign travel. For example, they delayed issuing "global" exit visas and passports to some opposition activists in an effort to hinder their political activity abroad. In April, after a 17-month wait, local authorities issued passports to family members of BAOC priest Yan Spasyuk.

In July, authorities prevented a group of students of the Yakub Kolas Humanitarian University permission to travel to an international Academic Olympiad since the group leader's exit visa had expired. The institution believed that this was a deliberate attempt to interfere in the trip of the students.

Despite being released from his detention facility, Nikolai Markevich, editor-in-chief of the opposition newspaper Pahonia, was unable to travel abroad freely since he was technically serving out the remainder of his sentence, which is scheduled to expire in March 2004 (see Section 2.a.).

In July and August 2002, authorities began arbitrarily enforcing a law that requires those traveling to border zones to obtain an entrance pass (propusk). Observers believed that the decision to enforce the law was intended to prevent reporting on the August 2002 destruction of a BAOC church in the border town of Pogranichny.

The law restricts the emigration of individuals with access to sensitive state information, and any citizen involved in a criminal investigation was also ineligible to emigrate; however, authorities generally did not deny citizens permission to emigrate. Prospective emigrants who have been refused the right to emigrate may appeal to the courts.

The 1994 and 1996 Constitutions give aliens and stateless persons the same rights as citizens, except in cases established by law, international agreement, or the Constitution. The law provides for the granting of refugee status or asylum to persons who meet the definition in the 1951 U.N. Convention Relating to the Status of Refugees or its 1967 Protocol. Under the latest version of the refugee law, all persons who applied for or received asylum are protected against refoulement; however, the Government often deported individuals transiting the country back to Russia, despite the fact that the UNHCR did not consider Russia to be a safe country for such purposes. Those who were granted asylum during the year were from Afghanistan, Azerbaijan, Armenia, Palestine, and India.

Under both Constitutions, the State may grant refugee status to persons who were persecuted in other states for their political and religious convictions or because of their nationality. On January 4, President Lukashenko approved a new law on refugees, developed in consultation with the UNHCR, which eliminates the time limits within which aliens may apply for refugee status and on the duration of refugee status. It establishes specific responsibilities for relevant government agencies and establishes a procedure for unaccompanied minors filing for refugee status. The new law permits persons who had entered the country via Russia to remain and apply for asylum, something not permitted under the previous law. However, the UNHCR noted that the new law does not address such issues as the right of allowing for family reunification of a refugee, and the right of refugee applicants to be interviewed in a language they understand.

The authorities cooperated with the UNHCR and other humanitarian organizations in assisting refugees. Since 1997, 1,076 applications for refugee status were filed; of which 719 persons received refugee status. By year's end, there were 630 recognized refugees in the country, the majority of them from Afghanistan, Georgia, Armenia, Azerbaijan, Tajikistan, and Ethiopia. During the year, 138 applications for asylum were filed, of which 63 were approved. Five applications remained pending at year's end. In 2002, the UNHCR opened a center in Vitebsk providing temporary accommodations for 30 persons.

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

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

The 1996 Constitution limits the legislature to meeting twice a year for a total of no more than 170 days. Presidential decrees issued when the legislature is out of session have the force of law, except in a few cases specified in the 1996 Constitution. The 1996 Constitution also allows the President to issue decrees with powers equal to that of law in specific, urgent circumstances, a provision President Lukashenko has interpreted broadly.

On March 2, local elections were held that were neither free nor fair. A delegation from the OSCE Parliamentary Assembly Working Group determined in mid-February that the Government had not begun a genuine process of democratization, but instead that the deterioration of human rights, freedom of the press and political freedom had worsened since the previous elections. The Central Election Committee (CEC) was composed entirely of Lukashenko supporters. The Working Group noted that of the 13,446 local election commission representatives, who were selected by local executive committees and councils, only 61 were representatives of political parties, and only 30 represented opposition parties. CEC officials contended that previous election experience was required to serve on the commissions. This requirement facilitated government control over election commissioners.

The local elections were marked by early voting, ballot replacement, and falsified vote counts. Approximately 14 percent of eligible voters voted in the 4 days prior to the local elections. State enterprises bused employees to polling stations for early voting, and in some cases demanded proof the employees voted. Opposition groups

complained that these ballots were not secured between the early voting and the counting of votes.

The CEC did not invite international election observers to participate. There were 8,491 local observers who monitored the elections, but 5,294 of them were appointed from pro-government labor collectives. Opposition observers reported the mishandling of ballots and vote-count protocols, and the restriction of observer access to polling stations as the most common election violations. For example, armed police removed an election observer from a polling station in Brest after he requested permission to take a photograph, and opposition observers were barred from monitoring voting in hospitals in Brest and Grodno, both of which subsequently overwhelmingly voted for pro-government candidates. Observers also reported irregularities with vote tabulation. National Assembly members observing voting in Minsk reported that 600 votes for an opposition candidate in Minsk district were not counted. An opposition party member on a local election commission in Gomel claimed that he had been asked to sign blank ballot protocols prior to the election to "save time." After the elections, National Assembly members instigated a police investigation into voting fraud in the Minsk district of Malininsky. However, the lead investigator into the case was fired after he submitted his final case report, the contents of which were not made public.

Opposition parties had problems registering their candidates, and in the majority of districts, pro-government incumbents ran unopposed. Party candidates were often prevented from registering based on petty clerical errors on their registration forms and property declarations. Numerous opposition party candidates, who succeeded in registering, were arbitrarily deregistered just prior to elections. Most deregistrations occurred in Minsk. Sergei Chislov was deregistered just before the elections for showing anti-government films to his supporters. The day before the elections, opposition candidates Sergei Alfer, Yevgeny Lobanovich, Ivan Lobachev, Svetlana Korolyova, and Raisa Mikhailovskaya were deregistered for improper placement of leaflets and for giving interviews to independent newspapers.

Of the 25,805 candidates competing for 24,012 seats, only 693 represented opposition parties. Government efforts to falsify the elections were most pronounced in Minsk city and oblast. The pro-Lukashenko Belarusian Social and Sports Party was the only party to win any seats in Minsk city. Opposition parties fared better outside the capital, with 269 candidates winning elections.

There were signs of overt repression. For example, a candidate in Borisov was ordered by local security authorities to leave town for the duration of elections. In the 2 weeks prior to this warning, he reported that police had searched his home twice.

On November 23, bi-elections took place in Beloozyorsk to fill 12 remaining seats in the town council. Beloozyorsk was the only town where opposition candidates secured a majority during the March local elections, and the only town to hold bi-elections. Of the 10 opposition candidates who registered, 4 withdrew from the race under pressure from employers and local officials. Pro-government candidates won 9 seats on election day and one additional seat in runoff elections held on December 4. Independent observers voiced numerous complaints about violations of the electoral code and the use of a smear campaign in the local press against opposition candidates.

The September 2001 presidential election in which Lukashenko was reelected for a further term was described by the OSCE as fundamentally flawed. The OSCE reported that conditions in the months before the election precluded the possibility of a free, fair, transparent, and accountable election. The environment did not provide an equal opportunity for contestants or for the possibility that the public would be informed about the choices available. The voting and vote counting processes further restricted the rights of citizens to change their government. The OSCE/ODIHR report found that the voting procedures, including mobile ballot boxes, early voting procedures, and handling of voting lists provided several possible avenues for vote manipulation. The 2000 parliamentary elections also failed to meet international standards for similar reasons.

The Government used several tactics to intimidate and restrict the ability of opposition leaders and groups from organizing and publicizing their views. In a move widely perceived as preparation for the 2004 elections, the Government began to close independent newspapers and NGOs (see Sections 2.a. and 2.b.). In 2002, authorities added three articles to the Criminal Code that made libel of the President a criminal offense, which were used to punish not only opposition party members but independent media as well (see Section 2.a.). During the year, the Government used excessive force to disperse demonstrations by opposition parties (see Section 1.c.).

On March 27, President Lukashenko announced plans to establish a state ideology. While the exact details of what the ideology promotes remained unclear,

President Lukashenko and other government officials said that the ideology would be based upon and promote the ideals of independence, loyalty to the state, "all the positive experience the country gained when it was part of the USSR," and the BOC. The Government earmarked \$2.14 million (4.5 billion rubles) and has established "information and propaganda" groups to conduct ideological instruction at work places on the third Thursday of each month.

Despite the fact that the basic tenants of this ideology were not known, President Lukashenko tasked officials and scholars to establish a state ideology, and ordered the Government to establish mechanisms to promote the state ideology, along with state media outlets, educational institutions, and pro-government youth organizations such as the Belarusian Republican Youth Movement.

Of the 110 deputies in the lower house of parliament, 14 were women, while 19 of the 63 members of the Upper House of parliament were women. With the exception of the judiciary, social barriers to women were strong, and men held virtually all of the leadership positions. The Ministers of Social Security and Health were the only female members of the Council of Ministers. The head of the Government's Central Election Committee was a woman, as was the head of the influential Property Department of the Presidential Administration.

The country was ethnically homogeneous; most minorities have long been assimilated. There was little ethnic discord, and persons from minority groups were represented at high levels of government.

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

Several domestic human rights groups were active in the country; however, members of domestic human rights groups reported that the authorities hindered their attempts to investigate alleged human rights violations. The authorities monitored NGO correspondence and telephone conversations (see Section 1.f.). They also harassed NGOs by bureaucratic means. The authorities generally ignored reports issued by human rights NGOs and did not meet with these groups during the year. Official state media did not report on human right NGOs and their actions; independent media that reported on human rights' issues were subjected to closure and harassment (see Section 2.a.).

The Government closed most major registered human rights NGOs and NGO resource centers during the year (see Section 2.b.). The law requires only two violations before the MOJ can initiate procedures against an NGO. The primary violations cited were failure to use the correct stamp for the organization, a mailing address at a residence rather than at an office, forgeries among registration signatures, and inaccuracies in organization letterhead. The Government's actions particularly focused on organizations that participated in observations of elections. On October 28, the Supreme Court closed Vyasna, one of the country's most prominent human rights NGOs. The Court refuted the prosecutor's charges that Vyasna falsified member signatures but closed the NGO for a 2001 violation during Vyasna's observation of the presidential elections.

On August 19, the MOJ issued a warning to the Belarusian Helsinki Committee, another prominent human rights NGO, for the absence of quotation marks in its letterhead and seal. The Belarusian Helsinki Committee would be closed after one more warning. On June 17, the Gomel Regional Court closed the Gomel-based NGO resource center, Civic Initiatives, claiming that the organization used foreign aid for illegal purposes. On July 9, the Brest Regional Court closed the Baranovich-based NGO resource center Varuta, claiming that Varuta abbreviated its name in internal documents and referred to itself as an organization, rather than an association as stated in its registration. On July 31, the Vitebsk Regional Court closed the Vitebsk-based NGO resource center, the Center of Youth Initiatives Kontur, for violations in tax regulations and for failing to reside at the registered address. On September 10, the Independent Society for Legal Studies received its third warning for contributing to a bulletin of an unregistered organization, and the MOJ can at any point initiate proceedings to close the Society.

On August 21, a Grodno City Court outlawed the Grodno-based NGO resource center Ratusha for keeping and using a Risograph digital printing machine without a publisher's license. The NGO tried on numerous occasions to donate the machine, worth several thousand dollars, but no NGO had a license to publish and Grodno State University refused to accept it. On September 2, the MOJ issued a warning against the Lev Sapegha Foundation after expelling Jan Busch, a member of Germany's Youth Socialists who had come to participate in a seminar sponsored by the organization.

Independent observers viewed the closing of the NGOs and resource centers as politically motivated. On October 16, a Supreme Court judge closed the Lutskevich

Brothers Foundation for using an incorrect seal and for having an office in a residence. The Foundation focused on historical research and social and cultural projects. The Government closed several other cultural and social NGOs, including Cassiopeia, Women's Response, and NGOs supporting women; several other such NGOs received warnings, including Karani, a Loyev-based historical NGO, the Gomel Children and Youth Organization, and Hand of Help, which provided assistance to prisoners.

In addition to punitive measures for NGOs introduced in earlier years, on December 17, President Lukashenko signed into law a bill introducing punishments for activity on behalf of organizations that are not registered by the MOJ. Those guilty of such offenses are liable to fines of \$80 to \$400 (175,000 to 875,000); a repeated offense would entail fines of \$400 to \$800 (875,000 to 1.75 million rubles) or up to 15 days in jail. The law also prohibits the media from disseminating information issued by nonregistered organizations. NGOs were already prohibited from receiving support from foreign sources.

Break-ins and questionable tax audits were less widely used than in the 2001 pre-election period; however, they remained problems during the year. The MOJ launched five inspections of the human rights NGO Vyasna between January 1 and July 16. Each inspection involved all of the organization's minutes, activities, and its general convention.

The country's poor human rights record continued to draw the attention of many international human rights organizations. In general, the authorities were willing to discuss human rights with international NGOs whose members were allowed to visit the country; however, members of some NGOs were refused permission to make such visits, and the authorities increased their harassment, often through taxes, of international NGOs working in the country.

The UNCHR criticized the Government in a resolution that urged the Government to conduct a transparent investigation of the disappearances of prominent opposition activists and to suspend or dismiss those suspected of involvement in such disappearances (see Section 1.b.). The resolution also stressed the need to establish an independent judiciary, release journalists imprisoned for political reasons, bring the actions of its police and security forces into compliance with the International Covenant on Civil and Political Rights, and to comply with the various mechanisms of the Commission on Human Rights.

The Parliamentary Assembly of the Council of Europe (PACE) sent Christos Pourgourides, a Cypriot deputy, a Special Rapporteur to investigate the disappearances of Krasovsky, Gonchar, Zakharenko, and Zavadsky. PACE chose Pourgourides after the Government refused entry to well-known Russian human rights activist Sergey Kovalev. During his December 4 visit, Pourgourides reported that several meetings were cancelled after officials managed to obtain a copy of his draft report, which they regarded as too critical. The report was not released by year's end.

In 2002, the Government denied visa extensions to OSCE Advisory and Monitoring Group to representatives in the country, which effectively forced the mission to close in October 2002. A successor mission officially opened in January based on an agreement signed between the Government and OSCE in December 2002; however, the new OSCE office only resumed activities in Minsk in March. No projects in the Civil Society working group were implemented during the year. According to the OSCE, its Representative on Media Freedom, Freimut Duve, and several aides applied for visas to enter the country for a series of meetings on September 1 and 2; however, the Government delayed acting on the application until after the proposed travel date had passed.

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

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

According to the UNDP, there was no official discrimination against persons with HIV/AIDS. However, there was societal discrimination. HIV-infected individuals were afraid to disclose their status for fear of prejudice based primarily on a lack of understanding of the virus. Even among doctors there was even a strong fear of AIDS and lack of knowledge about the disease. The UNDP reports that there were very few medical personnel who dealt with HIV/AIDS patients and only one department at one hospital where HIV infected women could give birth. In prisons, HIV infected inmates faced strong discrimination and were segregated to minimize risk of injury or even death at the hands of other prisoners.

Women.—Although government statistics were not available, women's groups reported that domestic violence, including spousal abuse against women, was a significant problem. The U.N. Development Fund for Women (UNFEM) conducted research, coordinated by the Association of Young Christian Women, which indicated that three-fourths of the adult population was aware of the problem of domestic violence against women. The research also indicated that one in three women have been beaten by her spouse or sexual partner. In 2002, the Ministry of Labor and Social Welfare issued a regulation to establish crisis centers, which NGOs operated during the year primarily in Minsk.

Spousal abuse is punishable under the Criminal and Administrative Codes. Non-severe beating is punishable by a fine or up to 15 days' imprisonment, while more serious offenses are punishable by up to 15 years in jail. Women's groups have indicated that police generally enforced the laws against domestic violence, and that the courts generally imposed these sentences. The primary problem remained a widespread reluctance among women to report instances of domestic violence due to fear of reprisal and the social stigma. Rape was a problem. A law against rape exists; however, most women did not report rape due to shame or fear that the police will blame the victim.

Although the authorities and local human rights observers reported that prostitution was not yet a significant problem, considerable anecdotal evidence indicated that it was growing, particularly in the outlying regions. According to government statistics, from January to September 2002, 13 persons in Vitebsk Oblast were charged with operating brothels. Street prostitution appeared to be growing as the economy deteriorated, and prostitution rings operated in state-owned hotels. According to the most recent information available from the Interior Ministry, in 2002 about fifty Belarusian women were deported from foreign countries in 2002 for practicing prostitution. Trafficking in women was a serious and growing problem (see Section 6.f.).

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

The law requires equal wages for equal work; however, it was not always enforced in practice. Women had significantly fewer opportunities for advancement to the upper ranks of management. According to the Belarusian Union of Women, women held only 3 percent of executive positions in healthcare, 5 percent in science and education, and 6 percent in industry, even though women constituted 53 percent of the population. Women reported that managers frequently considered whether a woman had children when examining job candidates.

The level of women's education generally was higher than that of men. Women constituted approximately 58 percent of workers with a higher education and approximately 66 percent of workers with a specialized secondary education. However, between two-thirds and three-fourths of workers with a higher education (mostly women) lived beneath the official poverty level. Women were equal in law to men with regard to property ownership and inheritance.

Women's groups were active and focused primarily on such problems as child welfare, environmental concerns (especially the after-effects of Chernobyl), the preservation of the family, the promotion of women to decision making levels in the country, and the support of women entrepreneurs. During the local elections in March, 7,000 Belarusian Union of Women representatives worked in election committees and 12 women were elected to the Minsk City Council. In 2002, the Belarusian Women's Forum met in Polotsk to develop a strategy to improve the status of women. In May, the chair of the Christian Democratic Movement of Belarus, Lyudmila Petina, conducted a conference on gender equality in politics. Another international conference in December focused on the issues of women, education, and democracy. The UNDP project, "Support to Expanding Public Space for Women in Belarus," launched in 2002, was carried out during the year by the European Humanities University, with the participation of the Ministry of Labor and Social Welfare and was directed towards increasing the participation of women in decision-making positions in the socio-political, legislative, and professional spheres. There was also an active women's political party (see Section 3).

Children.—The authorities were committed to children's welfare and health, particularly to overcoming the consequences of the nuclear accident at Chernobyl. With the help of foreign donors, they tried to give children special attention. During the year, the Belarusian Children's Hospice operated three regional hospices in Vitebsk, Gomel, and Mogilev in addition to their Minsk hospice. These hospices gave medical care to dying children, held a summer camp for kids with psychological rehabilitation needs, and educated nurses, medical workers, and parents. By law all inhabitants, including children, were entitled to health care. There was no reported difference between the treatment of girls and boys in the provision of either health

care or education. Children begin school at the age of 6 and are required to complete 9 years, although the authorities made 11 years of education available at no cost and began to develop a 12-year education program. Higher education also was available at no cost on a competitive basis. Families with children continued to receive token government benefits, such as discounted transportation.

Although the Government did not keep statistics or report on cases of child abuse, there were instances of child abuse. However, there did not appear to be a societal pattern of abuse of children. The press reported that the authorities in Pinsk, Brest region, opened a shelter on December 31 for children who had been removed from abusive or negligent homes. Pinsk was the third city in the Brest region to open a social orphanage; the other two were located in Brest and Baranovichi. With the assistance of UNICEF, a network of 23 NGOs working for and with children has been established. UNICEF's counterpart NGO, the Belarusian Association of UNESCO Clubs, implemented a project entitled University of Child Rights, a peer-to-peer child rights education program, which involved a lawyer, a teacher, and a trainer holding training seminars for regional coordinators who each in turn trained teachers and high school students. These teams then conducted seminars in high schools. These seminars were adapted to cover child's rights issues important in each of these high school communities. The NGO Belarusian Assistance to Children and Young Persons with Disabilities, promoted the rights of children and young persons with disabilities.

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

Persons with Disabilities.—Discrimination against persons with disabilities in the provision of employment, education, and other state services was a problem, as was social discrimination. The law mandates accessibility to transport, residences, businesses, and offices for persons with disabilities. However, facilities, including transport and office buildings, often were not accessible to persons with disabilities. A program of measures intended to provide employment and medical care for persons with disabilities, adopted in 2001, lacked funds. The Government promised to construct at least one or two wheelchair accessible facilities in regional and district centers by year's end; however, according to the Republican Association of the Disabled, not all regional and district centers had completed this construction by year's end. In many cases, facilities had ramps at the entrance but no wheel-chair facilities inside, which made the buildings inaccessible to persons with disabilities in practice. However, some private buildings were made accessible to persons with disabilities.

According to the Belarusian Society of the Disabled, the Government took steps that raised concerns among citizens with disabilities. The Government's decision to support only government-run rehabilitation facilities, which were costly for the national budget and less suitable for patients than rehabilitation facilities that were run by NGOs, had a negative effect on the quality of care. The Government also decreased tax privileges for employers specializing in laborers with disabilities, abolished some general employment guarantees for individuals with disabilities.

On May 12, the National Association of Wheelchair Users protested the Government's failure to observe the constitutional rights of persons with disabilities, and its failure to address their concerns. According to Sergei Drozdovsky, leader of the National Association of Wheelchair Users, the Government failed to implement their program to make public places in Minsk wheelchair accessible, despite promises that it would do so.

The central authorities continued to provide some minimal subsidies to persons with disabilities and foreign and domestic charities operated to care for children with disabilities. In 2002, the charity Alesya, which aimed to provide medical aid and educational support to orphaned children and children with disabilities, was registered with the MOJ.

National/Racial/Ethnic Minorities.—Legally the Russian and Belarusian languages share equal status; however, the Government at times harassed those that used the Belarusian language or promoted Belarusian nationalism. As part of the Government's efforts to promote a union with Russia and to reduce the influence of opposition movements, the authorities continued to discourage the promotion or teaching of the Belarusian language to students by limiting the availability of early childhood education in Belarusian. In Minsk, only 11 of the 242 middle schools taught in the Belarusian language. In other regional cities, the disparity was significantly greater. The authorities continued to claim that the only schools that have been closed that taught in the Belarusian language were those that experienced diminishing enrollment; however, observers doubted this claim.

During the year, youth belonging to Russian ultra-nationalist skinhead groups continued to be active. Foreigners, as well as citizens promoting Belarusian culture, continued to be targeted. On May 7, Alexander Milinkevich, Head of the Grodno

Ratusha resource center, received a threatening letter from the Grodno branch of the ultra-nationalist group Russian National Union (RNE). In 2002, members of the RNE attempted to break into an office of the Belarusian cultural organization *Belaruskaya Khata*. The organization reported that its phone lines were cut, and its office door was damaged and defaced with swastikas.

On November 27, a Lebanese student at a Minsk university was attacked near his university. Foreign students reported to local media that such attacks frequently occurred, and that police did not attempt to prevent them.

On August 3 and November 30, unknown individuals vandalized the office of the Union of Poles in Grodno. In April, unknown individuals vandalized a Polish cemetery in Volkovysk.

On August 20, the MOJ issued a warning to the Union of Poles, the main Polish minority organization for using Polish, not Belarusian or Russian in its official stamp and letterhead. The warning was issued, although the Union of Poles had used the same stamp and letterhead for over 15 years, without incident.

During the year, the Government selectively enforced legislation preventing the sale of hate literature. On November 1, state-media reported that the KGB had seized large amounts of neo-Nazi literature and videos from a store in downtown Minsk. Despite the seizure, such literature continued to be sold at events and stores affiliated with the BOC (see Section 2.c). Despite assurances from the CRNA that the Government took all necessary steps to address such manifestations of hate literature, no concrete steps were observed during the year.

On June 27, the Council of Ministers and the Ministry of Education closed the Yakub Kolas National Humanitarian Lyceum, the only Belarusian language institution offering university preparatory instruction, following a 1-month dispute over the appointment of a government director of the Lyceum. The appointment was made despite the protests of students, teachers and parents who believed that the government-appointed director was not interested in continuing the Lyceum's emphasis on Belarusian culture and language. Between late June and September, students, teachers, and parents of the Lyceum held several demonstrations around Minsk in protest of the decision to close the Lyceum. Although the Government offered students places in other educational institutions, all of which are Russian-speaking, the majority of the students continued to attend Lyceum classes held in various facilities throughout Minsk. However, students, parents, and leaders of the Lyceum, as well as organizations providing classroom space, faced intimidation as a result of their connection to the Lyceum. On May 31, unknown assailants attacked Yakub Kolas, who fought them off and was not injured. On September 29, the Writer's House in Minsk, where the Lyceum students planned to attend a writing course, found their locks changed and the electricity cut off.

In September, the Ministry of Education twice ordered Alexander Kazulin, Rector of the Belarusian State University, to liquidate the International Humanities Institute (IHI), an independent educational entity that was affiliated with Belarusian State University and that received funding from international Jewish organizations. The IHI offered instruction in several fields, and specialized in Judaica studies. The Ministry of Education did not cite any reasons for seeking IHI's liquidation. On September 23, the executive board of Belarusian State University decided to re-designate the IHI as the "Humanities Institute of Belarusian State University," which permitted the institution to continue its various educational programs. Some Jewish groups expressed concerns that the move to liquidate the Institute was motivated by government retaliation for the August closure of the Israeli Embassy in Minsk and by a request of the Metropolitan Filaret who reportedly objected to the Judaica program.

Section 6. Worker Rights

a. The Right of Association.—The Constitution upholds the right of workers, except state security and military personnel, to form and join independent unions on a voluntary basis and to carry out actions in defense of worker rights; however, these rights were not respected in practice. Measures to suppress independent unions included the arrest of members of independent trade unions for distributing union literature, confiscation of union materials, the denial to union members of access to work sites, excessive fines, and pressure on union members by managers and state authorities to join pro-government unions. Workers engaged in trade union activities not approved by the Government were pressured to quit their jobs.

During the year, the authorities took numerous measures to suppress independent trade unions and continued to interfere in the work of the Belarusian Federation of Trade Unions (BFTU), especially regarding activities of independent, affiliated unions. In June, the International Labor Organization's (ILO) Standards Committee included the country in its special paragraph on trade union violations

for a second consecutive year and urged the Government to address the ILO recommendations to eliminate government interference in unions. On November 19, the ILO approved the establishment of a Commission of Inquiry to investigate alleged serious violations of workers' rights in the country.

On November 11, the Ministry of the Economy informed the ILO that all activities related to its technical assistance project to labor unions must cease, because the registration of the project was denied. On October 22, the Presidential Administration issued order 460 concerning the provision of international technical assistance inside the country. Ostensibly issued to clarify the tax treatment of foreign assistance funds, the order complicates project registration procedures by establishing government approval of project activities as a prerequisite for registration. In November, the President issued decree 24, which establishes regulations governing the receipt of foreign assistance that has not been approved and registered by the Government (see Section 2 b.). In refusing to register ILO's technical assistance project, the Ministry cited the exclusion of the BFTU from project activities. The Ministry insisted that assistance should be channeled through an agreement with the BFTU and not through direct cooperation agreements with federation-affiliated unions. Although the Ministry expressed dissatisfaction over the exclusion of BFTU leadership in ILO project activities, local branch unions affiliated with the BFTU participated in project activities throughout the year.

In 2002, the authorities orchestrated a government takeover of the BFTU and several national unions, which led to an official complaint to the ILO. They also orchestrated the removal of Franz Vitko as chairman of the BFTU and replaced him with Leonik Kozik, a senior official within the Presidential administration hand-picked by Lukashenko. Although the ILO challenged the election of Kozik, during the year, the ILO continued to assert that it was prepared to cooperate with any union organization in the country, including the BFTU, which endorsed the ILO's recommendations for Belarus concerning government interference in internal union activities.

A Presidential decree requires trade unions to enroll a minimum of 10 percent of the workers of an enterprise to form and register a local union. The decree specifies a minimum enrollment of 500 members for national unions. It also obliges existing registered unions to reregister and to meet the new requirements. Free trade union leaders reported that this decree 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 July, the authorities of the Oktyabrsky District of Mogilev denied registration to the local branch of the Automobile and Agricultural Machinery Workers Union at the Mogilev Auto Plant. According to the authorities, the union's application lacked certain documents required for registration; however, union activists reported that administrators could not name exactly which documents were missing. In August, the Supreme Court ordered the closure of the Belarusian Air Traffic Controllers' Union (BATCU), the first instance of a court-ordered union closure. The Court determined that the BATCU's membership enrollment did not meet the minimum threshold of 500 members, established by presidential decree. The BATCU claimed that the union has approximately 1,000 members stating that the Government neglected to count members employed in enterprises outside of the capital. BATCU Chairman Yury Migutsky asserted that the State Aviation Committee sought the BATCU's closure because aviation workers' refused to accept contract-based employment in lieu of their career appointment status.

The authorities continued to discourage employees at state-run enterprises from joining independent trade unions. The BFTU, formerly the Belarusian branch of the Soviet Union's All-Union Central Council of Trade Unions, consisted of approximately 4.5 million workers (including retirees) and was the largest trade union organization. The independent Belarusian Congress of Democratic Trade Unions consisted of 4 independent unions totaling 15,000 members. According to BFTU figures, 90 percent of the workforce was unionized. Although wary in the past of challenging the Government seriously, some BFTU leaders became increasingly vocal in their criticism of the policies of the Government during the year. In retaliation, the Government threatened and harassed some BFTU officials. In March, President Lukashenko ordered Minister of Industry Anatoly Kharlap to settle issues concerning opposition voices within the Federation. The President gave Kharlap 2 months to solve this issue and report to the Administration. In October, the Presidium (the highest decision making body) of the BFTU voted to remove Bukhvostov as presidium representative of the Agricultural Machinery Workers Union (ASM). ASM union committee leader at the Minsk Tractor Factory Aleksander Kartsev replaced the ASM Chairman as the organization's representative to the BFTU Presidium. During presidium meetings, Bukhvostov repeatedly called for an end to gov-

ernment interference in the internal affairs of trade unions. On December 23, the ASM union called an extraordinary congress during which delegates voted to remove Bukhvostov from his position as chairman. ASM's deputy chairman accused Bukhvostov of ignoring FTUB decisions and politicizing trade union activities. After the vote Bukhvostov commented that human and trade union rights in the country continued to be violated on a tremendous scale.

In 2002, Kozik began a purge of BFTU dissident union activists and replaced them with individuals widely believed to be KGB agents. He fired the editor of the Federation's *Belaruski Chas* newspaper and orchestrated the removal of Alexander Yaroshuk, the then-chairman of the Agricultural Branch union (the largest state union in the country, with approximately 1 million members). In January, BFTU leaders fired six *Belaruski Chas* journalists, who stated that they were dismissed for supporting the editorial views of the paper's previous editor. The authorities continued to coerce union activists and focused efforts to remove two reform-minded BFTU branch union heads. On May 28, the trade unions at nine state enterprises merged to form the Belarusian Union of Industry Workers (BUIW), which subsequently became a member of the BFTU. The authorities and directors of state enterprises placed significant pressure on workers to join the BUIW. Independent union activists called the BUIW a pro-government, "yellow union" established to quell resistance to BFTU's pro-government agenda and undermine reformist grassroots unions. BFTU Chairman Kozik pledged his full support for BUIW, stating that the country needed a powerful union as no one in the Government wants to deal with a union limited to one factory. The BUIW allocated 2.4 percent of its membership dues to the BFTU. The BUIW had approximately 100,000 members. Kozik's radical shift away from union activism to pro-government agitation and integration of the BFTU into the government structure, led the ILO to challenge the BFTU's representation in ILO and Kozik's election as chairman.

Independent trade unions faced continual government harassment. In April, an ASM union activist was fired from the Grodno Truck Factory after a factory security guard discovered \$0.20 (454 rubles) worth of nuts and screws when he was leaving work. The worker was a member of a trade union commission in 2002 that uncovered management's failure to index back wages. On September 18, Chairman of the Belarusian Congress of Democratic Trade Unions (BCDTU) Aleksander Yaroshuk received a 10-day prison sentence for contempt of court. The Prosecutor's Office filed charges against Yaroshuk for describing the Supreme Court's decision to close the Air Traffic Controllers Union as "a stage play with an end known in advance" in an article published by an independent newspaper. On October 17, a Minsk Administrative Court sentenced BCDTU lawyer Vladimir Adynets to 5 days in prison for failing to appear in court as a legal representative to a plaintiff involved in a labor dispute when his client was ill and unable to attend proceedings. Members of independent trade unions faced continual pressure at their places of work to join the BUIW or lose their jobs. Workers were repeatedly searched at factories to prevent the smuggling of information materials forbidden by plant directors. Directors of state enterprises restricted access to plant premises, limiting opportunities for unions to hold meetings with members. In November, the MOJ inquired into the membership lists of independent unions and the BCDTU.

By law, unions are free to affiliate with international bodies. In April, the International Union of Food, Agricultural, Hotel, Restaurant, Catering, Tobacco, and Allied Workers' Associations (IUF) suspended the membership of the BUAW and contacts with the BFTU. IUF General Secretary Ron Oswald stated that the BUAW and BFTU no longer met membership requirements as their leaders were appointed by the Government rather than elected. In December, the BCDTU became a member of the International Confederation of Free Trade Unions (ICFTU).

b. The Right to Organize and Bargain Collectively.—The law provides for the right to organize and bargain collectively; however, the authorities and state-owned enterprises hindered the ability of workers to bargain collectively and, in some instances, arbitrarily suspended collective bargaining agreements. On October 30, city authorities in Polotsk notified the management at the Polotsk Glass Fiber Factory and local branch of the BFTU that the registration of their collective bargaining agreement had been voided. Both independent and official union leaders continued to be sharply critical a presidential decree issued in 1999 intended to place all workers on individual rather than collective contracts. Union leaders believed the requirement was designed principally to enable the Presidential Administration to increase its control over the labor sector. Unions reported that some enterprises and state agencies pressured workers to accept individual contracts in lieu of collective contracts (see Section 6.a.).

The Constitution provides for the right to strike; however, tight control by the Government over public demonstrations made it difficult for unions to strike or to

hold public rallies furthering their objectives (see Sections 1.d. and 2.b.). During the year, small vendors and workers organized several small strikes in various regions of the country. However, there were many instances in which management and local authorities frustrated workers' attempts to organize strikes by declaring that such activities would be illegal.

There are six special economic zones, all of which are subject to all provisions of the labor code.

c. Prohibition of Forced or Bonded Labor.—The Constitution prohibits forced or bonded labor, including by children except in cases when the work or service to be performed is fixed by a court's decision or in accordance with the law on states of emergency or martial law; however, there were some reports that such practices occurred (see Section 6.f.). The Government approved several "subbotniks" by which workers "volunteer" to work on Saturday and donate the day's earnings to finance certain social projects. Participation in subbotniks was mandatory; workers who refused to participate were subject to fines and intimidation by employers and the authorities. Students also were forced to participate in potato harvesting activities.

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

e. Acceptable Conditions of Work.—The minimum wage was \$22 (45,000 rubles) a month, which did not provide a decent standard of living for a worker and a family; however, average real wages improved during the year from approximately \$110 (200,000 rubles) to \$126 (264,000 rubles) a month. The country's continuing economic problems made it difficult for the average worker to earn a decent living, and 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. In reality, because of the country's difficult economic situation, an increasing number of workers found themselves working considerably less than 40 hours per week. Reportedly factories often required workers to take unpaid furloughs caused by shortages of raw materials and energy and a lack of demand for factory output.

The law establishes minimum conditions for workplace safety and worker health; however, these standards often were ignored. Workers at many heavy machinery plants did not wear even minimal safety gear, such as gloves, hard hats, or welding glasses. A State Labor Inspectorate existed but did not have the authority to enforce compliance, and violations often were ignored. In the first half of the year, 83 workers died and 318 were injured seriously in workplace accidents. The high accident rate was due to a lack of protective clothing, shoes, equipment, failure to observe temperature regulations, the use of outdated machinery, and inebriation on the job. There is no provision in the law that allows workers to remove themselves from dangerous work situations without risking loss of their jobs.

A 2002 Presidential decree lowered the level of disability allowances paid by the State or state enterprises for result of workplace injuries. Under the decree, industrial injury suits also are to be covered by the Civil Code, rather than the Labor Code. Independent union leaders believed workplace injuries should be reviewed under the Labor Code, which provides for more generous compensation.

The Labor Code accords foreign workers the same protections as citizens.

f. Trafficking in Persons.—The law prohibits trafficking in persons; however, trafficking in persons was a significant problem. There were no reports of official involvement in trafficking; however, observers believed that given the extensive corruption that exists within the police and other agencies of the Government, such involvement was likely.

Provisions of the Criminal Code penalize trafficking in persons for the purpose of sexual or other kinds of exploitation. The Criminal Code also criminalizes the hiring of individuals in order to exploit them sexually or otherwise. The penalty for trafficking is between 5 and 7 years' imprisonment and severe forms of trafficking are punishable by up to 15 years' imprisonment.

According to government statistics, law enforcement agencies broke up 10 trafficking rings run by international organized criminal groups during 2002. During the year, law enforcement agencies initiated several investigations related to trafficking in persons. In November, the Ministry of Interior (MOI) reported that three cases were being investigated under the anti-trafficking law. For the same period, the MOI identified several returned Belarusian victims of trafficking, including 24 minors under the age of 18. Local NGOs and international organizations did not indicate that authorities mistreated victims. According to the MOI, courts opened 47 cases related to trafficking in persons. Of these cases, 24 perpetrators received pris-

on sentences, 3 received hard labor, 2 were fined, 1 received community service, 11 had pending sentences, and 6 accused awaited trial.

The country was both a country of origin and a country of transit for women and girls being trafficked to Central and Western Europe for purposes of prostitution and sexual exploitation. The open border with Russia made the country a likely transit route for victims from Russia and points eastward. Trafficking remained a significant problem. The MOI was investigating leads concerning the alleged trafficking of Belarusian women to Cyprus. MOI investigators estimated that approximately 500 Belarusians may have been trafficked to Cyprus during the past 3 years. Victims were forced to work as dancers and prostitutes in Cypriot clubs, bars, and restaurants. The authorities released limited statistics on the problem of trafficking. According to country NGOs, several thousand Belarusian women were victims of trafficking. The country was also a country of origin and transit for women being trafficked to Russia, Ukraine, Lithuania, Germany, Israel, Poland, Czech Republic, Turkey, Cyprus, Bahrain, Syria, Greece, Hungary, and Serbia and Montenegro.

The Ministry of Internal Affairs acknowledged that criminal organizations may try to lure and recruit women into serving as prostitutes in Western Europe and the Middle East. Traffickers, who were associated with organized crime and drug trafficking, enticed their victims through advertisements for lucrative jobs in newspapers, on the Internet, and in advertisements posted in the metro.

The authorities continued to address the problem of trafficking in persons. In 2001, the MOI prepared a 5-year, 33-point strategy to combat trafficking in persons that covered ways of improving legislation, international cooperation, combating trafficking, and rehabilitation of victims. The strategy included various governmental agencies, such as the Ministries of Foreign Affairs, Labor, Education, and the KGB. On June 25, the country ratified the U.N. Convention on Transnational Organized Crime and the U.N. Protocol to Prevent, Suppress, and Punish Trafficking in Persons, Especially Women and Children. The MOI and the Ministry of Social Welfare were involved in anti-trafficking efforts. The Ministry of Labor and the Department of Migration continued to monitor the activities of businesses licensed by the Ministry to offer employment in foreign countries. In some instances, the Ministry suspended or revoked such licenses for failure to comply with the regulations governing overseas employment agencies. The MOI signed law enforcement cooperation agreements on fighting organized crime with Poland, Lithuania, Estonia, and Moldova in 2002, which included cooperation on combating trafficking in persons. At year's end, the MOI was working to broaden its cooperation with international and foreign government law enforcement agencies.

Women seldom reported incidences of trafficking to police, probably because of the social stigma attached to trafficking crimes, a generally negative public opinion about law enforcement authorities, insufficient protection accorded victims and witnesses, and lack of reintegration services for victims. Most victims returned to the country as deportees and had not received special status as victims of trafficking in the countries to which they were trafficked. As a consequence, they were denied victims' access to return assistance and the likelihood that they would come forward once back in the country was reduced.

During the year, the UNDP launched a 2-year counter-trafficking program that focused on improving legislation, law enforcement efforts, and the provision of assistance available to victims. The International Organization for Migration (IOM) conducted a national awareness campaign and provided awareness training to NGOs in regional towns. The IOM made available resources to provide basic reintegration assistance to victims of trafficking. Crisis centers established by some NGOs provided psychological assistance to victims of violence; however, such centers did not include specialists in dealing with victims of trafficking.

NGOs operated two trafficking information hotlines; one in the capital of Minsk and a second in Brest, located near the Polish and Ukrainian borders. The hotline in Brest received 1,277 calls in its first year of operation; 66 percent of which were from women. Of the callers, 52 percent had questions regarding employment abroad, and 390 callers said they received proposals to work abroad from friends. The hotline in Minsk received an average of 100 calls per month.

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. Parliamentary elections held on May 18 were free and fair and

resulted in a four-party coalition government. The country is a federal state with several levels of government, including national, regional (Flanders, Wallonia, and Brussels), and community (Flemish, Francophone, and German). The judiciary is independent.

The civilian authorities maintained effective control of all security forces. The Federal Police are responsible for internal security and nationwide law and order. Local Federal Police branches operated in all 196 police districts. There were no reports that security forces committed human rights abuses.

The country, which had a population of approximately 10.3 million, was highly industrialized, with a large private sector and limited government participation in industry. The primary exports were machinery and equipment. The economy grew an estimated 0.8 percent during the year and provided a high standard of living for most citizens; there was little economic disparity.

The Government generally respected the human rights of its citizens, and the law and the judiciary provided effective means of dealing with individual instances of abuse. Societal violence against religious minorities was a problem. Trafficking in women and children remained problems, which the Government took steps to address.

RESPECT FOR HUMAN RIGHTS

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

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

The trial of five ex-gendarmes for their alleged roles in the 1998 death of Semira Adamu, a Nigerian refugee who died during her forced repatriation, concluded on December 14, with suspended 12-month sentences for three of the officers, a suspended 14-month sentence for the officer-in-charge, and an acquittal for the fifth officer. The Government was ordered to pay damages to the victim's family. The trial for the 1991 killing of Andre Cools began on October 17 and 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.—The law prohibits such practices, and in general government officials did not employ them.

On July 2, the Government published its response to a report by the Council of Europe's Committee for the Prevention of Torture (CPT) based on a 2001 visit. The CPT report made recommendations concerning the use of force and means of restraint during involuntary movement of prisoners, but noted that the Government had already taken numerous measures to reduce risks to prisoners. The report's principal concerns were violence between prisoners at Andenne Prison, chronic overcrowding at Antwerp Prison, and the operation of the psychiatric care system in prisons. In response, the Government highlighted the adoption of specific articles in the Criminal Code prohibiting torture and inhumane treatment and reported its prohibition against the use of plastic handcuffs the use of immobilization techniques that could result in asphyxiation. The Government also established an interministerial working group on the implementation of CPT recommendations.

Other Government actions to implement the CPT recommendations included closure of a psychiatric ward at Lantin prison; new measures to combat prison violence; and a more liberal policy for allowing prisoners access to medical treatment.

Following the death on July 16 of a prisoner at Lantin penitentiary, a judicial inquiry began into the actions of two prison guards. The investigation continued at year's end.

Prison conditions varied: Newer prisons generally met international standards, while some older facilities nearly met international standards despite their Spartan physical conditions and limited resources. Overcrowding remained a problem: The prison system, which was designed to hold 7,870 prisoners, held on average 8,804 prisoners in 2002, according to government figures. Construction projects to expand the prison system capacity by 870 persons have not yet been completed. However, the Government undertook the following actions to reduce overcrowding: Alternative sentencing; electronic surveillance at home for about 300 prisoners nearing the end of their sentences (with plans to add another 450 by year's end); and agreements with several countries to return foreign prisoners to their home countries to complete their sentences.

Men and women were held separately. Juvenile prisoners were not permitted to be held in adult prisons. Juvenile prisoners were routinely released from detention whenever the maximum-security facility reached its limit. The Government did not hold convicted criminals and pretrial detainees in separate facilities.

The Government permitted visits by independent human rights observers, and such visits took place during the year.

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

The operations of all police forces are integrated into a federal system and overseen by the Federal Police Council and an anticorruption unit. An independent oversight committee monitors police activities and compiles an annual report for Parliament. The Federal Police are responsible for internal security and nationwide law and order and operated local branches in all 196 police districts. Corruption was not a problem.

Arrested persons must be brought before a judge within 24 hours. Pretrial confinement was subject to monthly review by a panel of judges, which could extend pretrial detention based on established criteria, for example, if the court deemed the arrested person likely to commit further crimes or attempt to flee if released. At times, lengthy pretrial detention was a problem. Bail exists in principle under the law but was granted rarely. In September, 38 percent of the prison population consisted of pretrial detainees. Pretrial detainees received more privileges than did convicted criminals, such as the right to more frequent family visits. Arrested persons were allowed prompt access to a lawyer of their choosing or, if they could not afford one, to an attorney appointed by the State.

Fehriye Erdal, a Kurdish woman accused of involvement in a 1996 terrorist attack in Turkey, remained under house arrest pending trial at year's end. Following the Council of State's March 31 reversal of a 2000 expulsion order, Erdal renewed her application for political asylum.

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

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

The criminal judicial system consists of: Procedural courts that rule on the admissibility of evidence and matters pertaining to the conduct of an investigation; District courts that conduct trials for minor to moderate criminal offenses; the Assize Court and the Court of Appeal that conduct trials for the most serious criminal offenses committed within their geographic regions; and the Supreme Court of Appeals that hears appeals of Court of Appeal decisions. The Supreme Court of Appeal can uphold a verdict of the Court of Appeal, but it cannot actually overturn one. It may, however, return the case to be tried anew by a different Appeal Court if it finds fault with the first court's application of the law or procedures. The decisions of the Supreme Court of Appeals cannot be appealed.

A High Council on Justice supervised the appointment and promotion of magistrates. The Council served as a permanent monitoring board for the entire judicial system and was empowered to hear complaints against individual magistrates.

The federal prosecutor's office is authorized to prosecute crimes involving nuclear materials, human trafficking, arms trafficking, human rights violations, terrorism, crimes against the security of the State, as well as any case involving foreign perpetrators, victims, or territory.

The law provides for the right to a fair trial, and an independent judiciary generally enforced this right. Charges were stated clearly and formally, and there was a presumption of innocence. All defendants had the right to be present, to have counsel (at public expense if needed), to confront witnesses, to present evidence, and to appeal.

The Summary Trial 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. No summary trials were conducted during the year, and the new Justice Minister stated that the procedure will no longer be used.

Military tribunals tried military personnel for common law as well as military crimes. All military tribunals consisted of four military officers and a civilian judge. At the appellate level, the civilian judge presided; a military officer presided at trial. The accused had the right of appeal to a higher military court. Peacetime use of military tribunals is scheduled to be abolished after December 31.

Each judicial district had a labor court, which dealt with litigation between employers and employees regarding wages, notice, competition clauses, and social security benefits (see Section 6.b.). There was also a magistrate in each district to monitor cases involving religious groups (see Section 2.c.).

Early in the year, private parties filed criminal complaints alleging war crimes and crimes against humanity against foreign civilian and military officials under the country's Law of Universal Competence. The law was amended in April, re-

pealed in August, and replaced by a law that authorizes jurisdiction over alleged war crimes and crimes against humanity committed outside the national territory only when the victim or perpetrator is a citizen or resident of Belgium. The new law also rendered moot all existing cases that lacked the required connection to the country.

There were no reports of political prisoners.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence.—The law prohibits such actions, and the Government generally respected these prohibitions in practice.

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Speech and Press.—The law provides for freedom of speech and of the press, and the Government generally respected these rights in practice. An independent press, an effective judiciary, and a functioning democratic political system combined to ensure freedom of speech and of the press, including academic freedom. There were restrictions on the press regarding libel, slander, and the advocacy of racial or ethnic discrimination, hate, or violence.

In July, the European Court of Human Rights awarded damages to four journalists for violations of their privacy and freedom of speech. The homes of the journalists had been searched in a 1995 attempt to determine whether magistrates had been disclosing confidential information about the investigation into the murder case of Andre Cools.

The independent media were active and expressed a wide variety of views without government restriction. Although the Government had no official editorial control over content, the potential for political influence existed, as each station's operations were overseen by a board of directors that consisted of representatives of all the main political parties as well as representatives of the linguistic communities.

There were no restrictions on access to the Internet.

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

Citizens were free to form organizations and establish ties to international bodies; however, the Antiracism Law prohibits membership in organizations that practice discrimination "overtly and repeatedly" (see Section 5).

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

The law accords "recognized" status to Roman Catholicism, Protestantism (including evangelicals), Judaism, Anglicanism, Islam, and Orthodox Christianity (Greek and Russian), and these religions received subsidies from government revenues. Nonconfessional philosophical organizations (laics) served as a seventh recognized "religious" group, and their organizing body, the Central Council of Non-Religious Philosophical Communities of Belgium, received funds and benefits similar to those of the six recognized religions.

By law, each recognized religion has the right to provide teachers at government expense for religious instruction in public and private schools. For recognized religions, the Government paid the salaries, lodging, and retirement expenses of ministers and also subsidized the construction and renovation of church buildings. The lack of recognized status generally did not prevent religious groups from freely practicing their religions, and citizens generally practiced their religion without official harassment or impediment.

In 1998, Parliament adopted recommendations from a 1997 commission's report on government policy toward sects, particularly sects deemed "harmful" under the law. The report divided sects into two broadly defined categories: It characterized a "sect" as any religious-based organization, and a "harmful sect" as a group that may pose a threat to society or individuals. Attached to the report was a list of 189 sectarian organizations that were mentioned during testimony before the commission. Although the introduction to the list clearly stated that there was no intent to characterize any of the groups as "dangerous," the list quickly became known in the press and to the public as the "dangerous sects" list. This list was not part of the report approved by Parliament.

Although the Government stated that it neither recognized nor utilized the list associated with its 1997 parliamentary inquiry, some groups continued to complain that their inclusion caused discriminatory action against them. They maintained that the effect of the list was perpetuated by the existence of the Center for Information and Advice on Harmful Sects, a government-sponsored organization charged with monitoring religious groups and providing information about them to the public and the authorities. Although the Center has maintained that the 1997 list has

no bearing on its work, the groups on which it focused were among those listed by the parliamentary inquiry. While the Center had no legal authority to declare any religious group harmful, some groups stated that the initial creation of the list, followed by the establishment of an organization that has monitored some groups from the list, caused negative assumptions and guilt by association.

Print and broadcast coverage of the September 17 opening of the Church of Scientology's European Office for Public Affairs and Human Rights in Brussels stated that the Government had declared the church "harmful" in 1997. The opening of this office, in spite of that determination, was cited by at least one leading publication as reason to provide the Center for Information and Advice on Harmful Sects with additional resources.

An independent judge completed his 5-year criminal investigation into allegations against Church of Scientology, clearing the way for a prosecutor to seek indictments and take the case to trial. Indictments had not yet been issued at year's end, and the specific charges against Church officials remained unknown.

Although there is no provision in immigration law for members of unrecognized religious groups to enter the country for the purpose of religious work or for them to obtain work permits for that purpose, the Government established temporary procedures in May 2002 by which at least one unrecognized religious group, the Church of Jesus Christ of Latter-day Saints, could bring in members from abroad temporarily to conduct missionary activities. Discussions to formalize this agreement were ongoing at year's end.

In June, there was a failed carbombing of the synagogue in Charleroi, and the Government continued to provide a police presence around some synagogues during worship services. Local police addressed the problem on a case-by-case basis with the various synagogues.

In addition, other religious groups complained of societal discrimination, particularly groups that have not been officially recognized by the Government or those associated primarily with immigrant communities.

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

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

The law includes provisions for the granting of refugee status or asylum to persons who meet the definition in the 1951 U.N. Convention Relating to the Status of Refugees and its 1967 Protocol. In practice, the Government provided protection against refoulement and granted refugee status or asylum. The Government cooperated with the office of the U.N. High Commissioner for Refugees and other humanitarian organizations in assisting refugees. During the year, 16,470 asylum applications were submitted, 12 percent fewer than in 2002, continuing the downward trend begun in 2000. Authorities claimed that the application rate continued to decline largely because the Government had developed a system less attractive to illegitimate asylum-seekers. Applicants are required to go to open reception centers to receive room, board, and basic services. The Government claimed that approximately 75 percent of all asylum cases were resolved within 8 weeks. It reported that its 45 reception centers for applicants were about 75 percent full.

In response to complaints about slow processing and the large backlog of asylum applications, the Government in 2001 adopted a "last in, first out" policy in processing new applications. The asylum case backlog at year's end was approximately 8,000, a reduction of 32,000 since the end of 2001, and average asylum processing time has fallen sharply; however, the backlog for processing appeals of negative decisions grew to 32,000.

The Government, in partnership with the International Organization for Migration (IOM), provided relocation assistance to unsuccessful asylum applicants who agreed to repatriate voluntarily to their country of origin. Unsuccessful applicants who did not leave voluntarily were subject to deportation.

There are five closed detention centers for aliens who entered the country illegally. The detention of minors in these facilities remained controversial, and the Government indicated that it was exploring new means for handling underage asylum seekers.

The Government also provided protection to certain individuals who fall outside the definition of the 1951 U.N. Convention Relating to the Status of Refugees and its 1967 Protocol. Undocumented asylum seekers arriving by air, whose claims did not appear legitimate as determined by immigration officials, were not allowed to enter but were held in a closed detention center at the airport while awaiting deportation or voluntary repatriation. The children of such asylum seekers did not attend school. Those applicants whose claims appeared to be legitimate were released to

a system of 39 reception centers for shelter and assistance. These centers had a total capacity of 7,000 beds.

During the summer, approximately 300 Afghan asylum seekers took refuge in a church to protest the rejection of their applications. Many also went on a hunger strike. The Interior Minister allowed all of the protesters to remain in the country until at least March 2004 (those with children until July) and promised a review of their individual cases. Since the law permits a family of asylum seekers resident in the country for at least 3 years to apply for regularization (4 years for an individual), the practical result of the extension is that many of the 300 will ultimately be able to remain in the country permanently. Fourteen Iranian asylum-seekers also went on a hunger strike to protest the rejection of their applications, and were also granted a temporary stay while their cases were re-examined.

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 exercised this right in practice through periodic, free, and fair elections held on the basis of universal suffrage. Voting in all elections was compulsory, and failure to vote was subject to a nominal fine. Direct popular elections for parliamentary seats (excluding some Senators elected by community councils and others elected by Senate members) are held at least every 4 years. Opposition parties operated freely.

The Government was responsible for security, justice, social security, and fiscal and monetary policy. The regional governments were charged with matters that directly affect the geographical regions and the material well-being of their residents, such as commerce and trade, public works, and environmental policy. The linguistic community councils handle matters more directly affecting the mental and cultural well-being of the individual, such as education and the administration of certain social welfare programs.

The existence of communities speaking Dutch, French, and German created significant complexities for the Government. 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. With three official languages, the country had 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.

The law prohibits federal funding for political parties that espouse discrimination. After two lower courts ruled that they were not competent to hear the case of charges brought against three nonprofit organizations linked to the Vlaams Blok party, the prosecutor and the Center for Equal Opportunity and the Fight Against Racism (CECLR), an autonomous governmental entity, appealed to the country's Supreme Court of Appeals. In November, the Supreme Court of Appeals ruled that the case should be heard by the Court of Appeals based in Ghent. At year's end, proceedings at the Ghent appellate court had not yet begun.

There were 53 women in the 150-seat Chamber of Representatives and 22 women in the 71-seat Senate; 5 of the 15 Cabinet ministers were women. In 2002, Parliament adopted legislation that requires an equal number of male and female candidates on party tickets for all future regional and federal elections. Data was not available on the number of members of minorities represented in Parliament or who have leading positions in the Government.

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

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

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

The law prohibits discrimination based on these factors, and the Government generally enforced these laws. In February, a law broadening the scope of anti-discrimination legislation and stiffening penalties for violations came into force.

Women.—Societal violence against women was a problem. The law defines and criminalizes domestic violence with the aim of protecting married and unmarried partners. The law allows social organizations to represent victims of domestic violence in court with the victim's consent. The law allows police to enter a home without the consent of the head of household when investigating a domestic violence

complaint. According to the law's proponents, the police do not use it enough. By year's end, the Government had not implemented other provisions of the law that required it to establish and maintain a database of statistics on domestic violence. Spousal rape is illegal, but no data was available on the number of persons charged or convicted of spousal rape.

A number of government-supported shelters and telephone help lines were available across the country. In addition to providing shelter and advice, many offered assistance on legal matters, job placement, and psychological counseling to both partners. Approximately 80 percent of these organizations' budgets were 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. Trafficking in women remained a problem (see Section 6.f.).

Sexual harassment is illegal. The Government has implemented procedures to monitor sexual harassment claims. The Sexual Harassment Act provides that victims of sexual harassment have the right to sue their harassers and that sexual harassment can be a form of sexual discrimination. The Act also prohibits discrimination in hiring, working conditions, promotion, wages, and contract termination. Most cases of sexual harassment were resolved informally.

The Constitution and the law provide for the equal treatment of men and women. The Government actively promoted a comprehensive approach to the integration of women at all levels of decision-making. In June, the Ministry of Labor's Division of Equal Opportunity became a new agency, the Institute for the Equality of Men and Women. This Institute is authorized to initiate lawsuits if it finds that equality laws have been violated.

In 2002, the net average salary for a woman was 84 percent of the national net average salary.

Children.—The Government was strongly committed to children's rights and welfare; it amply funded a system of public education and health care and provided free compulsory education from ages 6 to 18. The Francophone and Flemish communities had agencies specifically dealing with children's needs.

The Constitution provides that every child has the right to respect for his or her moral, physical, mental, and sexual integrity. The Federal Police has a specialized unit dedicated to investigating child pornography complaints, and there are comprehensive child protection laws. The law combats child pornography by applying severe penalties for such crimes and against persons possessing pedophilic materials. The law permits the prosecution of the country's 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. The law provides for the protection of youth against sexual exploitation, abduction, and trafficking.

There were some reports of abuse of children, although there was no societal pattern of abuse directed against children.

Child prostitution was a problem but was not widespread. Trafficking in children was a problem (see Section 6.f.).

Government and private groups provided shelters for runaways and counseling for children who were physically or sexually abused. Child Focus, the government-sponsored center for missing and exploited children, reported that it handled 2,629 cases in 2002, a nearly 30 percent increase since 2000. Approximately 42 percent of the reported cases concerned runaways, 23 percent involved abduction by parents, 23 percent were reports of disappearance, and nearly 8 percent were pedophilia cases. The most marked increase was in the reports of disappearances. Child Focus also noted that 67 percent of the reported runaways were girls.

Persons with Disabilities.—The law provides for the protection of persons with disabilities from discrimination in employment, education, and the provision of other state services. There were no reports of societal discrimination against persons with disabilities. The Government mandated that public buildings erected after 1970 be accessible to such persons and offered subsidies to encourage the owners of other buildings to make necessary modifications. However, many older buildings were not accessible.

The Government provided financial assistance to persons with disabilities. It gave special aid to parents of children with disabilities and to parents with disabilities. Regional and community programs provided other assistance, such as job training. Persons with disabilities were eligible to receive services in any of the three regions (Flanders, Wallonia, or Brussels), not just in their region of residence.

National/Racial/Ethnic Minorities.—In the country's pluralistic society, individual differences generally were respected, and linguistic rights in particular gen-

erally were protected. Approximately 60 percent of citizens were native Dutch speakers, 40 percent French speakers, and less than 1 percent 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 or for employers to consider these factors in their decisions to hire, train, or dismiss workers; however, immigrant communities complained of discrimination, particularly in the job market. The law also expanded the mandate of the CECLR, which is now authorized to represent plaintiffs in court; however, the agency's director resigned in August, complaining of increased government interference and efforts to curtail the Center's power to act independently.

Members of the Muslim community, estimated at 350,000, principally of Moroccan and Turkish origin, claimed that discrimination against their community, notably in education and employment and especially against young men, is greater than that experienced by other immigrant communities. Only 30 percent of working-age, non-EU immigrants were employed.

In 2002, the CECLR, which was tasked with investigating complaints of discrimination based on race, handled 1,316 complaints, only 17 of which led to court action by the Center. The total number of complaints handled by the Center was up slightly for the second year in a row, reversing 3 years' of gradual decline.

Section 6. Worker Rights

a. The Right of Association.—The Constitution provides that workers have the right to associate freely, including the freedom to organize and to join unions of their own choosing. The Government did not limit such activities, and workers fully and freely exercised their right of association. Approximately 60 percent of employed and unemployed workers were members of labor unions. Unions were independent of the Government but had important links with major political parties. The Government did not require unions to register.

Unions were free to form or join federations or confederations and were free to affiliate with international labor bodies.

b. The Right to Organize and Bargain Collectively.—The right to organize and bargain collectively was 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. A 2002 nationwide collective bargaining agreement set the benchmark for wage increases at 5.4 percent. It included an agreement on providing early pensions to workers who lose their jobs before reaching the retirement age of 58.

Organized workers, including civil servants, have the right to strike; however, members of the merchant marine, the military, and magistrates do not. The federal and local police forces also have the right to strike; however, the Government could order necessary personnel back to work to maintain law and order. Following an October 2 announcement by Ford that it would cut 3,000 jobs at its plant in Genk, workers staged a variety of protest actions. These included production slow-downs, working reduced hours, and 24-hour strikes. Protest actions ceased in late October, following assurances from Ford that the plant would remain open and its agreement to negotiate severance packages.

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. Trade union representatives enjoy special protections against layoffs. Employers found guilty of antiunion discrimination are required to reinstate workers fired for union activities or to pay an indemnity; however, payment of the indemnity reportedly was much more common than reinstatement. Effective mechanisms such as labor courts in each district existed for the adjudication of disputes between labor and management (see Section 1.e.).

There are no export processing zones.

c. Prohibition of Forced or Bonded Labor.—The law prohibits forced or bonded labor, including by children; however, there were reports that such practices occurred (see Sections 5 and 6.f.).

d. Status of Child Labor Practices and Minimum Age for Employment.—The minimum age of employment for children was 15. Youths between the ages of 15 and 18 could participate in part-time work/study programs and work full time during school vacations. The labor courts effectively monitored compliance with national laws and standards. There were no industries where any significant child labor existed.

e. Acceptable Conditions of Work.—The monthly national minimum wage for workers over 21 years of age was approximately \$1,540 (1,233 euros); 18-year-olds must be paid at least 82 percent of the minimum, 19-year-olds 88 percent, and 20-year-olds 94 percent of the minimum. The national minimum wage, coupled with extensive social benefits, provided a decent standard of living for a worker and family. Minimum wages in the private sector were set in a 2002 nationwide collective bargaining agreement 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. As of January 1, the standard workweek cannot exceed 38 hours. Many collective bargaining agreements (negotiated by sector) set standard workweeks of fewer hours and prohibited work on Sundays. 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 39th to 50th hour per week are considered allowable overtime. Longer workdays are permitted only if agreed in a collective bargaining agreement. The Ministry of Labor and the labor courts effectively enforced these laws and regulations.

There are comprehensive provisions in the law for worker safety. In some cases, collective bargaining agreements supplemented 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 implemented health and safety legislation through a team of inspectors and determined 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 monitored compliance with national health and safety laws and standards.

f. Trafficking in Persons.—The law defines and criminalizes trafficking in persons; however, the country was both a transit point and destination for trafficking in women and children. Despite laws that offer protection and continued residence in the country to victims of trafficking who come forward, both governmental and non-governmental sources indicated a continuing rise in trafficking, particularly of women and minors for sexual exploitation.

The law provides that persons convicted of violating the anti-trafficking law are subject to 1 to 5 years of imprisonment and substantial fines. Members of trafficking “organizations” and persons committing offenses that include aggravated circumstances may be punished by 10 to 15 years of hard labor and higher fines. Penalties for trafficking of children are more severe: Up to life imprisonment if the victim is under 10.

Five persons suspected of involvement in a pedophile/child pornography and trafficking ring uncovered in 1996 remained under investigation, including the accused ringleader, Marc Dutroux, who was arrested and charged with murder. Dutroux was formally indicted on pedophile/child pornography and trafficking charges in December 2002; in June, the Government announced that the case would go to trial on March 1, 2004. The lengthy delay in bringing the pedophile and trafficking case against Dutroux to trial continued to fuel public criticism about the investigation of the case and the judicial system in general.

An interdepartmental committee provided coordination and communication between the various agencies and ministries involved in combating trafficking. This committee met several times annually under the auspices of the CECLR. A magistrate was designated in each judicial district to supervise cases involving trafficking. The newly created Federal Prosecutor’s Office is in charge of coordinating the various anti-trafficking initiatives. There are anti-trafficking units in the police forces. The Anti-racism Center identified 330 human trafficking-related cases in the courts in 2001 and 2002: 160 cases involved alien smuggling, 80 were prostitution-related, and 30 concerned labor exploitation. Sentences for persons convicted under the law ranged from approximately 2 to 6 years’ imprisonment and fines of approximately \$2,750 to \$13,750 (2,200 to 11,000 euros). However, at least some of the convictions were related only indirectly to trafficking.

Trafficking victims continued to come primarily from sub-Saharan Africa (particularly Nigeria), Central and Eastern Europe (particularly Albania), and Asia (particularly China). Nigerian and Albanian victims usually were women between the ages of 21 and 30 trafficked for prostitution. Overall, victims of sexual exploitation were increasingly women under age 18. The women were sometimes under the threat of violence by gangs that controlled the trade. Possible threats included retribution against the victims’ families in their home countries. Chinese victims often were young men trafficked for manual labor in restaurants and sweatshops.

Most cases of trafficking were believed to be the work of organized gangs from Central and Eastern Europe (particularly Albania). While a growing number of victims came forward, this rarely led to the identification or capture of the traffickers. Traffickers not only moved their victims frequently from city to city within the country, but also used the EU's open borders to move victims from country to country. Freedom of movement also made it easy for traffickers to evade arrest if one of their victims went to the authorities.

The law provides that victims of trafficking who provide evidence against the trafficker may be granted temporary residence and work permits and are eligible to receive significant financial assistance from government-funded reception centers managed by nongovernmental organizations (NGOs). In each of the country's three regions, the Government designated and subsidized a nonprofit organization to provide such assistance. At the conclusion of legal proceedings against their traffickers, victims generally were granted permanent residence status and unrestricted work permits. The rights of victims generally were respected in practice, and they were not treated as criminals. The CECLR did not maintain statistics on how many victims of sexual exploitation were sheltered and assisted.

Anti-trafficking liaison officers were assigned to the country's embassies in some countries of origin, including Albania, Cote d'Ivoire, the Democratic Republic of Congo, Guinea, Kazakhstan, and Ukraine. These officers gathered information about local conditions and trafficking trends and assisted in establishing anti-trafficking information campaigns for the local population.

The Government worked closely with the IOM to develop programs to combat trafficking and to assist its victims. For example, the Government provided funding for information campaigns in countries of origin to warn women of the dangers of trafficking. It also provided funding to the IOM to assist the voluntary return of victims to their home countries and to assist them in readjusting once they had returned home. The Government worked closely with and supported NGOs that combated trafficking.

BOSNIA AND HERZEGOVINA

The 1995 General Framework Agreement for Peace in Bosnia and Herzegovina (the Dayton Accords) created the independent state of Bosnia and Herzegovina (BiH), previously one of the constituent republics of Yugoslavia. The Agreement also created two multiethnic constituent entities within the state: The Federation of Bosnia and Herzegovina (the Federation) and the Republika Srpska (RS), along with the independent District of Brcko. The Federation has a postwar Bosnian Muslim (Bosniak) and Croat majority, while the RS has a postwar Bosnian Serb majority. The Constitution (Annex 4 of the Dayton Accords) established a federal democratic republic and assigned many governmental functions to the two entities, which have their own governments. The Accords also provided for the Office of the High Representative (OHR) to oversee implementation of civilian provisions. The OHR has the power to impose legislation and remove officials who obstruct the implementation of the Dayton Accords. Candidates of the three main nationalist parties, the Bosniak Party for Democratic Action (SDA), the Serb Democratic Party (SDS), and the Croatian Democratic Union (HDZ), won seats to the tripartite BiH Joint Presidency in elections in 2002 that were regarded as generally free and fair; Bosnian Croat Dragan Covic, Bosnian Serb Borislav Paravac, and Bosniak Sulejman Tihic make up the BiH Presidency. In the Federation, the President, Niko Lozancic, appointed the Prime Minister, Ahmet Hadzipasic, subject to parliamentary approval. In the RS, the President, Dragan Covic, and vice presidents were directly elected, while the Prime Minister, Dragan Mikerevic, was selected by Parliament heads of the Government. The law provides for an independent judiciary in BiH; however, it remained subject to influence by nationalist elements, political parties, and the executive branch.

The Constitution gives the Government of each entity responsibility for law enforcement. The Stabilization Force (SFOR), led by NATO, continued to implement the military aspects of the Dayton Accords and to provide a secure environment for implementation of the nonmilitary aspects of the settlement, such as civilian reconstruction, the return of refugees and displaced persons, and freedom of movement of the civilian population. The U.N. International Police Task Force (IPTF) mission was succeeded by the smaller European Union Police Mission (EUPM), whose stated objectives are to monitor, mentor, inspect, and raise standards of the local police. In addition to locally recruited police forces, the entities maintained separate armies. While the BiH-level Constitution states that the armies are under BiH-level

Presidential authority, in practice, they were controlled by the entities. However, defense reforms adopted by the BiH State and entity parliaments during the year will put entity armies under the operational control of a state-level defense ministry. Entity Governments generally maintained control of security forces. Members of the police and security forces in both entities committed some human rights abuses.

The economy remained in the early stages of transition to a market economy but retained its primarily overdeveloped industrial structure from the Communist era. The estimated population in the country was 3,950,000, compared to an estimated prewar population of 4,377,000. The estimated economic growth rate was 3.5 percent of gross domestic product, down from 3.8 percent in 2002, and unemployment remained, even taking into account the informal economy, approximately 18 percent.

The Government's human rights record remained poor; although there were some improvements in a few areas, serious problems remained. Police continued to abuse and physically mistreat detainees and other citizens. Police brutality continued; however, police accountability for individual abuses improved. Overcrowding and antiquated facilities continued to be a problem in prisons. Infringement of privacy rights occurred and was particularly targeted towards minority returnees. The judiciary in both entities remained subject to influence by dominant political parties and by the executive branch; the administration of justice was sporadic and vulnerable to manipulation. Even when independent decisions were rendered, local authorities often refused to carry them out.

Pressure and harassment of media by authorities and dominant political parties continued; incidents included bureaucratic harassment, intimidation, published insults, and character attacks, as well as threatening behavior and allegations of media racketeering. Academic freedom was constrained by ethnic favoritism and politicization of faculty appointments. Authorities continued to impose some limits on freedom of assembly and association. Both entity Governments and private groups continued to restrict religious practice by minorities in majority areas; religious discrimination remained a problem. Although there were some restrictions on freedom of movement, it continued to improve. While police sometimes failed to ensure security for refugees returning to areas in which they were an ethnic minority, incremental improvement and responsiveness were noted. Extremist individuals or groups in hard-line areas on several occasions attacked returnees' houses. The RS continued its de facto refusal to take action against any Serbs indicted by the U.N. International Criminal Tribunal for the former Yugoslavia (ICTY); the Federation generally cooperated with the ICTY, although it did not facilitate any new transfers.

Violence against women, in particular domestic violence, was a persistent yet underreported problem. Isolated instances of political, ethnic, or religious violence continued. Severe discrimination against ethnic minorities continued in areas dominated by Serb and Croat ethnic groups, with some discrimination in Bosniak-majority areas, particularly regarding the treatment of refugees and displaced persons. The political leadership at all levels, in varying degrees, but more frequently in the RS than in the Federation, continued to obstruct minority returns in certain localities. Trafficking in women and girls was a serious problem.

RESPECT FOR HUMAN RIGHTS

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

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

The investigation into the 2002 killing of Zeljko Markovic, Police Chief of Serb Sarajevo, continued at year's end.

On January 30, the Sarajevo Cantonal Prosecutor appealed the acquittal of six defendants charged in the 1999 bombing that killed former Federation Deputy Interior Minister Jozo Leutar; however, the Federation Supreme Court had not yet reviewed the appeal by year's end.

Domestic Courts and the ICTY continued to adjudicate cases arising from crimes committed during the 1991–95 conflicts (see Sections 1.e. and 4).

By December, 13 persons were killed in landmine incidents. During the year, the Bosnia and Herzegovina Mine Action Center cleared 235 land mine sites. A total of 1,076 anti-personnel mines, 156 anti-tank mines, and 826 pieces of unexploded ordinance (UXO) were found and destroyed. As of September, approximately 10 percent of the total number of landmines and UXO in the country had been removed.

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

An estimated 20,000 to 30,000 persons remained missing from the wars in 1991–95. Under the OHR, exhumations were carried out by the Bosniak, Bosnian Croat, and Bosnian Serb commissions for missing persons. The largest gravesite uncovered

during the year was found in Crni Vrh and contained approximately 629 sets of remains of victims from the Zvornik area who disappeared in June 1992.

The International Commission for Missing Persons (ICMP) reported that the remains of an estimated 1,536 persons had been recovered in the country by year's end. During the year, ICMP's regional DNA laboratory made 4,618 DNA matches that may lead to the identification of approximately 3,405 persons.

During the year, ICMP made significant progress in implementing the Missing Persons Institute (MPI), a state institution designed to serve as a working platform for entity-level commissions on missing persons under guidance from the ICMP; however, MPI was not fully functional by year's end.

The International Committee of the Red Cross (ICRC) reported that, since 1995, it had received requests from family members to trace 20,931 persons missing from the war years, including 17,369 Muslims, 744 Croats, 2,683 Serbs, and 135 others. A total of 4,076 of these persons had been accounted for (326 of whom were found alive) by year's end. The ICRC reconstituted the Working Group for Tracing Missing Persons, which had been suspended in 1999 due to lack of cooperation from local authorities, and it met twice during the year in Sarajevo. At its second meeting, in October, the RS Commission member discussed the results of the fate of 27 missing persons.

There were several developments during the year regarding the approximately 8,000 men and boys missing from Srebrenica: The Srebrenica-Potocari Memorial and Cemetery was built and officially opened on September 20, and the first 1,000 victims of the 1995 massacre were buried. The Human Rights Chamber issued a decision on March 7 that held that the RS Government violated the human rights of the families of victims killed in the Srebrenica massacre by failing to inform them of the fate of their loved ones. The Chamber ordered the RS Government to pay damages for this violation in the amount of \$1,229,000 (2 million KM) to the Foundation of the Srebrenica-Potocari Memorial and Cemetery by September 7 and to pay a further \$1,229,000 (2 million KM) over a 4-year period. The Chamber also ordered the RS Government to inform fully families of the fate of their missing and to investigate thoroughly the events giving rise to the massacre and report on the results of the investigation.

RS compliance with the Human Rights Chamber's decisions ordering full investigations into several wartime disappearance cases improved somewhat during the year (see Section 1.e.). For example, the RS complied with the Chamber's decision by paying \$1,229,000 (2 million KM) to the Foundation of the Srebrenica-Potocari Memorial and Cemetery in September. The RS Government also issued a report in September, proposing to establish an independent commission to investigate the crimes leading to the Srebrenica massacre in order to comply with the Chamber's earlier March decision; on December 25, seven members were appointed to the commission.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.—The Constitution prohibits such practices; however, in all areas of the country, police abused and physically mistreated persons at the time of arrest and during detention. According to the EUPM, the number of complaints against police officers declined during the year. Investigations and accountability into police misconduct improved during the year (see Section 1.d.).

There were continued reports of violence against minority communities in several areas, particularly in the eastern RS and Herzegovina. Police investigation of these incidents and police protection in general improved; however, the incidents continued (see Sections 2.d. and 5).

There continued to be numerous violent incidents directed at returning refugees (see Sections 2.d. and 5). Violence against journalists, including physical assaults, continued (see Section 2.a.).

Prison standards for hygiene and access to medical care met prisoners' basic needs; however, overcrowding and antiquated facilities remained chronic problems. Conditions were worse in police detention facilities, where overcrowding and inadequate food and hygiene were chronic problems. Corruption among prison officials continued to be a problem. In January, prisoners rioted in a prison in Zenica, destroying part of the roof of the prison and stealing from the kitchen; however, the situation quickly calmed down without any intervention from authorities. The Federation Minister of Justice subsequently went to the prison to hear prisoners' concerns and complaints, and a joint agreement was reached.

There were no separate prisons for female or juvenile inmates, but they were held in separate wings of facilities for adult males. Pretrial detainees were also held separately from convicted criminals.

The Government permitted visits by independent human rights observers; international community representatives were given widespread and generally unhindered access to detention facilities and prisoners in both entities as well.

d. Arbitrary Arrest, Detention, or Exile.—The Constitutions of both the entities and the country prohibit arbitrary arrest and detention, and the Government generally observed these prohibitions.

Both the Federation and the RS maintain their own police forces, as does the District of Brcko, and there were three primary levels of law enforcement in BiH: The newly formed state-level BiH Ministry of Security (MoS), which does not maintain a police force but is supported by a new State level investigative agency known as the State Information Protection Agency (SIPA), as well as the State Border Service; the Federation Ministry of Interior (FMUP); and the RS Ministry of Interior (RSMUP). The RSMUP has a centralized structure with five public safety centers (PSCs) throughout the RS that report directly to the RSMUP. The structure of the FMUP is not centralized; each of the 10 cantons has its own cantonal ministry of interior that functions autonomously from the FMUP. Neither the FMUP nor the RSMUP are required to report to the MoS. Although they share information, these structures function quasi-independently of one another because each structure has jurisdiction over different offenses. For example, the MoS has responsibility for state-level crimes, such as terrorism and trafficking in persons, where the RSMUP and FMUP have responsibility for local-level crimes like homicide.

In 2002, the BiH House of Representatives passed a law creating SIPA, whose mandate is to serve as a conduit for information and evidence among local, as well as some international law enforcement authorities, and in limited circumstances to act as a protection authority for diplomats and officials. At year's end, SIPA still lacked a budget and permanent facilities to carry out its mandate, although some staff had been hired.

Police in the RS generally did not meet target standards of ethnic representation, as mandated by various agreements; however, the number of minority police officers in each entity police force increased somewhat. Out of 8,353 police officers in the RS, 7,853 were Serbs, 426 Bosniaks, 64 Croats, and 20 of other nationalities, and out of 7,808 police officers in FBiH, 5,020 were Bosniaks, 1,935 Croats, 636 Serbs, and 217 of other nationalities. In general, while new officers were accepted into the police academies under strictly observed ethnic quotas, it was estimated that it will take years of concentrated effort to establish effective, professional multi-ethnic police forces throughout the country.

EUPM replaced the IPTF, whose mandate ended in 2002. The EUPM acted in an advisory capacity to BiH entity police forces, with a much more limited mandate than the IPTF had. This was the first year that BiH police forces were fully accredited under the U.N. accreditation program originally created by the IPTF. Professional Standards Units (PSUs), which function as internal affairs investigative units, were fully operational in each of the entity MUP and the District of Brcko. The presence of these units led to the processing of complaints of police misconduct and discipline of police in accordance with a standard procedure. From January through June, the RS PSU investigated 548 cases—373 citizen complaints, 171 supervisor complaints, and 4 cases treated as others. Of these cases, 488 investigations were completed, and 182 cases were determined to be well-founded and were forwarded to disciplinary prosecutors for further action. The Federation PSU investigated 12 alleged human rights abuses during the year. Four of these 12 were substantiated and categorized as cases involving excessive force incident to arrest; punishment in these cases ranged from reduction in rank and/or salary to redeployment to termination of employment.

There were continued reports of corruption at the highest levels. Investigations conducted by the PSU and the international community, including the EUPM and SFOR, resulted in several ministers, deputy ministers, and police chiefs being asked to resign, being fired or being prosecuted. At year's end, there were seven indictments pending against a member of the BiH Presidency.

The new Criminal Procedure Code (CPC), enacted in March, specifically delineates the manner in which warrants are to be issued. Judges, prosecutors, and police were in the process of receiving training on these new procedures. The police did not often take action without a warrant; however, problems arose when individuals could not be apprehended because a warrant had not been executed.

Under the newly enacted CPC, if reasonable grounds exist to believe an individual has committed a crime, police must take the individual before a prosecutor within 24 hours after detention. The prosecutor has an additional 24 hours to make a decision whether the individual should be released or undergo a pretrial custody hearing before a preliminary proceeding judge. If the judge determines that certain criteria have been met, the judge may order the individual to be held in pretrial cus-

tody. If the individual does not agree with the preliminary proceeding judge's determination, he or she may appeal the decision to a panel of judges, who must decide on the appeal within 48 hours. Police are also authorized to detain individuals for up to 6 hours at the scene of a crime for investigative purposes. The new CPC contains provisions that allow individuals who have been unlawfully detained to seek compensation. Entity criminal procedure codes have been harmonized with the BiH State level CPC. Detainees are allowed to request a lawyer of their own choosing (if they are indigent a lawyer will be provided for them) and to inform family members of their detention. There is a functioning bail system that was widely used.

Arbitrary arrest and detention declined after the introduction of accounting procedures to track the arrest and detention process. Police must now maintain written records documenting each step of the process.

An individual in pretrial detention has the right to be informed of all charges against him or her once an indictment has been handed down. Prior to the issuance of an indictment, the individual may have access to all favorable information unless it is shown that this would create an unnecessary risk to the investigation. Under the new CPC, a trial must be undertaken in a speedy manner and normally occurs within 3 months of the indictment being issued.

Prior to the enactment of the new CPC, there were problems with prolonged pretrial detention; however, the length of pretrial detention now is specifically defined. Pretrial detention can last no more than 1 month following the date an individual is taken into custody. When this 1-month period has expired, custody may be extended for an additional 2 months by decision of a judicial panel. If there is an ongoing investigation for a criminal offense that carries a prison sentence of 10 or more years, custody may be extended an additional 3 months following a substantiated motion of the prosecutor. Pretrial detention may not last longer than 6 months. The new CPC does not permit house arrest. There were no political detainees in BiH.

In two separate decisions, one on April 4 and one in October 2002, the BiH Human Rights Chamber determined that the BiH and Federation Governments violated human rights conventions in transferring six Algerian terrorism suspects to the custody of a foreign government in January 2002. The Chamber ordered both the BiH and the Federation Governments to pay monetary compensation to each applicant and to engage attorneys on behalf of each applicant; however, no compensation had been paid by year's end.

On January 30, SFOR handed over Sabahudin Fijuljanin to Federation authorities. SFOR had detained Fijuljanin from October 2002 to January 30 on suspicion of having conducted surveillance of SFOR's Eagle Base in Tuzla. In December 2002, Fijuljanin filed a claim with the Human Rights Chamber asking the Chamber to order the BiH and the Federation Governments to prevent his removal from the country. Per the Chamber's January 11 order, the BiH and Federation authorities formally requested that SFOR place Fijuljanin under the jurisdiction of Federation authorities. SFOR released Fijuljanin on January 30 after completing its investigation into his activities. The Chamber reasoned that the main issue raised in Fijuljanin's application, which was the prevention of Fijuljanin's removal from BiH, had been resolved and thus dismissed the case on March 4.

The Constitution prohibits forced exile, and the Government did not employ it.

e. Denial of Fair Public Trial.—Both the Federation and RS Constitutions provide for an independent judiciary; however, the executive and political parties exercised some influence over the judicial system. The legal system was unable to adequately protect the rights of either victims or criminal defendants because of its inefficient criminal procedure codes and ineffective trial procedures; however, in March, a new CPC was enacted which is expected to improve the judiciary's ability to protect the rights of victims and defendants. The judiciary remained subject to influence by political parties. Judges and prosecutors who showed independence were subject to intimidation, and local authorities at times refused to carry out their decisions. Both the Federation and RS Constitutions provide for open and public trials and give the accused the right to legal counsel.

The High Judicial Prosecutorial Councils (HJPC) and the Office of the Disciplinary Prosecutor have limited the influence of political parties on the judiciary. The HJPCs have the sole authority to appoint and discipline judges and prosecutors to all courts. This process of vetting candidates before nomination limited the influence of political parties and others on the judiciary. The new system has a mechanism to vet candidates with questionable records and attempts to ensure that judges and prosecutors who show independence were not subject to intimidation and that local authorities carry out their decisions. The Office of Disciplinary Counsel was established to manage complaints against judges and prosecutors and recommend punishment or removal as necessary.

In 2002, the OHR appointed the first members of three newly created BiH-level HJPCs. During the year, the Independent Judicial Commission (IJC) verified all 1,610 applications for appointments in all courts and prosecutor's offices at the Cantonal, District, Municipal and Basic levels, and the HPJC appointed 258 judges and prosecutors. The appointments were completed for the state and the entity levels; however, there were still more appointments that needed to be completed at the Cantonal and Municipal levels.

Some politicians and other powerful figures continued to exert influence on cases before the courts; however, during the year, judicial reform efforts began to minimize undue influence by organized crime and political leaders on the judiciary. Through implementation of the new CPC, law enforcement and judicial officials were given tools to investigate and prosecute serious crime or corruption cases. A court restructuring and administration project addressed a previous lack of resources through streamlining courts and prosecutor's offices; however, a large backlog of unresolved cases remained a problem.

Enforcement of civil judgments remained weak due to the lack of cooperation between courts and police generally; the low priority given to enforcement cases by the courts; and the many legal loopholes that allowed debtors to delay or avoid enforcement. However, there was improved cooperation from local officials and police in implementing court decisions. This was evidenced by the number of cases implemented on behalf of those who won decisions mandating the eviction of illegal occupants from their property, albeit under pressure from the international community, including the European Union (EU), the Organization for Security and Cooperation in Europe (OSCE), and the U.N. High Commissioner for Refugees (UNHCR).

The Law on Legal Assistance and Official Cooperation in Criminal Matters, imposed in 2002, was fully implemented, and regulating legislation was enacted by year's end; there was some cooperation between the separate structures of courts and prosecution agencies in the Federation and the RS. The IJC recommended an aggressive approach to the appointment of judges and prosecutors that was adopted by the Peace Implementation Council in 2002. With limited exceptions, after restructuring, which is scheduled to be completed by April 2004, all judicial and prosecutorial posts should be filled in an open competition.

The State-level Court, which opened on January 24, is the highest court in BiH. The court and prosecutor's office are responsible for investigating and prosecuting crimes enumerated under the new BiH Criminal Code in accordance with the new BiH CPC. Both entities have separate Supreme Courts and Prosecutor's offices, as well as cantonal courts in the Federation, district courts in the RS, and the municipal courts, which are the lowest courts in both entities.

Trials are public and the defendant has the right to present his own defense or to defend himself with the professional aid of a defense attorney of his choice. If the suspect or accused does not have a defense attorney, the BiH CPC stipulates that an attorney shall be provided if the accused is charged with a crime for which long-term imprisonment is prescribed. The new BiH CPC and Criminal Code provide the defendant with the right to confront or question the witnesses and to present witnesses and evidence on his or her behalf. All defendants have the right to appeal.

The mandate for the Human Rights Chamber and the BiH Human Rights Ombudsman ended this year. Their responsibilities were transferred to local institutions (see Section 4).

Implementation of Human Rights Chamber decisions by local authorities improved somewhat in the RS. The RS partially complied with one high profile case, the Chamber's March Srebrenica decision, by paying \$1,129,000 (2 million KM) to the Foundation for the Srebrenica-Potocari Memorial and Cemetery (see Section 1.b.). The RS also achieved full compliance with some decisions by reinstating claimants in their houses and apartments and paying them compensation. The Federation continued to implement most Chamber decisions, taking the remedial action ordered and paying compensation awards. Both the Federation and the RS failed to comply with a number of Chamber decisions.

In general, the BiH judicial system remained unprepared to prosecute war crimes cases domestically; however, in June, the Peace Implementation Council issued a decision to create a War Crimes Chamber within the newly formed BiH State Court. On October 30, international donors agreed to provide start-up funding for this project, and the BiH Government agreed to provide political support and potential funding from the 2004 fiscal budget.

The local prosecution of war crimes cases proceeded slowly due to political interference; however, authorities made some progress during the year with the arrest and trial of suspects in the domestic courts. The lack of a witness protection program hampered prosecutions.

On January 29, the Banja Luka District Court Prosecutor issued an indictment against 11 Prijedor police officers who had detained members of the Matanovic family. In 2001, police discovered the bodies of Father Matanovic and his parents, who disappeared from Prijedor in 1995, in the well of their family residence in Rizvanovici. The ICTY approved the transfer of this case to the domestic judicial system. The indictment against the Prijedor officers entered into force on March 19, and the first hearing was scheduled to take place on June 30. However, the defense filed objections to the Banja Luka District Court's jurisdiction and requested a transfer of the case to the ICTY, and the Banja Luka District Court sent the case to the RS Supreme Court, which overruled these objections. The hearing was rescheduled for September 22, when defendants again raised objections against the presiding judge, the Public Prosecutor, and the President of the District Court. The case again was sent to the RS Supreme Court for consideration of these objections, where it remained at year's end.

There were no reports of political prisoners.

The mandate of the Commission for Real Property Claims (CRPC), an institution created by Annex VII to process claims for property wrongfully taken during the 1992-95 war, ended during the year. As part of its transfer process, the CRPC was to transfer all of its claim files (approximately 240,000) and records to the BiH National Archives, and to transfer its computer database to the BiH Ministry of Human Rights and Refugees (MoHRR). CRPC was unable to resolve approximately 50,000 private property claims because they involved conflicting documentary evidence and required a hearing, which was beyond CRPC's mandate. A public information campaign was designed to inform claimants of their responsibility for pursuing these claims. In addition, 5,000 occupancy rights housing claims were transferred to municipal housing bodies for resolution because these claims faced statute of limitation issues. At year's end, several memoranda of understanding remained unsigned and laws needed to be enacted to accomplish the handover. Local authorities were slow to take the necessary actions to ensure a smooth transfer.

By year's end, the BiH Government had almost met its goal of completing implementation of property law by the end of the year, with all property that was wrongfully taken during the recent war returned to its rightful owners. By November, the overall property law implementation rate for BiH was 92 percent, and 72 municipalities had completed their caseload of claims. Both the Federation and the RS adjudicated 93 percent of property claims and returned 92 percent of the property. The municipalities that still remain critical for implementing return of property are the most populous, such as Banja Luka, Sarajevo, and Zvornik. The municipality with the worst property law implementation plan (PLIP) ratio was Donji Vakuf, with only 71.84 percent of claimed property returned.

During the year, the Human Rights Chamber issued only two decisions involving cases where local authorities failed to return apartments or homes to legal owners seeking to return to their prewar homes.

During 1998, the Federation army unlawfully took control of 4,000 former Yugoslav military (JNA) apartments that had been abandoned. Authorities encouraged postwar occupants of these apartments to begin purchasing them. In the meantime, the prewar owners of the apartments (former JNA officers) began filing claims to return to their property. After inadequate action by local authorities, several of these cases were brought before the Human Rights Chamber, which decided that apartments owned by JNA officers should be returned. The return of JNA apartments was scheduled to begin, based on a decision by the Human Rights Chamber, in 2002; however, the Federation did not enact the necessary legislation until July of this year. In the meantime, the Chamber issued an additional decision on March 31, addressing the rights of occupancy holders. While the new legislation attempts to address both the Chamber's decisions, the legislation was not fully implemented by year's end.

Roma displaced from their property during the war had difficulty repossessing their property because of discrimination and lack of adequate information on the necessary procedures (see Section 5).

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 some areas infringed on citizens' privacy rights.

In the RS, police routinely conducted searches of private homes without obtaining search warrants, citing emergency provisions in the law even in routine cases. While this problem was not as common in the Federation, it occasionally occurred.

There were a number of forced evictions during the year; however, according to the PLIP agencies, the number of forcible evictions that required police involvement decreased compared to previous years.

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; however, the Government did not always respect these rights in practice. Laws regarding freedom of the press are delegated to the cantons in the Federation, and to the central authorities in the RS.

The primary restraints on freedom of the press were: Inappropriate pressure, including legislation requiring a public broadcaster to broadcast all parliamentary sessions; the dismissal of a public broadcaster's Board of Governors; censure of a public broadcaster and its employees from the floor of Parliament; influence on the principal media by governing political parties and institutions; and intimidation and libelous attacks on journalists. While there were some improvements in the development of a free and independent press, many media outlets maintained subjective political biases. Threats to journalists remained high, although the severity of harassment incidents declined. Government officials in both entities continued to pressure media outlets to change editorial policies through bureaucratic harassment.

The Media Helpline, established to monitor and report abuses against journalists and freedom of speech, was ineffective; calls appeared only to reach a recorded response, in English, instructing the caller to call later, with no ability to leave a message.

Independent media analysts usually considered press outlets expressing strong support for a specific political option as doing so by choice or for economic reasons. Nevertheless, government officials, particularly in the RS, sometimes continued to exert economic pressure by directing the advertising business of government-owned companies away from independent media outlets critical of the Government.

A number of independent newspapers operated in the Bosniak-majority areas of the Federation and in the RS, principally in Banja Luka. Dnevni Avaz, owner of the highest capacity private printing house in Sarajevo, remained the largest circulation daily in the country with strong ties to elements of SDA and other Bosnian Muslim interests. Dani and Slobodna Bosna, the most influential independent magazines in the federation, found alternative printing services to Dnevni Avaz Publishing. In the RS, the government-owned printing company, Glas Srpski, had a near monopoly; however, Nezavisne Novine, an independent newspaper distributed throughout the country, had limited but growing circulation.

The largest television broadcasters were FTV in the Federation and Radio Television of Republika Srpska (RTRS) in the RS, the two entity Public Broadcasting System (PBS) stations. In addition to a local commercial network of five stations in both entities (Mreza Plus), there were dozens of small independent television stations located throughout the country. Radio broadcasting in the Bosniak-majority areas of the Federation—particularly in Sarajevo, Zenica, and Tuzla—was diverse. Opposition viewpoints were reflected in the news programs of independent broadcasters. Independent or opposition radio stations broadcast in the RS, particularly in Banja Luka. One of these, Nes Radio, reported a wide variety of political opinions. Although there were notable exceptions, local radio stations broadcast in Croat-majority areas were usually nationalistic, and local Croat authorities did not tolerate opposition viewpoints.

Some members of the BiH print media continued to indulge in vicious personal attacks and character assassination throughout the year, continuing a pattern begun well before the 2002 elections. The BiH Press Council, working largely through the country's associations of journalists, continued to advocate adherence to a press code through self-regulating procedures; however, the Press Council encountered considerable resistance or indifference in its efforts to establish an effective self-regulatory body.

In 2002, the PBS Law established the PBS with both entity-level broadcasters as components and codified the regulatory responsibilities of the state-level Communications Regulatory Agency (CRA), and in March, the RS adopted the PBS Law; however, additional legislation was needed to support the CRA in its purpose as a strong and independent regulatory body.

The CRA's international leadership was replaced by a local Director, and the CRA began establishing itself as a fully functioning BiH-level regulatory agency. In general, the presence of the CRA, and the effective functioning of its complaints procedure and enforcement provisions, considerably reduced the level of inflammatory and hate language in the electronic media. Electronic media operated in a more transparent and properly regulated broadcast environment than it had previously.

Despite these improvements, CRA's independence continued to be hampered by government interference in its budget process that occurred under the previous BiH government. These budget alterations were not corrected by the Government and prevented CRA from meeting certain broadcast monitoring responsibilities.

In January, Radio Television of the Federation of Bosnia and Herzegovina (FTV) received threats to news journalists from various political groups and economic interests that required protection from Federation police on two occasions; this was the first time since the end of the war that the public broadcaster required special police protection. Many threats were related to 60 Minutes, a political (and, at times, partisan) news commentary program that openly and aggressively criticized current events and government officials. A nongovernmental organization (NGO) linked to nationalist Bosniak political elements specifically demanded that FTV management replace the "60 Minutes" producer/editor.

In October, the Federation Parliament passed an amendment to the PBS law requiring FTV to broadcast all sessions of the Federation Parliament in their entirety. In the RS, the legislative assembly voted to demand the resignations of the RS entity public broadcaster's Board of Governors, General Director and news directors. Both actions were heavily criticized as illegal attempts by the Government to influence the policies and content of public broadcasters.

In April, the same NGO filed a complaint with the Federation public prosecutor demanding that the influential news weekly Slobodna Bosna be sanctioned for "war-mongering" reporting and threatened to organize demonstrations in front of the Slobodna Bosna editorial offices.

Also in April, FTV appealed to the Federation Ombudsman when an SDA representative attacked the station and its journalists during a session of the Federation House of Representatives. The SDA representative accused the station's editorial board of financial misconduct, attacked FTV's editorial policy, and read a letter into the record calling for investigations by the Federation Parliamentary Commission and the Financial Police, labeling FTV a "media monster," and claiming that "Bosnian language is not used on either channel." Off the floor, another representative threatened an FTV journalist covering the session. The Ombudsman's special report concluded that the incident was a misuse of the representative's mandate, a misuse of the parliamentary platform, a serious violation of journalistic freedom, and an attempt to impose political pressure on a public service broadcaster.

In April, the owner of Dnevni Avaz requested that the Sarajevo Deputy Municipal Prosecutor file criminal charges against a smaller Sarajevo daily, Oslobodenje, for "complicity in a criminal offence of false accusation" because Oslobodenje had published a statement by a businessman frequently attacked in Dnevni Avaz. According to Oslobodenje's press release on the subject, the Avaz accusations also demanded an investigation into where and on whose order the interview took place. Within 9 days of Avaz's accusation, the Deputy Prosecutor directed local police to question the editor-in-chief and the director of Oslobodenje in an "informative interview."

The Federation Ombudsman found that government institutions overstepped their authority in this case and initiated proceedings against Oslobodenje based on "unreasonable criminal charges," representing a serious violation of established standards. The Ombudsman further noted that there was no basis for this action since libel had been decriminalized 3 years earlier.

In May, Radio Sana of Sanski Most complained to the Federation Ombudsman of political pressure from the local branch of the Party for Bosnia and Herzegovina on members of Radio Sana's steering board. Radio Sana also complained that the local branch of the party had published numerous political announcements attacking the station since mid-2002. The harassment culminated in June with a party demand that Sanski Most's mayor replace the director of Sana Radio. The Ombudsman concurred that this case constituted inappropriate political pressure.

In August, the Banja Luka daily Nezavisne Novine followed a story on irregularities in management of the RS telecommunications utility that associated the former RS Prime Minister in illegal sales transactions. The story provoked strong public reaction from the former Prime Minister's party, which threatened the daily with a lawsuit; however, Nezavisne was not notified of any suit by year's end.

Also in August, the spokesperson of the RS Prime Minister verbally attacked an RTRS journalist, shouting at him during a press conference. The RS Association of Journalists issued a statement strongly condemning this behavior, and, within a few days, the RS Bureau of Information apologized for the incident.

In September, Dnevni Avaz reported on an ongoing story against certain politicians it claimed were organizing a state coup and quoted an "unnamed source" to list several individual editors and journalists by name as actively participating in the coup preparations. A few days later Avaz listed the names again as a "reprint" of a partner periodical. Among those accused were Bakir Hagiomerovic of FTV, Senad Avdic of Slobodna Bosna, Senka Kurtovic of Oslobodenje, and Vildana Selimbegovic and Senad Pecanin of Dani. Pecanin and Selimbegovic also received death threats by phone while covering the story of an explosive planted at the house

of a Sarajevo businessman. Dani reported the incident to the police but was unaware of any investigation.

The court case opened in 2002 against an individual who threatened Vildana Selimbegovic of the print weekly Dani had not been resolved at year's end.

When the perpetrator apologized for forcing his way into the editorial offices of Dnevni List in Mostar and threatening violent behavior, Dnevni List did not pursue further charges.

In 2002, the OHR decriminalized defamation and slander, making them civil torts instead of criminal offenses. Prior to OHR's decriminalization, Federation journalists ran the risk of conviction for a criminal offense of libel.

Despite civil penalties for libel, print dailies and weeklies routinely published unsubstantiated rumors and personal attacks on political figures according to their political party affiliations. For example, on August 13, attacks of one daily newspaper against a private individual and criticism of that daily by an opposing weekly news magazine were so vehement that they resulted in a court action. The interim court ruling prohibited the daily from publishing anything further on the individual, and the weekly from publishing anything further about the daily, until the court could determine whether any crime had been committed.

During the year, 162 charges of libel were brought against journalists in the Sarajevo Cantonal Court with many plaintiffs demanding compensation of up to \$64,350 (100,000 KM). At year's end, none of these claims appeared to have been resolved.

The Guidelines for the implementation of the Freedom of Information Act, which establishes a general right of public access to government information, were adopted at the state and entity levels.

The Government did not restrict access to the Internet; however, for economic reasons, only approximately 4 percent of the population had Internet access.

The Government did not restrict academic freedom; however, academic freedom was constrained by ethnic favoritism and politicization of faculty appointments. In Sarajevo, Serbs and Croats complained that members of the Bosniak SDA party and Bosniaks generally received special treatment in appointments and promotions at the University of Sarajevo. The University of Banja Luka continued to limit faculty appointments almost exclusively to Serbs. The University of Mostar remained divided into eastern and western branches, reflecting the continued ethnic divide in the city.

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

The Constitution provides for freedom of association; however, authorities imposed some limits on this right, and indirect pressure constrained the activities of some groups. A wide range of social, cultural, and political organizations functioned without interference.

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 government-owned sector of the economy.

The Law on Associations and Foundations allowed NGOs to register at the national level and therefore to operate throughout the country without administrative requirements.

c. Freedom of Religion.—The BiH Constitution and both entity Constitutions provide for freedom of religion; however, adherents of minority religions in non-ethnically mixed areas had their right to worship restricted, sometimes violently. The Bosnian Constitutional Court struck down a provision in the RS Constitution in 2000 directing the entity government to “materially support the Serbian Orthodox Church and cooperate with it in all fields.” The RS gave only nominal assistance to representatives of the Serbian Orthodox, Roman Catholic, and Islamic faiths.

The RS Government, local governments, and police forces frequently allowed or encouraged an atmosphere in which abuses of religious freedom could take place, although there was improvement from previous years. Notably, the Pope visited Banja Luka on June 20 with no security incidents, and three Islamic burial ceremonies took place at the Srebrenica-Potocari Memorial and Cemetery in March, July, and September, also without incident. However, on a daily basis, the absence of a police force willing to protect religious minorities and a judicial system willing to prosecute crimes against them were major obstacles to safeguarding the rights of religious minorities.

The case of 11 former police officers detained for their suspected involvement in the 1995 killing of Catholic priest Tomislav Matanovic and his parents remained ongoing at year's end. In September, the District Court judge scheduled to try the

Matanovic case resigned; by year's end, it was unclear if and when the trial would begin.

Ethnic symbols, clerics, and religious buildings were often targets of ethnically motivated religious violence. Local police did not conduct a serious investigation into several incidents.

In previous years, RS authorities frequently did not intervene to prevent the violent obstruction of efforts to rebuild some of the 618 mosques and 129 churches in the RS that were destroyed or significantly damaged during the 1992–95 war. However, there were some improvements during the year, such as the rebuilding of mosques in the cities of Mostar and Stolac. Administrative and financial obstacles to rebuilding religious structures continued to impede the ability of minorities to worship and constrain their return in many areas.

Despite the constitutional provisions for religious freedom, discrimination against minorities occurred in virtually all parts of the country. Discrimination was significantly worse in the RS, particularly in the eastern RS, and in Croat-dominated areas of the Federation; however, incidents of discrimination occurred in Bosniak-majority areas as well.

Parties dominated by a single ethnic group remained powerful in the country and tended to identify themselves closely with the religion associated with their predominant ethnic group; however, some political parties were multi-ethnic. Some clerics characterized hard-line nationalist political sympathies as part of "true" religious practice.

The Constitution provides for proportional representation for each of the three major ethnic groups in the BiH Government and military. Because of the close identification of ethnicity with religious background, this principle of ethnic parity in effect resulted in the reservation of certain positions in the BiH Government and military for adherents or sympathizers of certain faiths. The military in the RS was staffed overwhelmingly by ethnic Serbs and only had Serbian Orthodox chaplains. The Federation military was composed of both separate Bosniak (Muslim) and Croat (Roman Catholic) units, and integrated units; Muslim and Catholic chaplains were represented.

Foreign religious workers normally entered the country as visitors and obtained 3-month tourist visas; some apparently entered and reentered the country every 3 months, essentially extending their tourist status indefinitely. Missionaries officially were required to obtain a temporary residence permit from a Cantonal MUP before their 3-month tourist visa expired; however, there were no reports of cases in which missionaries' applications were refused.

Public schools offered religious education classes, which were mandatory for Serbs in the RS and, in theory, optional in other parts of the country; however, in practice, they were offered only for students of the majority religion in that area, amid pressure on parents to consent that their children needed to attend the religious instruction. In some cases, children who chose not to attend the religion classes were subject to pressure and discrimination from peers and teachers. Schools in Sarajevo offered only Islamic religion classes. In Croat-majority West Mostar, minority students theoretically had the right to study non-Catholic religions; however, this option did not exist in practice. Orthodox symbols were present in public schools throughout the RS.

On November 28, the BiH Parliament adopted the Law on Freedom of Religion and on Legal Status of Churches and Religious Communities, which was submitted by leaders of the Muslim, Roman Catholic, Serbian Orthodox, and Jewish communities; however, the text of the law had not been published by year's end. The law defines the legal status of religious organizations, including property rights. The law should grant a right to property restitution "in accordance with the law"; however, no such restitution law has yet been established.

In some communities, local religious figures contributed to intolerance and an increase in nationalist feeling through public statements and, on occasion, in sermons.

In August, gravestones were overturned in Orthodox and Catholic cemeteries in Sarajevo. The perpetrators were apprehended and were awaiting trial at year's end. In September, a stone was thrown through the window of the Catholic school in Sarajevo, and, in Sanski Most, Orthodox graves were desecrated. During August and September, there were tensions between the Serb and Bosniak communities in Boinja and allegations that Bosniaks had applied pressure towards Serb returnees to convert to Islam.

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

d. Freedom of Movement within the Country, Foreign Travel, Emigration, and Repatriation.—The Constitution provides for these rights; however, while freedom of

movement, including across the Inter-Entity Boundary Line, continued to improve, some limits remained in practice.

Accurate statistics on displaced persons and refugee returns remained difficult to obtain; various refugee organizations provided different estimates on the numbers of minority internally displaced persons (IDP) returns. In contrast to last year, as of August, the number of minority returns had significantly dropped. The UNHCR registered only 34,093 minority returns through August, when 69,549 returns had been registered during the same period in 2002. One reason for the drop in returns may have been the decrease in reconstruction assistance. Other reasons may have included land mine incidents and intermittent threats and violence against returnees, including the killing of a Bosniak returnee in Mostar by a booby-trapped hand-grenade.

According to the UNHCR, between the end of the war in 1995 and the end of August, 532,068 persons who left the country had returned. Of these, 423,431 were returnees to areas where they represent an ethnic minority.

The 2002 "Vital Interest" Decision of the OHR provided the framework for a clearer accounting of Refugee Ministry budgets used to support returns. The Federation Ministry for Refugees planned to use its budget to support the return of 1,500 families as well as to pay the debts of the former administration. Implementation of the projects to support return of families began in October, but immediately triggered intense criticism from Croat Associations, who claimed that the selection of beneficiaries was discriminatory. Out of 500 reconstruction packages for a particular type of assistance, more than 90 percent was designated to support Bosniak returns. In the RS, the Refugee Ministry's budget provided support to Bosniaks and Croats returning to the RS and to Bosnian Serbs returning to the Federation; the RS Ministry for Refugees was the only Ministry that actually delivered reconstruction assistance to returnees. Both entity ministries committed part of their budgets to be implemented through joint projects using the BiH State-level Commission for Refugees (SCR).

Serbs continued to return in greater numbers to the Federation. Croat returns to the RS increased during the second half of the year. More than 1,000 Bosniaks returned to Srebrenica, site of the July 1995 massacre of approximately 8,000 Bosniak men and boys. The first 100 Bosniaks began the return process to Visegrad, and Bosnian Serbs in Visegrad began to return to the Federation, particularly to Sarajevo and Konjic.

In January, the Peace Implementation Council unanimously adopted a joint plan drafted by OHR's Reconstruction and Return Task Force (RRTF) with the BiH MoHRR for the hand over of RRTF's responsibilities to the BiH Government. RRTF has been the main coordinating body of the international community for implementing Annex VII of the Dayton Accords (the Agreement on Refugees and Displaced Persons) since 1998. The elements of this Annex VII Exit Strategy Plan included: (1) amending the BiH State level law on refugees to clearly define new responsibilities taken over by the BiH MoHRR; (2) transferring CRPC's database on property claims to the BiH MoHRR; (3) making operational a Return Fund that would centralize and allow coordination of funding between international donors and the BiH and entity government levels; and (4) replacing RRTF field offices and entity field offices with BiH State regional refugee centers. There were numerous delays in the Annex VII Exit strategy, which were caused in part by the complex bureaucratic procedures and structures of BiH. The SCR's ability to make decisions on reconstruction and return priorities was hindered by nationalist parties, who were unable to reach agreement on many issues.

Many problems remained that prevented returns. The needs for housing continued to outweigh available resources. Municipal administration taxes on documents that are necessary for return, such as birth or land certificates, remained high. In addition, minority returnees often faced societal violence, employment discrimination, lack of access to health care in the place of return, and denial of utility services such as electricity, gas, and telephones by publicly owned utility companies. All of these problems decreased from previous years, yet continued to persist in hard-line areas.

Corruption of local government entities charged with supporting the return process also remained a problem. In March, the OHR announced the results of the 2002 special audit of the Federation Ministry for Refugees and Social Welfare that found approximately \$8,789,000 (14.3 million KM) was lost through overspending, manipulated tender processes, mismanagement, paying staff multiple salaries, and poor project controls. The following week, the High Representative announced his decision to remove the former Federation Refugee Minister, Mijat Tuka, from his position as envoy in the Federation Parliament because of his involvement in these fraudulent schemes; however, no criminal charges were filed against Tuka.

The continued influence of ethnic separatists in positions of authority hindered minority returns. Government leaders in both the RS and the Federation often used a variety of tactics, including public statements, to inhibit the return of IDPs. Many families chose to remain in places of displacement and obtained land plots to build homes in these places. For example, in Zvornik, RS, 2,777 land plots were allocated to Bosnian Serbs who intend to remain in their place of displacement. In the Federation, Capljina has 900 illegal land plot allocations, and Stolac has 1,200 allocations housing large Bosnian Croat settlements. In these municipalities alone, approximately 15,000 persons were building permanent homes instead of returning to their prewar homes. An OHR decision banning the allocation of land plots by municipalities was lifted in two new decisions issued on May 16 that allows both the RS and the Federation to dispose of socially owned property.

Much of Croat-controlled Herzegovina and towns in eastern RS remained resistant to minority returns, although efforts by hard-line Croats to resettle returning refugees in a manner that consolidated the results of ethnic cleansings ceased for the most part. IDPs living in those areas, even those who privately indicated interest in returning to their prewar homes, frequently had been pressured to remain displaced, while those who wished to return had been discouraged, often through the use of violence (see Section 1.c.). These trends of intimidation for displaced persons to stay in their place of displacement decreased, although they were still practiced in the staunchest hard-line areas of the RS and Herzegovina.

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. Attempts by returnees to receive compensation for jobs illegally lost during the conflict years were largely unsuccessful. As a result, most minority returnees were elderly, which placed a burden on receiving municipalities. Younger minority group members, who depended on adequate wages to support their families, generally remained displaced, particularly in cases in which they had managed to find work in their new place of residence.

On July 18, the Law on Movement and Stay of Foreigners was enacted and took effect on October 14. This law provides for the granting of asylum and refugee status to persons who meet the definition in the 1951 U.N. Convention Relating to the Status of Refugees and its 1967 Protocol and supercedes the 1999 Law on Immigration and Asylum. The 1999 Law gave most of the responsibility to entities and was never implemented; thus in practice, UNHCR determined asylum status. The new law provides greater status to the State of BiH and centralizes immigration and asylum functions in the BiH MoS; however, the MoS must enact by-laws by April 14, 2004 to ensure implementation of this law. In practice, the Government provided protection against refoulement and granted refugee status or asylum.

The Government generally cooperated with the UNHCR and other humanitarian organizations in assisting refugees. As a result of the conflict in the former Federal Republic of Yugoslavia (FRY) in 1999, approximately 6,000 citizens fled FRY and came to Bosnia and Herzegovina; half came from Kosovo, while the other half came from other parts of the country. In March, the Council of Ministers decided that the temporary admission status of refugees from Kosovo should expire in June 2004, and the status of all other refugees expired on June 31. The BiH MohRR issued implementing instructions for this decision in April. According to the latest UNHCR statistics, as of December, 680 Kosovo refugees remained in 4 collective centers in BiH.

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

The Constitution provides citizens with the right to change their government peacefully; however, the use of coercive tactics by some nationalist parties precluded full citizen participation without intimidation. In October 2002, the country held general elections, which were the first since the Dayton Peace Agreement to be administered and conducted by BiH authorities. The OSCE judged them to be largely in line with international standards. Problems cited by observers included numerous voters unable to find their names on voter registers, group voting, and intimidation in a few cases. Voter apathy and low turnout were also problems.

In April, the Serb member of the state-level Presidency, Mirko Sarovic, resigned under pressure from the international community after it was determined that he bore political responsibility for arms trading to Iraq, in violation of U.N. sanctions, and for illegal spying by RS intelligence services on SFOR and members of the international community. In accordance with election rules, Borislav Paravac, former Deputy Speaker of the BiH Parliamentary House of Representatives, replaced Sarovic. Paravac is also a Serb and member of the SDS.

In the Federation, the President appoints the Prime Minister subject to approval from the bicameral parliament. Serious ethnic and political rivalries continued to divide Croats and Bosniaks. In the RS, the President and Vice Presidents are directly elected, while a Prime Minister selected by Parliament heads of the Government. The Parliament, called the RS National Assembly, is elected on a proportional basis, and the Council of Peoples has the power to review laws vital to national interest issues of any of the constituent peoples. The Constitution allows Bosniak, Croat, or Serb representatives in the RS Council of Peoples to block legislation they believe threatens their group's vital national interest. In the city of Brcko, which is a "self-governing neutral district," an internationally appointed supervisor with executive authority is empowered to address such issues as taxation, law enforcement, district management, and composition of the district assembly.

The SDA and HDZ remained powerful, particularly in Bosniak and Croat majority areas. The SDS remained ideologically committed to Serb cultural and religious authority in the territory of the RS, where it won a significant plurality in the 2002 elections.

A multi-ethnic local government administered the Brcko municipality as a district under the direct oversight of the Brcko supervisor. In the absence of new or adapted laws, the supervisor retained discretion regarding which laws, the Federation or the RS, were to apply in Brcko. Brcko District has harmonized 134 new laws reforming the system of local governance, property, taxation, citizen participation, economic development, and judicial reform. Brcko's school system was the first in the country to be fully integrated, and the police force was the first to achieve U.N. certification.

The Election Law requires that at least 30 percent of political party candidates be women. These provisions increased the number of female representatives from 2 percent at the BiH and entity level and 5 percent on the municipal level in 1996 to approximately 20 percent of all elected positions during 2002. In the BiH-level House of Representatives (lower house), 6 of 42 deputies were female. Of 15 delegates to the BiH-level House of Peoples (upper House), all of which were appointed by entity legislatures, none were female. In the Federation legislature, there were 23 women in the 98-seat House of Representatives. In the RS, there were 15 women in the 83-seat National Assembly.

Under the Dayton Agreement, only constituent persons—Serbs, Croats, and Bosniaks—are eligible to be selected for government positions. Therefore, there is no rule on participation of minority representatives in the BiH Government at any level. There was only one minority in a high government position, Jacob Finci, a Jewish man who is the Director of the Civil Service Agency.

Six months before the 2002 elections, the Constitutions of the country's two entities were amended to ensure equal status for the country's three main ethnic groups in entity governmental structures. The most significant changes to the RS Constitution created the RS Council of Peoples; established two RS vice presidents who would be from different ethnic groups than the RS president; specified a formula for ethnic representation in RS ministerial positions; and required that the RS civil service reflect the prewar ethnic composition of the RS. The Federation Constitution was amended to, among other things, add a Serb caucus to the Federation House of Peoples; specify a formula for ethnic representation in ministerial positions; and create a second vice presidential position.

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

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

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 were often met with delays or categorical refusal by government authorities. There were no major incidents of violence against international community representatives.

The Government cooperated fully with international organizations such as the OHR, which has special powers over the BiH Government. The BiH Government also cooperated with other international organizations such as the UNHRC, ICRC, OSCE, and CRPC.

Although the RS National Assembly passed a law on cooperation with the ICTY in 2001, the RS made no effort to arrest indictees. In the eastern RS, Foca and Pale remained under sanctions for their noncooperation with the ICTY. The two most wanted Bosnian war crimes suspects, wartime commander of the RS Army Ratko Mladic and wartime RS President Radovan Karadzic, remained at large.

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, persons responsible for the approximately 8,000 killed by the Bosnian Serb Army after the fall of Srebrenica, and those responsible for approximately 16,019 others still missing and presumed killed as a result of "ethnic cleansing" in the country (see Section 1.b.).

During the year, SFOR arrested Naser Oric, who was indicted by the ICTY on charges of detaining Bosnian Serbs in the Srebrenica and Bratunac areas and subjecting them to physical abuse, which in some instances resulted in death, and cooperated in his transfer to the ICTY. At year's end, 17 arrest warrants remained outstanding, while 92 indictees had been transferred to the ICTY.

On March 10, Serbian police arrested Jovica Stanisic and Franko Simatovic, who were indicted by the ICTY in connection with charges of abusing Bosnian Croats and Bosnian Muslims within the so-called Serbian Autonomous District and territories in BiH. On April 5, Croatian police arrested Ivica Rajic who was indicted on charges that units of the HVO under his command killed 16 members of the civilian population of the village of Stupni Do. In addition to the arrests, three persons, Vojislav Seselj, Zeljko Mejakic, and Mitar Rasevic, indicted by the ICTY for war crimes and/or crimes against humanity committed in BiH during the 1992-95 conflict, voluntarily surrendered.

The case in the ICTY against Slobodan Milosevic, the former President of Serbia and Montenegro (FRY) who is charged with 66 counts of crimes against humanity in Croatia and Kosovo and genocide in Bosnia and Herzegovina, remained ongoing at year's end.

On February 27, Biljana Plavsic was sentenced to 11 years in prison by the ICTY after pleading guilty to one count of persecution on racial, religious, and political grounds. The ICTY held 51 accused in custody, while 7 accused have been provisionally released.

The mandate for the Human Rights Commission for BiH, which consists of the Human Rights Chamber and the Human Rights Ombudsman, ended this year (see Section 1.e.). The Governments of both entities and the State of BiH signed an agreement to facilitate the transition of the Human Rights Chamber to a domestic institution, and the Human Rights Chamber ceased to exist on December 31. Under this agreement, the Constitutional Court of BiH will handle new human rights cases after January 1, 2004. The backlog of the Human Rights Chamber was transferred to the Constitutional Court, and a Human Rights Commission, consisting of five judges from the Human Rights Chamber, was appointed to address this backlog. Parties to the agreement also pledged to take necessary measures to ensure that all domestic courts can adequately address human rights by way of training for judges, prosecutors and lawyers.

The BiH Human Rights Ombudsman's mandate also ended on December 31. On November 7, the BiH Presidency selected three candidates, all active members of the three national parties (HDZ, SDA, SDS), to replace Frank Orton as BiH Ombudsperson. The BiH Parliamentary House of Peoples confirmed their appointment on November 28, and they were expected to assume their duties as BiH Ombudspersons in January 2004.

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

The BiH Constitution and the entities' Constitutions broadly prohibit discrimination on such grounds as sex, race, color, language, religion, political or other opinion, national or social origin, or association with a national minority; nevertheless, there were many cases of discrimination.

Women.—Violence against women, including spousal abuse and rape, remained a widespread and underreported problem. While there were no updated figures available this year, the Helsinki Committee for Human Rights in BiH reported an increase in violence against women due to the deteriorating economic situation. A report by the International Helsinki Federation for Human Rights in 2001 estimated that approximately 30 percent of women in the country were victims of domestic violence; however, women's organizations such as Women for Women were concerned that abuse was more widespread than reported. Throughout the country, including in both Entities, rape and violent abuse are considered criminal offenses. Spousal rape and spousal abuse also are illegal in the Federation and the RS; however, domestic violence usually was not reported to the authorities. A sense of shame reportedly prevented some victims of rape from coming forward to complain to authorities. There was an increased police presence in the field, and NGOs working on women's issues were active and appealed to the Government and to the public numerous times to raise public awareness of the issue.

Police received specialized training to handle cases of domestic violence, and each police administration had its own domestic violence focal point. Nonetheless, there were reports of police inaction in cases of domestic violence and sexual assault. The S.O.S. Phone Service, a 24-hour hotline open to victims of domestic violence for assistance and counseling, did not appear to be operational this year. There were two shelters that provided assistance to women and children who were victims of domestic violence.

Trafficking in women for purposes of sexual exploitation was a serious problem (see Section 6.f.).

There were no laws prohibiting sexual harassment within any governmental units; however, some private and governmental organizations included rules against sexual harassment in their contracts or employee manuals. While there were no statistics on the extent of the problem, the media reported that sexual harassment was a very serious problem that was poorly understood by the general population.

Discrimination against women did not significantly increase; however, a male-dominated society continued to prevail throughout the country, particularly in rural areas. Women served as judges, doctors, and professors, although few women were in positions of real economic or political power. Women have been discriminated against in the workplace in favor of demobilized soldiers. A small but increasing number of gender-related discrimination cases were documented. Anecdotal accounts indicated that women and men generally receive equal pay for equal work at government-owned enterprises but not always at private businesses. While women were legally entitled to 12 months' maternity leave, may not be required to work more than 4 hours per day until a child is 3 years old, and may not be required to perform shift work if they had underage children, women in all parts of the country encountered problems with regard to the nonpayment of maternity leave allowances and the unwarranted dismissal of pregnant women and new mothers.

Women remained underrepresented in law enforcement agencies, although progress continued. According to guidelines for accreditation, police forces should allocate 10 percent of their positions for qualified female candidates. Most units had about 3 to 4 percent, although some had as many as 6 to 7 percent. Overall, the FMUP had 4.1 percent women police officers and the RSMUP had 17.3 percent women police officers. Several recent graduating classes from the country police academies contained up to 80 percent women.

Children.—The BiH Government was generally committed to the rights and welfare of 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. Nevertheless, social services for children were in extremely short supply. Children with disabilities lacked sufficient medical care and educational opportunities.

Education was free and compulsory through the age of 15 in both the Federation and the RS; however, a lack of reliable statistics as to attendance and level of school completed hindered efforts to ensure that all school age children received an education.

The presence of Roma in schools was sporadic and Romani children were often absent from the later grades of primary and secondary schools. In Sarajevo's municipality Ilidza, for example, approximately 300 Romani children were unable to attend schools due to extremely poor living conditions, lack of proper clothing and the inability to purchase the necessary schoolbooks. These factors, often combined with verbal harassment from other students, language problems, and the costs and/or requirements of registration, were the most common reasons leading to the exclusion of Roma from schools, despite a willingness of many parents to enroll their children.

Medical care for children in the Federation was controlled solely at the Canton level. Therefore, whether or not children received any medical care from the Government depended on the budget of the Canton in which they lived. Medical care for children in the RS was controlled at the entity level (RS Ministry of Health). Children up to 15 years of age were entitled to medical care free of charge under the law; however, in practice, unless they had medical insurance paid for by their parents, children often did not receive medical care. There was no discrimination between boys and girls concerning medical care in the Federation or the RS.

Family violence against children was a problem, but there was no societal pattern of abuse against children. Police investigated and prosecuted individual cases of child abuse; however, no statistics on the prevalence of the problem were available. Children continued to suffer disproportionately from the societal stress of the post-war era.

Trafficking in girls for the purpose of sexual exploitation was a problem (see Section 6.f.).

According to statistics released in 2002 by the MoHRR, 118,785 of the 553,419 displaced persons from the country were children. In October, the MoHRR launched a re-registration process for displaced persons in BiH together with the UNHCR.

One child was injured in a landmine incident during the year.

Persons with Disabilities.—The Federation Government is required by law to assist persons with disabilities to find employment and to protect them against discrimination. In the RS, the law also prohibits discrimination against persons with disabilities. However, there was clear discrimination between different categories of people with disabilities and the vast majority of persons with disabilities were unemployed. For example, persons with disabilities resulting from the war were given a de facto privileged status that persons who were born with disabilities did not have.

Public institutions for persons with disabilities generally met minimum standards, although most lacked suitable funding. The legal status of institutions for persons with disabilities was not resolved following the breakup of the former FRY. As a result, local and entity Governments have no legal obligation to finance such institutions, and they operated only with BiH-level Government and international donations. A number of international and domestic NGOs assisted persons with disabilities in the country. For example, the International Human Rights Law Group formed a coalition of seven NGOs from Tuzla, Sarajevo and Doboj, and assisted these NGOs in coordinating activities and funding assistance programs.

In the Federation, the Law on Spatial Planning and Construction requires that all newly constructed buildings have access for persons with disabilities and that all old buildings have to be retrofitted to provide access within 5 years. Implementation of this law varied from Canton to Canton within the Federation, and was heavily dependent on the availability of funding; in practice, buildings rarely were accessible to persons with disabilities.

National/Racial/Ethnic Minorities.—“Ethnic differences” remained a powerful political force in the country; however, mixed communities existed peacefully in a growing number of areas. To a limited extent, nationalist Bosnian Serb and Croat politicians sought to increase the ethnic homogeneity of the population in areas they controlled by discouraging IDPs of their own ethnicity from returning to their pre-war homes if they would be in the minority there. There was some improvement in the RS Government’s attitude towards returns. The RS Government was increasingly supportive of Bosniak and Croat returns to the RS, and Bosniak returns to the Srebrenica area increased; however, the RS continued to support integration of displaced Bosnian Serbs within the RS using the war veterans’ budget.

There were several incidents where opponents of refugee returns used violence, including sporadic house burnings, and orchestrated demonstrations in an effort to intimidate returnees. While the incidents of violence decreased overall in the country, follow-up investigations in a number of cases were problematic. Police consistently failed to apprehend offenders, with the exception of the attack against returnees in Srebrenica. On January 27, assailants broke the windows on two Bosniak returnees’ houses in Potocari, Srebrenica, and tried to steal the van that was used by the workers of the company who were building the Potocari Memorial Center; the police promptly arrested initial suspects.

On January 3, an unknown perpetrator fired several shots from a machinegun at the house of a Bosniak returnee from Visici near Capljina. On January 23, unknown assailants stoned the Orthodox Church in Prijedor’s settlement Kozarac, where several thousands of Bosniaks had returned, and destroyed several windows. On February 28, a handbomb exploded in a house of a Bosniak returnee in the Croat part of Mostar, killing two construction workers who were working on the returnee’s apartment.

On March 6, a retired Serb returnee to western Mostar, Vasilija Skoro, was seriously injured in an explosion while he was preparing his house for reconstruction. On March 18, a Bosniak house was set on fire in the town of Stolac. On March 26, Vladimir Markanovic, a Bosnian Serb from Sarajevo currently displaced in Zvornik, attempted to kill Angelina Tomic, Chief of Department for Refugees in Zvornik. The Department had issued an eviction decision to Mr. Markanovic ordering him to vacate the property he was unlawfully occupying. Tomic sustained severe injuries, and Markanovic was arrested and had charges pressed against him.

In the beginning of April, there were several attacks targeting minority returnees, including firing shells on Bosniak returnees to the Sepak settlement near Zvornik. On April 16, an explosive device was thrown at the house of Bosniak returnee, Said Jakupovic, from Kozarac, Prijedor Municipality. On April 28, Serb returnees were attacked in Sizje village, near Lukavac. This was just one of a number of attacks

on these returnees in a short period of time. The police reportedly apprehended three persons suspected of attacking the returnees.

On November 8, an unknown man attacked Nihada Behadzic, a Bosniak returnee to Derventa municipality. Nihada, who had been living as an IDP in Orasje since 1992, sustained severe stomach and neck injuries. On November 25, there were several incidents in Stolac with possible ethnic motivation, linked to the Bayram celebration. Some young Bosniaks insulted and provoked Croat citizens, including a Catholic nun.

Harassment and discrimination against minorities continued throughout the country, often centering on property disputes, despite improvements in some areas. These problems included desecration of graves, arson, damage to houses of worship, throwing explosive devices into residential areas, harassment, dismissal from work, threats, and assaults.

Discrimination in employment and education remained key obstacles to sustainable returns. Widespread firing of ethnic minorities during and after the war has not been reversed in most cases, and members of the ethnic majority in a region often were hired over minorities in places where they had been employees. Favoritism was also shown to veterans and families of those killed during the war.

Roma, estimated to be 40,000 to 60,000, faced serious difficulties in exercising the full range of fundamental human rights guaranteed to them under the BiH Constitution. Of particular concern were issues regarding property rights and access to personal documents. Roma displaced from their property during the war had difficulty repossessing their property because of discrimination and lack of adequate information on the necessary procedures. Individuals who were allocated social housing before the war often remained without housing. Those living in informal settlements were left in a precarious situation as the land on which they resided could be reallocated by local authorities, at any time. Lack of ownership documents also hampered repossession of property and the provision of reconstruction assistance in cases where housing was destroyed during the war. Lack of personal documents caused many Roma to be excluded from public life because they lacked birth certificates, identification cards or a registered residence. Many Roma also could not access health care or register to vote. Only a small number of Romani adults were in full time employment and Roma were often denied social support; many relied on begging to subsist, particularly Romani children.

Roma continued to lack access to education. Students in minority areas frequently faced a hostile environment in schools that did not provide an ethnically neutral setting. Obstruction by nationalist politicians and government officials slowed international efforts to remove discriminatory material from textbooks, abolish school segregation, and enact other needed reforms. At the elementary and secondary school level, canton governments in the Federation and the central Ministry in the RS politically pressured school directors. Several schools were directed by hard-line political figures. A lack of financial resources led to teacher strikes in the RS and in individual cantons in the Federation.

In many instances, compromises fell far short of integrating minority students into some schools. Administration and legal unification of the 52 cases of "two schools under one roof," with separate classes for Bosnian Croats and Bosniaks, did not lead to integrated classrooms, although shared extra-curricular activities, school entrances and recreation facilities often resulted. Segregation and discrimination were entrenched in many schools, particularly in the teaching of national history and religious education. In the RS, non-Serb teaching staff at elementary and secondary school levels remained below 5 percent of all teaching staff. In the Federation, minority teachers comprised between 5 and 8 percent of all teachers, depending on the Canton. While Romani children were permitted to attend schools in all areas of the country, their attendance was often low due to both pressure from within their own community and from local non-Roma communities discouraging Romani children from attending their schools.

Officials took steps during the year towards actual integration. The Interim Agreement on Accommodation of Specific Needs and Rights of Returnee Children, signed in 2001, was partially implemented through working groups in both entities, with moderate progress made in eliminating educational obstacles for returnee children.

The full integration of elementary and high school classrooms in the Brcko District continued to be successful. So-called national subjects (language, history, and music) were offered separately as afternoon "elective" classes, but materials that could be hateful or offensive to others were eliminated. Language questions were resolved by using both Latin and Cyrillic script, and by requirements that teachers not penalize students for lexicon or grammar usage identified more with one language variant than another.

In March, an Inter-Entity Textbook Review Commission was re-established, with a mandate to review textbooks from the so-called national group of subjects that were in use in all primary and secondary schools in the country. The process was completed prior to the 2003–04 school year, and although some textbooks were not granted approval, no significant violations were reported. However, there were textbooks in use outside the so-called national group of subjects that were not subject to the review process but contained material that was inappropriate. For example, the textbooks on politics and economics used in schools following the curriculum in Bosnian Croat majority cantons were produced in Croatia and contained material considered slanderous and hurtful to Serbs. Other cases were less explicit but were recognized as inappropriate or controversial.

In the area of civic education, the course on “Democracy and Human Rights” continued to be taught in high schools in all areas of the country, using the first truly joint curriculum. The course was developed by donors and international organizations working closely with Bosnian educators and was officially accepted by the Canton and entity-level Education Ministries and the Brcko District Department of Education.

During the year, the MoHRR created an “Advisory Board for Roma,” comprised of nine Romani representatives and nine members of different state level and entity ministries, to work on Romani issues. The Board met several times, but the Ministry ceased to convene the meetings due to lack of finances to cover the expenses of meetings.

Section 6. Worker Rights

a. The Right of Association.—There are no legal restrictions on the forming of unions or on who may join unions; both entities’ Constitutions and labor laws provide this right. Additionally, the country has four labor laws (one for the state level, one for each entity, and one for the Brcko district), which provide for the right of workers to form and join unions.

The right of minority workers to join unions is protected in both entities; however, in practice, union membership in the RS was overwhelmingly Bosnian Serb and in the Federation overwhelmingly Bosniak. Bosnian Croats had informal labor organizations in areas where they were the dominant ethnic group, but generally they were represented by the Federation union. A joint-entity multi-ethnic union continued to operate in the district of Brcko. Although the 2001 BiH-level Law on Associations removed legal obstacles to the creation of unions at the BiH level, no such unions existed.

Union membership was mandatory for all officially employed workers in the RS but optional in the Federation. Consequently, approximately 70 percent of officially employed workers in the Federation were union members.

Even though unions are legally independent of the Government and political parties, they were highly politicized. In practice, in each entity, one union confederation represented all workers in that entity.

The Law on Labor in both entities prohibits discrimination by employers against union members and organizers, in accordance with International Labor Organization (ILO) standards; however, this kind of discrimination continued. Employers often mistreated workers employed in private companies; however, employees usually did not strike out of fear of being immediately fired in retaliation.

Unions are free to form or join federations or confederations and affiliate with international bodies; however, no unions have done so in practice.

b. The Right to Organize and Bargain Collectively.—Collective bargaining is provided for in the Law on Working Relations in the RS and in a comprehensive collective bargaining agreement in the Federation; however, collective bargaining was rarely used. In addition, the collective bargaining agreements appeared to apply only to public sector and government-owned enterprises, leaving private businesses uncertain about their status under the general collective bargaining agreements. The BiH Association of Employers was created to address this problem; however, no progress had been made by year’s end. In September, the Socio-Economic Council, made up of representatives from trade unions, the Federation Government, and the Association of Employers, was established in the Federation to improve existing labor legislation and encourage job creation; however, it faced problems financing its activities.

The Government remained highly influential, particularly in the RS, in determining the overall level of wages for government employees in each entity. The Federation Government reduced all expenditures by 10 percent including wages of all budget users, which created problems in some independent agencies.

Unions have the right to strike, and they used this right to press for payment of overdue salaries or wages; protest or demand changes in management; and voice

their opinion on economic reform and government policy. Protests rather than court cases often induced faster government action on paying salaries and wages and removal of management. Most strikes were legal; however, in an attempt to avoid negotiations, the Government claimed that some were illegal on the grounds that they were not announced the required 48 hours in advance. A Law on Strikes governs strike activity in both entities, and retaliation against strikers is prohibited.

On September 20, approximately 13,000 pensioners from the Federation gathered in front of the Federation government building to protest the Government's failure to pay pensions and to demand that pensions be raised. When government officials did not talk with them, they tried to enter the government building and were prevented from doing so by the police. After the Federation pensioners protested, large numbers of pensioners in the RS followed suit and likewise protested in front of the RS government building in Banja Luka.

There were several major strikes during the year, including those by factory workers and teachers, to demand payment of arrears in salaries of several months or more or to protest the unsuccessful privatization of large factories. At the beginning of the year, coal miners in Zenica conducted a hunger strike to protest wage arrears; these workers stopped their strike after a meeting with the Federation Prime Minister, where some of their requests were met. The workers of recently privatized company Zitoprerada Bihac went on a hunger strike, which resulted in the arrest of the new owner and cancellation of the privatization contract. Courts continued to hear labor disputes.

The FBiH Trade Union Confederation advocated a revision of the entire privatization process. Consequently, FBiH Trade Union Confederation leader Edhem Biber received death threats for pushing this initiative.

The strike of chemical workers at the Calcine factory ended during the year after Federation and Cantonal Governments in Tuzla complied with some of the strikers' requests.

Unions in the country were fragmented into sectors and divided along ethnic lines, weakening their potential impact. Unions had little experience in conducting effective strikes or bargaining negotiations. Workers often were left to organize themselves at the level of the company. Workers were afraid to strike for fear of losing what few social benefits they received from the companies.

There are 11 special economic areas called Free Zones in the country, for the purpose of manufacturing and related services, where customs duties do not have to be paid. There are no special laws or exemptions from regular labor laws in these zones, and workers' rights were not restricted.

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

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. While it was unclear how strictly these laws were enforced, strong cultural norms against non-farm child labor effectively discouraged the practice in the country. Although child labor was not known to be a problem, children sometimes assisted their families with farm work and odd jobs. Romani children often begged on the streets, particularly in Sarajevo.

The country ratified the ILO Convention 182 concerning the worst forms of child labor in 1991; however, the Government had not signed it by year's end. There were no social programs to prevent the engagement of children in exploitative child labor.

e. Acceptable Conditions of Work.—The minimum monthly wage in the Federation was \$186.60 (290 KM) and in the RS it was \$43.75 (68 KM); neither minimum wage provided a decent standard of living for a worker and family. Many workers have outstanding claims for payment of salaries and pensions. Employees are required by law in both entities to make mandatory contributions to social funds; in total, the contribution paid on each monthly salary was 68 percent in the Federation and 50 percent in the RS. Employers often did not officially register their employees in order to avoid paying high social welfare benefits.

The legal workweek is 40 hours under both the Federation and the RS entity law; however, seasonal workers may work up to 60 hours per week. The laws of both entities require that employers pay overtime to employees. Overtime is limited to 20 hours (10 mandatory and 10 voluntary) in the Federation. In the RS, overtime is limited to 10 hours, although an employee may volunteer for an additional 10 hours in exceptional circumstances. Rules regarding rest and vacation varied, although typically no vacation was granted during the first 6 months of employment, and 18 days per year were granted after that period.

Occupational safety and health regulations generally were ignored. At year's end, neither entity had completed passage of new laws to enforce international worker rights standards. Workers could not remove themselves from hazardous working conditions without endangering their continued employment.

f. Trafficking in Persons.—The law prohibits trafficking in persons; however, trafficking in persons remained a serious problem. There were reports that police and other officials were involved in trafficking.

The BiH Government implemented a new Criminal Code and CPC in March, making trafficking in persons a State-level crime with a sentence of up to 10 years. The Federation and the RS implemented harmonizing criminal codes in August and July, respectively. In January, BiH also created a BiH State-level MoS that is responsible for coordinating law enforcement activities at all levels of Government. Implementation of these new laws, centralization of the government agencies that fight trafficking, and increased coordination between NGOs and law enforcement enhanced BiH's ability to combat trafficking.

BiH authorities intensified their efforts to combat trafficking during the year. In addition to passing the CPC and establishing the MoS, the BiH State Prosecutor's Office was established in June. The State Prosecutor has exclusive jurisdiction over all trafficking cases and can decide which cases to prosecute at the BiH State level, and which cases to send to the entity levels. In July, the BiH Government appointed a National Coordinator for Anti-Trafficking, whose mandate includes coordination of victim protection efforts among NGOs, police, and government institutions, as well as coordination of law enforcement initiatives. Also as part of these restructuring efforts, the former BiH level anti-trafficking commission that reported to the BiH MoHRR now reports directly to the newly formed MoS. In October, the National Coordinator for Anti-Trafficking rolled out a new National Action Plan.

In 2002, the BiH Council of Ministers, both entities, and the Brcko District agreed to form the country's first nationwide interagency investigative task force (the strikeforce) to combat organized crime. The strikeforce is chaired by the new BiH Prosecutor and includes prosecutors, police, and financial investigators. It specifically targets trafficking and illegal migration. The strikeforce's investigations also resulted in the prosecution and conviction of one trafficking kingpin, sentenced in 2002 to 1 year and 6 months in prison by the Brcko District Court for promoting prostitution.

The anti-trafficking actions of local authorities were coordinated within this newly established centralized State-level framework for fighting trafficking. For example, the IPTF-initiated Special Trafficking Operations Program was replaced by an initiative led by local authorities in coordination with the EUPM, the FIGHT initiative. In August, the owner of Club Edo in Kiseljak was arrested for trafficking, and 13 of the women working in his bar were taken to the Forum of Solidarity, a local NGO that provides shelter to trafficking victims. However, none of the 13 women were identified as trafficking victims by the BiH Government and were deported from the country 2 months later. The club owner paid bail and was released from prison; the investigation continued at year's end.

Local police involvement was primary, with EUPM involvement in actual operational and organizational issues limited to an advisory capacity. Under the FIGHT team initiative, each local government unit has one dedicated trafficking officer, and these officers are coordinated through their respective entity MUP. Each entity MUP is represented on the BiH State level Anti-Trafficking Strikeforce, allowing state-level Strikeforce investigations to regularly benefit from local-level, on-the-ground investigation and intelligence work. BiH also participated again in the Southeast Europe Cooperative Initiative (SECI) regional anti-trafficking effort in September, which focused on a series of police raids and border inspections coordinated with other SECI member states. During September, in Operation Mirage II, BiH police conducted raids on 114 locations with suspected involvement in human trafficking. Six individuals were arrested for trafficking, and charges against three of the six were subsequently filed. An EUPM report noted that, during the period from January to May, FIGHT teams made a significant number of arrests that led to prosecutions. Specifically, there were 128 night-bar raids throughout the country, resulting in 21 indictments for human trafficking and sex crimes.

In September, in Brcko District, criminal charges were lodged against four people for intermediation in performing prostitution. Two of the four were indicted and the others remained at large. One of the indictees is Marijan Jurkovic, an alleged trafficking kingpin in BiH. In November, Milorad Milakovic and 17 fellow alleged traffickers were indicted on charges of organized crime and trafficking in persons, for which they could face up to 20 years in prison.

The country was a destination and transit point, and to a lesser extent a country of origin, for women and girls trafficked for sexual exploitation. The country was

vulnerable to trafficking in persons because effective strategies to combat trafficking were previously hindered by an outdated criminal code and a confusing set of legal institutions that left police and prosecutors unable to take effective measures against trafficking. In addition, there were allegations of corruption and official involvement in trafficking. There were no current estimates on the number of trafficked women and previous estimates varied considerably. From data collected by the U.N. Mission in Bosnia and Herzegovina and the International Organization for Migration (IOM), it was estimated that in previous years there were 3,000 women who engaged in prostitution in the country, of which approximately 25 to 30 percent were thought to be victimized through coercion or deception; approximately 13 percent of victims were under 18. Since 1999, the IOM has assisted 717 women, 553 of whom sought repatriation.

Over 90 percent of trafficked women in the country came from Moldova, Romania, and Ukraine. A significant number may have transited on to Western Europe, but no reliable estimates were available. According to the IOM, most victims reported being lured by false job offers, such as advertisements offering work in Italy or Germany as dancers, waitresses, and domestic servants. Most trafficked women entered the country through Serbia-Montenegro. Those who transited the country continued via Croatia. The IOM reported Bosnian victims in other parts of Europe and local NGOs observed some Bosnian victims within the country.

The perpetrators of trafficking came from a variety of backgrounds, including freelance operators, local crime gangs, and large international organized crime syndicates. Some employment, travel, and tourist agencies also fronted for traffickers.

Because of prior raids conducted on nightclubs, bars, and restaurants, traffickers moved their operations to private residences or began moving them around to evade arrest. Victims reported working in conditions akin to slavery, with little or no financial support, coerced by intimidation, seizure of passports, withholding of food and medical care, and even physical and sexual assaults.

While there continued to be reports of police and other official involvement in trafficking, particularly at the local level, the Government addressed this issue by establishing PSUs within each MUP. The PSUs have authority to investigate and dismiss police officers for corruption and have the ability to recommend both administrative and criminal action against police engaging in illegal activities. However, there was only one trafficking related PSU investigation in the District of Brcko; past trafficking in persons-related corruption investigations led to dismissal and prosecution of officers. Although the presence of international civilian and military personnel has contributed to the trafficking problem, the local population actively sustained it.

Local officials in some areas allowed foreign women to work in bars and nightclubs with questionable work and residence permits. Law enforcement officials in both entities asserted that they reduced the number of foreign citizens working in bars. An RS Interior Ministry official stated in 2002 that the number of foreign female bar employees with valid work permits was down to 51, compared with 470 a year previously. Nonetheless, there were reports that visas were issued improperly at the country's embassies in the region. The Ministry of Civil Affairs initiated a plan to link all BiH Embassies around the world to a centralized database, located in the National Network Operations Center to allow for greater control of the approval process for visas; however, the centralized database had not begun by year's end.

The National Action Plan included initiatives to strengthen victims' assistance programs, including a plan to establish a state-run women's shelter; at year's end, the local NGO Forum of Solidarity, based in Tuzla, was selected as the NGO partner for the shelter. There were three primary trafficking NGOs in the country: Lara in Bijelina, La Strada in Mostar, and Forum Solidarnosti in Tuzla. During the year, NGO's assisted 90 victims of trafficking. These women were provided basic shelter, medical, psychological, and legal assistance.

In July, the BiH Government adopted a new Law on the Movement and Stay of Aliens and Asylum. This law includes specific provisions directed towards trafficking victims that provide for temporary asylum to allow rehabilitation and protective services to be provided to victims. During the year, the IOM managed two long-term shelters where victims received medical attention, counseling, and assistance in repatriation. It also had 6 safe houses in various parts of the country, augmented by 2 additional safe houses run by local NGOs. Police protection was provided for the shelters. Despite these programs, the IOM and other sources reported that fewer victims sought assistance during the year, and that shelters were not fully utilized. NGO employees reported that women told them that they did not trust local police and feared traffickers would not hesitate to pursue them if they left. With inter-

national assistance, local authorities and NGOs cooperated more to assist and protect victims.

The IOM initiated a preventative information campaign against human trafficking geared toward at-risk youth and victims of trafficking. The campaign defined trafficking as well as provided information about services available to trafficking victims. Other NGOs continued to be actively engaged in similar campaigns.

The media focused attention on the human costs of trafficking, as well as the responsibility of the authorities to combat the problem. Newspapers reported frequently on law enforcement actions against traffickers, as well as on allegations of involvement by police.

BULGARIA

Bulgaria is a parliamentary democracy ruled by a coalition government headed by Prime Minister Simeon Saxe-Coburg Gotha. The Government took office in 2001 following the victory of his National Movement Simeon II (NMS) party in parliamentary elections that were deemed generally free and fair despite some media irregularities. Following presidential elections in 2001, Georgi Purvanov, former leader of the Bulgarian Socialist Party (BSP), began his 5-year term in 2002. The Constitution provides for an independent judiciary; however, the judiciary suffered from corruption and wide-ranging systemic problems.

The Ministry of the Interior (MOI) is responsible for internal law enforcement. The National Investigative Service (NIS), which provides investigative support to prosecutors on serious criminal cases, is a judicial branch agency and therefore not under direct executive branch control. While civilian authorities generally maintained effective control of law enforcement officers, there were some instances in which law enforcement officers acted independently of government authority. Some law enforcement officers committed serious human rights abuses.

The country, with a population of approximately 7.9 million, had a market-based economy that was primarily service based. At year's end, gross domestic product growth was estimated at 5 percent, and cumulative inflation was 5.6 percent. While official unemployment in December was 13.5 percent, down 3.96 percentage points from the beginning of the year, persistent unemployment continued to be a problem.

The Government generally respected the human rights of its citizens; however, there were problems in several areas. Law enforcement officers commonly beat suspects and inmates, and beat and mistreated minorities. Arbitrary arrest and detention were problems. Law enforcement officers harassed, physically abused, and arbitrarily arrested and detained Romani street children. Problems of accountability persisted and inhibited government attempts to address police abuses. Conditions in some prisons and detention facilities were harsh, and there were some instances of prolonged pretrial detention. The judiciary continued to struggle with wide-ranging systematic problems and suffered from serious corruption.

The Government restricted freedom of the press and limited freedom of association. The Government restricted freedom of religion for some non-Orthodox religious groups and societal discrimination and harassment of non-traditional religious minorities persisted, but were much less frequent than in previous years. Societal violence and discrimination against women was a problem. Conditions for children in state institutions were poor, and because of a lack of funds, the social service system did not assist homeless and other vulnerable children adequately, notably Roma and children with mental disabilities. There was some discrimination against persons with disabilities and a serious problem of discrimination against Roma. Child labor was a problem. Trafficking in persons was a serious problem, which the Government took some steps to address.

RESPECT FOR HUMAN RIGHTS

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

a. Arbitrary or Unlawful Deprivation of Life.—There were no reports of the arbitrary or unlawful deprivation of life committed by the Government or its agents. However, forest guards killed two individuals during the year.

On March 26, a forest guard shot 28-year old Angel Simeonov while he was illegally cutting wood in a forest just outside of Samokov. Simeonov was taken to a hospital, but died after a couple of hours due to blood loss. The regional prosecutor investigated the incident and concluded that it was a justified use of force.

On August 7, an off duty forest guard shot and killed 25-year old Stoyan Lazarov near Kyustendil. The forest guard reportedly started shooting his gun indiscrimi-

nately for no apparent reason, and one of the bullets shot through the head of Lazarov, who had stopped in his truck nearby. The guard was charged with murder; the case remained pending at year's end.

The Ministry of Interior Act permits law enforcement officers to use firearms to apprehend persons committing crimes or who have committed crimes, even if the crimes were minor.

The five defendants (three Bulgarians and two Ukrainians) in the trial of the 1996 murder of former Prime Minister Andrey Lukanov were sentenced to life imprisonment by the Sofia City Court on November 28; however, all of the defendants appealed the ruling to the Sofia Appellate Court. On March 7, Iliya Pavlov, reportedly head of Bulgaria's largest organized crime organization, was shot and killed in Sofia a day after he testified about his professional relationship with Lukanov in the murder case. However, all indications from official and independent sources were that his death was linked to his reported organized criminal activities and not to his testimony.

There were no reported developments during the year in the investigation into the 2002 killing of Orthodox priest Stefan Kamberov.

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

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.—The Constitution prohibits such practices; however, police commonly beat criminal suspects, particularly during initial interrogations. Law enforcement officers also physically abused street children, the majority of whom were Roma (see Section 5).

Criminal suspects in police custody run a significant risk of being mistreated, most often during the initial interrogation. In February the Council of Europe reported that the Bulgarian Helsinki Committee (BHC) 2001 survey of incarcerated persons arrested after January 2000 found that 49 percent (compared with 51 percent in 1999) of interviewed prisoners reported that police officers used physical force against them during arrest; 44 percent (compared with 53 percent in 1999) reported one or more beatings at police stations. Romani prisoners reported being abused more frequently than did other prisoners. Very seldom were allegations of police abuse properly investigated, nor were the offending officers consistently punished. The Military Prosecutor's Office in particular had not investigated incidents of alleged police abuse thoroughly or expeditiously.

Although some government officials stated that, under the country's criminal code, any complaints about police beatings are required to be heard by judges, at times this law was not respected in practice. Human rights monitors reported that they received many complaints from persons who were too intimidated to lodge an official complaint with the authorities. Human rights observers charged that police often handled minor offenses by arresting suspects, beating them, and releasing them within a 24-hour period, so that no judicial involvement was required (see Section 1.d.).

Conditions in some prisons remained harsh and included overcrowding, inadequate lavatory facilities, and insufficient heating and ventilation. However, according to the BHC, prison overcrowding improved during the year with the opening of several new prison facilities. Nongovernmental organization (NGO) prison monitors reported that brutality committed by prison guards against inmates continued to be a problem, despite the MOI issuing instructions in August on detention procedures to reduce abuses. There were also reports of brutality among inmates. The process through which prisoners could complain of substandard conditions or of mistreatment did not function effectively. The Ministry of Justice (MOJ) reported that, at the end of the year, there were 788 charged persons in the country's 65 detention centers and a total of 10,066 persons (of whom 325 were arraigned, 1536 were in trial phase, 8,205 were convicted) in the country's 12 prisons.

Men and women were not held in the same prisons: 1 of the 12 prisons was reserved for women. In all prisons, convicted prisoners were held separately from pretrial detainees. The MOJ also reported that there were 79 minors in the country's 2 labor correction hostels, which were used to hold persons under age 18 and were less restrictive than prisons.

The Government generally permitted requests by independent observers to monitor conditions in most prisons and detention facilities.

d. Arbitrary Arrest, Detention, or Exile.—The Constitution prohibits arbitrary arrest and detention; however, there were some restrictions on these rights. Police often arbitrarily arrested and detained street children, the majority of whom were Roma (see Section 5).

The MOI is responsible for internal law enforcement including the National Police, the National Service for Combating Organized Crime (NSBOP), the National Security Service (civilian domestic intelligence), the National Gendarmerie Service

(paramilitary police), and the Border Police. The media reported that the public order services, such as the National Intelligence Service and National Bodyguard Service, were not subject to adequate judicial, executive, or legislative oversight of their activities or budgets. Impunity remained a problem; problems of accountability inhibited government attempts to address police abuses.

According to data released by the Alpha Research Agency in October, corruption continued to be considered by many citizens to be one of the most significant social problems facing the country. The MOI reported that 107 complaints of corruption by police officers were filed with the Military Prosecutor's Office during the year. According to the Prosecutor's Office, during the year, there were 399 investigations into crimes reportedly committed by police officers; 71 were for bodily harm, 19 were for robbery, 7 were for burglary, 11 were bribery. The investigations resulted in indictments against three police officers on charges of rape, one police officer on charges of forced prostitution, and two police officers on charges of trafficking in persons. Customs officials were seen as being the most corrupt government officials, followed by magistrates (prosecutors, investigators, and judges) and police officers. However, the survey reported a decrease in corruption from customs officials and police officers and an increase in corruption from tax officials. One-quarter of those interviewed reported not approaching the judiciary, even when they had reason to do so, due to their widespread belief of magistrates' corruption.

The MOI reported that the curricula at the Police Academy and the Officers' Schools were expanded to include human rights-related training in their mandatory courses. Training in combating human trafficking and assisting trafficking victims was also offered in September and December to active-duty police officers (see Section 6.f.).

Although warrants are not always required for arrest, police normally obtained a warrant from a prosecutor prior to apprehending an individual. If the person was released without being charged before the 24-hour period elapsed, there was no judicial involvement in the case. Human rights observers charged that police often handled minor offenses by arresting suspects, beating them, and releasing them within the 24-hour period (see Section 1.c.). Persons could be detained for no more than 24 hours at the request of an investigating magistrate or police officer; however, detention could last for up to 72 hours if ordered by a prosecuting magistrate.

The Constitution provides for access to legal counsel from the time of detention; however, in 2002 the BHC released the results of a survey of incarcerated persons arrested after January 2000, which found that more than 70 percent reported that they had had no legal representation during preliminary investigation of their cases. In April 2002, the MOI instituted a standard declaration process for detainees to indicate their need for access to legal counsel, medical attention, and family members; however, the BHC reported that there were no improvements in pretrial detention conditions.

The Constitution provides for bail, although it was not widely used.

While there were some continuing violations, NGOs reported that the Government generally observed the statutory limit of 1-year for pretrial detention or 2 years in the case of the most serious crimes. In the event of a conviction, the time spent in pretrial detention was credited toward the sentence.

Human rights observers reported that in many localities, children could be held for months in educational boarding schools on the basis of police referral before a local commission convened to make a decision on the case (see Sections 1.e. and 5).

The Constitution prohibits forced exile, and the Government did not employ it.

e. Denial of Fair Public Trial.—The Constitution provides for an independent judiciary; however, problems in the judiciary remained, including a lack of transparent and neutral standards for assigning cases, poor coordination between magistrates (prosecutors, investigators, and judges), corruption, low salaries and understaffing, antiquated procedures, and a heavy backlog of cases. Human rights groups complained that magistrates sometimes failed to pursue most crimes committed against minorities.

Crime and corruption remained primary concerns of the Government. The inter-ministerial anti-corruption commission, established in 2002, coordinated the efforts of each government agency's internal inspectorate in fighting public corruption and engaged in public awareness campaigns. In addition, constitutional amendments passed in September, narrowed the scope of immunity, irremovability, and life tenure for magistrates. Politicians and NGOs continued to criticize the Chief Prosecutor's office for its failure to prosecute vigorously large numbers of serious criminal cases, leaving the impression that it lacked the will to crack down on organized crime and corruption. Local observers contended that organized crime influenced the prosecutor's office. Few organized crime figures have been prosecuted to date and

none have been convicted. According to the NSBOP, approximately 110 organized crime groups operated in the country.

Many observers believed that reforms were essential to establish a fair and impartial, as well as efficient, judicial system. As a result, in September the National Assembly passed amendments to the Constitution designed to limit magistrates' immunity and increase their accountability. The amendments were expected to take effect in the beginning of 2004, and will require the adoption of supporting legislation.

Observers noted modest improvement in the efficiency of moving cases through the criminal system, although many serious systemic flaws remained. Long delays in trials were common and the police continued to struggle with a large backlog of outstanding investigations.

The court system consists of regional courts, district courts, military courts (on the regional and district levels), appellate courts, the Supreme Court of Cassation, and the Supreme Administrative Court. The 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. As a part of the judiciary, military courts are independent from the military.

Judges are appointed by the 25-member Supreme Judicial Council (SJC) and, after serving for 3 years, cannot be removed except under limited, specified circumstances. The constitutional amendments provide for this probationary period to be extended to 5 years beginning in 2004. The difficulty and rarity of replacing judges, virtually regardless of performance, was often cited as a hindrance to effective law enforcement. The 12 justices on the Constitutional Court were chosen for 9-year terms as follows: One-third were selected by the National Assembly, one-third appointed by the President, and one-third selected by judicial authorities. The internal mechanisms that inhibit corruption in the judicial system were weak. Due to its composition and inadequate support staff, the SJC, which is responsible for the proper administration of justice and drafting the judiciary's budget, was not able to effectively set the judiciary's budget, ensure the effectiveness of judges, or protect the judiciary's independence.

The Constitution stipulates that all courts shall conduct hearings in public unless the proceedings involve state security or national secrets, and authorities generally respected this provision. Defendants have the right to know the charges against them and are given ample time to prepare a defense. 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 Chief Prosecutor. To enable a speedy trial, the law requires that investigations last no more than 2 months under normal circumstances, although the head regional prosecutor may extend this to 6 months, and the Chief Prosecutor may extend this to 9 months. Defendants in criminal proceedings have the right to confront witnesses and to have an attorney in serious cases, which could be provided and paid for by the Government in any instance where the defendant could not afford an attorney. In certain instances—when punishment of 10 years' imprisonment or more could be imposed or when the defendant was a juvenile, a foreigner, mentally or physically disabled, or not present—participation of a defense attorney is mandatory, even when the defendant did not want an attorney, and could be provided and paid for by the Government. The right of appeal is provided for and was used widely.

The MOJ reported that there was a decrease in the number of civil cases filed in the second half of the year due to substantial increases in fees levied on claimants. The judiciary continued to suffer from a heavy backlog of cases, which resulted in long delays for trials. The practice of plea-bargaining, had not yet effectively lightened the caseload for prosecutors. In addition, plea-bargaining reportedly was perceived by many citizens as a way for the wealthy to buy their way out of charges.

Human rights observers considered educational boarding schools (formerly known as Labor Education Schools), to which problem children could be sent, as little different from penal institutions (see Section 5). Since the schools were not considered prisons under the law, the procedures by which children were confined in these schools were not subject to minimal due process requirements. Children sometimes appeared alone despite the requirement that parents must attend hearings; the law expressly prohibits the right to an attorney at the hearing. Decisions in these cases were not subject to judicial review, and children typically stayed in the educational boarding schools for 3 years or until they reached 18 years of age, whichever occurred first. The law provides for court review of sentencing to such schools, sets a limit of a 3-year stay, and addresses some other problems in these institutions;

however, human rights activists dismissed this court review provision as a formality, since the child was not present to speak on his or her own behalf (nor was the defense lawyer or the child's parents).

There were no reports of political prisoners.

f. Arbitrary Interference With Privacy, Family, Home, or Correspondence.—The Constitution prohibits such actions, and the Government generally respected these provisions in practice; however, there were reports of mail, particularly foreign mail, being delayed and/or opened.

Seven members of the National Security Service were dismissed in January following a public scandal in December 2002 surrounding reports that the MOI had illegally wiretapped lawmakers, magistrates, and prominent journalists.

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Speech and Press.—The Constitution provides for freedom of speech and of the press; however, the Government exerted undue influence over the media. Although a variety of media outlets presented a broad spectrum of opinion, NGOs reported that significant numbers of journalists continued to feel constrained in their reporting because of media outlet management, government influence, and outside pressure. Prosecutors also were widely regarded as wielding an intimidating influence over journalists who were critical of the judicial process.

Several domestic and international organizations openly criticized the Government for its handling of media issues during the year. The Parliamentary Assembly of the Council of Europe issued a statement that was highly critical of the Government's undue influence over public media outlets. The politically motivated dismissal of journalists was cited as one of the major problems, along with the draft of a new media law, which would give the majority party a significant amount of control over major media outlets.

A variety of newspapers were published freely by political parties and other organizations representing the full spectrum of public opinion.

There were no formal restrictions on programming and both television and radio provided a variety of news and public interest programming. Television and radio news programs on the state-owned media presented opposition views; however, media observers believed that the inadequacy of existing legislation left it vulnerable to government pressure.

The Bulgarian National Television (BNT) broadcast Turkish-language newscasts, and local affiliates of Bulgarian National Radio broadcast limited Turkish-language programming in regions with ethnic-Turkish populations. Foreign government radio programs had good access to commercial radio frequencies. A Romani-language radio and cable TV operation began broadcasting in Vidin but had difficulty in obtaining a broader broadcast license for the region.

There were two reported cases of violence against journalists. In February, unknown assailants severely beat a radio journalist from Vidin. In May, unidentified assailants severely beat the editor-in-chief of the Varna daily newspaper *Chernomorie* and owner of the DNES+ news website, Anton Lukov, in front of his city center home. Both of these cases were widely believed to have been connected to organized crime figures in their respective regions since there were a number of reports detailing the influence of local organized crime groups on investigative journalists and their publications.

Amendments passed in 2001 to the Radio and Television Act (RTA) authorized the Council for Electronic Media (CEM) to issue licenses for radio and television programming, a power previously held by the State Telecommunications Commission. The 2001 amendments require the CEM to consult with the Communications Regulation Commission (CRC), which allocates broadcast frequencies, before making decisions regarding programming licenses. However, amendments passed in 2002 to the RTA require the CEM to issue radio and television programming licenses only in accordance with the Strategy for Developing Radio and Television Activities, which was developed by the CEM and CRC jointly and submitted to the National Assembly; however, the National Assembly still had not approved the Strategy by year's end. As a result, the CEM could not promulgate new licensing procedures, and it was not clear when the Government would resume licensing electronic media.

In July, the CRC issued a license for nation-wide broadcasting to New Television, making it the third nation-wide television broadcaster. The Supreme Administrative Court ruled that New Television could commence broadcasting without a license from the CEM as New Television won a tender to be the third national television broadcaster in 2001 before the amendments to the RTA establishing the CEM. While the CEM could not initiate new tenders for television and radio programming licenses, it was still able to transfer, amend, revoke, and terminate such licenses and regulate programming.

During the year, the CEM imposed 77 fines against television operators and 13 fines against radio operators for violations of the RTA. On November 6, the CEM revoked the license of Union Television, owner of the satellite channel Den, citing grave violations of the RTA and broadcasting a television show that impaired morals. Union Television appealed the decision to the Supreme Administrative Court; the case remained pending at year's end.

Libel is punishable under the criminal code, but in most cases the courts defined libel and interpreted the law in a manner that favored journalistic expression. Fines for libel and defamation were approximately \$9,375 (15,000 leva); these fines remained a heavy penalty in the context of the country's economy. The provisions eliminated imprisonment as a penalty for libel. Journalists charged with libel or defamation also have reduced rights of appeal for libel sentences under the law. Under the law, libel remains a criminal offense and losing defendants are considered to be criminals. The number of criminal libel suits brought by the Government against journalists increased significantly over the past 2 years and an international NGO expressed concern that libel suits were essentially a tool that the ruling party used to silence its critics.

The Government did not restrict access to the Internet or academic freedom.

Freedom of Peaceful Assembly and Association.—The Constitution provides for freedom of assembly, and the Government generally respected this right in practice. Authorities required permits for rallies and assemblies held outdoors, but most legally registered organizations routinely were granted permission to assemble. Political rallies and demonstrations were a common occurrence and generally took place without government interference.

The BHC reported that ethnic Macedonians were denied freedom of assembly; local authorities reportedly would only allow ethnic Macedonians to hold rallies or other meetings in private and outside of cities and other populated areas.

The Constitution provides for freedom of association; however, the Government prohibited groups that endanger national unity or promote and incite racial, national, ethnic or religious hatred, violate the rights of citizens, or seek to achieve their objectives through violent means. The Government undertook to respect the rights of individuals and groups to establish freely their own political parties or other political organizations; however, the Constitution prohibits the formation of political parties along religious, ethnic, or racial lines and prohibits citizens' associations from engaging in political activity. Nonetheless, ethnic minority political parties operated during the year and won positions in government in the October local elections (see section 3).

c. Freedom of Religion.—The Constitution provides for freedom of religion; however, the Government restricted this right in practice for some non-Orthodox religious groups. The Constitution designates Bulgarian Orthodox Christianity (BOC) as the "traditional" religion and the Government provided financial support to it, as well as to several other religious communities perceived as holding historic places in society, such as the Muslim, Roman Catholic, and Jewish faiths.

The Law on Religious Confessions took effect in 2002 to replace the universally unpopular Communist-created law of 1949. Religious and human rights groups have strongly criticized the law for the preferential treatment given to the BOC and for provisions that appear to take sides in what many see as an internal Church conflict. Under the new law, all religious groups, with the exception of the BOC, must register with the Sofia Municipal Court before they can practice their beliefs in public. The BHC also expressed concern at the requirement for groups to submit a statement of beliefs when applying for registration or re-registration, stating that this constituted an infringement on their freedom of religion. Even when they were registered nationally, some religious groups experienced problems with registering local branches, particularly Jehovah's Witnesses in Burgas.

In some cases, local authorities used the lack of registration as a pretext for interference with some groups and harassed others. Some church groups circumvented the administrative obstacles created by a lack of registration by registering as NGOs. There were periodic reports of police using lack of local or national registration as a pretext to confiscate signboards and materials, detain or expel religious workers, and deny visas or residence permits to foreign-national missionaries.

In May, police reportedly prevented the International Baptist Church in Sofia from using a rented apartment for religious meetings.

A number of religious groups complained that foreign-national missionaries and religious leaders experienced difficulties in obtaining and renewing residence visas in the country due to an amendment to the Law on Foreign Persons. The law has no visa category explicitly applying to missionaries or religious workers, and rules for other categories of temporary residence visa (such as self-employed or business-

owner) were tightened in ways that reportedly make it more difficult for religious workers to qualify.

The Muslim community, the Catholic Church, and some Protestant denominations claimed that a number of their properties confiscated under the Communist government were not returned. A central problem facing all claimants was the need to demonstrate that the organization seeking restitution was the same organization—or the legitimate successor of the organization—that owned the property prior to 1944. This was difficult because Communist hostility to religion led some groups to hide assets or ownership and because documents had been destroyed or lost over the years.

Relations between the major religious communities generally were amicable; however, discrimination, harassment, and general public intolerance of non-traditional religious groups remained an intermittent problem. Human rights groups reported that societal discrimination against non-traditional religious groups gradually lessened over the last few years.

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

d. Freedom of Movement within the Country, Foreign Travel, Emigration, and Repatriation.—The Constitution provides for these rights, and the Government generally respected them in practice. Every citizen has the right to return to the country, may not be forcibly expatriated, and may not be deprived of citizenship acquired by birth; there are no limits to these rights under the Constitution.

The Law on Refugees and Asylum provides for the granting of refugee status or asylum to persons who meet the definition in the 1951 U.N. Convention Relating to the Status of Refugees and its 1967 Protocol. In practice, the Government provided some protection against refoulement and granted refugee status and asylum (“humanitarian status”). However, NGOs, including the BHC, expressed concern over the Government’s handling of claims for refugee and humanitarian status and reported that there may have been cases in which bona fide refugees were turned away at the border. In September, police detained a group of Christian asylum-seekers from Iran. The Agency for Refugees did not get involved and the police turned them over to the Iranian Embassy in Sofia, which subsequently arranged for their return to Iran. The Government cooperated with the U.N. High Commission for Refugees (UNHCR) and other humanitarian organizations in assisting refugees and asylum seekers. The Government also provides temporary protection to persons who do not qualify as refugees or asylees.

Persons entering the country legally are required to immediately request and file applications for asylum or refugee status within 72 hours of entering the country, except in extraordinary situations. The law allows applicants for asylum or refugee status to be interviewed immediately and, within 3 days of the interview, applications are reviewed by a competent authority, who determines whether they merit further processing. The law also provides for the detention of foreigners who are deemed by the MOI to pose a threat to national security, or who have committed serious crimes.

The Agency for Refugees reported that it had received 12,803 applications for asylum since its inception in 1993. Of these, 4,454 persons were listed as having been granted refugee or humanitarian status. Domestic and international human rights organizations complained that the adjudication process was slow, but the UNHCR noted that the Agency for Refugees began a major restructuring project to reduce the adjudication time to a period of 3 months; the project was expected to take 4 years. The UNHCR, in cooperation with the International Organization for Migration (IOM), operated three transit centers near the Greek, Turkish, and Romanian borders and assisted the Government with a small reception center in Banya.

During the year, the Agency for Refugees received requests for refugee status from 1,549 persons. Refugee status was granted to 19 persons and humanitarian status given to 423, while 1,036 applications were denied. The leading countries from which applicants originated were Afghanistan, Iraq, Armenia, Algeria, Iran, and Nigeria.

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

The Constitution provides citizens the right to change their government peacefully, and citizens exercised this right in practice through periodic, free, and fair elections held on the basis of universal suffrage; however, the constitution prohibits ethnically, racially, or religiously based parties.

In October, local elections were held nation-wide and the opposition Bulgarian Socialist Party (BSP) and Union of Democratic Forces (UDF) gained more electoral positions than the ruling NMS. Ethnic minority candidates, as well as the primarily

ethnic-Turkish Movement for Rights and Freedom (MRF), also fared better than in previous local elections. The elections were deemed generally free and fair.

General elections held in 2001, were considered by international observers to be generally free and fair, and voting took place in a calm and orderly atmosphere; however, the Organization for Security and Cooperation in Europe (OSCE) reported that provisions in the election law regulating campaign coverage in the public media were overly restrictive.

There were no legal restrictions on the participation of women in government and politics. There were 63 women in the 240-seat National Assembly. A number of women held elective and appointive office at high levels in the Government, including one Deputy Prime Minister (who also was Minister of Economy) and four other ministers. Women also held key positions in the National Assembly, including one Deputy Speaker and the chairs of four committees. The largest opposition party in the National Assembly, the UDF, was led by a woman.

The primarily ethnic-Turkish MRF was represented in the National Assembly and in the Cabinet since 2001 and other major political parties generally accepted the MRF's right to participate in the political process. In addition, a number of predominantly ethnic-Romani political parties achieved some success in the October local elections (see Section 2.b.).

There were no legal restrictions on the participation of minorities in politics; however, the Constitution prohibits ethnically, racially, or religiously based parties (see Section 2.b.). Despite the Constitutional ban, the primarily ethnic-Turkish MRF was part of the ruling coalition and represented the ethnic-Turkish minority, both at the national and local levels. There were 24 minority members of parliament (M.P.s) in the 240-seat National Assembly and 1 MRF minister in the Cabinet. The ethnic-Turkish community's popularly elected representation of 20 ethnic-Turks in the National Assembly roughly corresponded to its size. There were also two Romani M.P.s and two ethnic-Armenian M.P.s in the National Assembly; however, minority groups were underrepresented in appointed government positions, particularly leadership positions.

In the October local elections, 3 percent of municipal councilors elected were Roma, and, according to Romani groups, a considerable number of Romani mayors also were elected. The National Association of Municipalities reported that Muslim candidates accounted for 12.5 percent of municipal mayors and 15.2 percent of municipal councilors elected in October.

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

A number of domestic and international human rights groups generally operated without government restriction, investigating and publishing their findings on human rights cases. Human rights observers reported uneven levels of cooperation from various national and local government officials during the year. According to the NGO Access to Information Program, NGOs were denied access to information by the Government in approximately 90 cases throughout the year.

In general, human rights observers reported continued receptivity and dialogue on the part of the Government and law enforcement officers toward human rights concerns; however, law enforcement practices at the working level had not changed noticeably.

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

The Constitution provides for individual rights, equality, and protection against discrimination; however, in practice, discrimination existed, particularly against women and Roma.

In September, the National Assembly passed the Protection Against Discrimination Act; the act is scheduled to take effect on January 1, 2004 and aims to prohibit discrimination on the grounds of race, sex, religion, disability, age, and sexual orientation. It shifts the burden of proof and provides for the establishment of a nine-member anti-discrimination commission with powers to receive and investigate complaints, issue rulings, and impose sanctions.

Women.—Domestic violence against women was a serious problem. Although there were no official statistics on its occurrence, it was estimated by the NGO Animus Association Foundation (AAF) that one in five women suffered from spousal abuse. The law exempts from state prosecution certain types of assault if committed by a family member, and the Government generally did not assist in prosecuting domestic assault cases unless the woman was killed or injured permanently. Courts and prosecutors tended to view domestic abuse as a family matter rather than a criminal problem; as a result, police often were reluctant to intervene in cases of domestic abuse, even if a woman called them seeking protection or assistance.

The Government did not take steps to combat violence against women, and did not provide shelter or counseling for women. In Sofia, the NGO Nadya Center provided shelter to battered women, and the AAF operated a crisis center that provided short-term emergency shelter for female victims of violence. There were also 15 crisis centers around the country operated by local NGOs that provided assistance to female victims of violence. The AAF reported that it periodically received client referrals from the police. During the year, the IOM reported sheltering 90 women and girls and AAF sheltered 50 women.

The AAF operated a 24-hour hotline for women in crisis, including victims of trafficking, with trained volunteers as well as professional therapists to counsel victims. The hotline also provided volunteers to assist victims in obtaining other necessary services including medical exams and treatment, reissued identity documents, and information on housing and employment opportunities.

Spousal rape is a crime, but it rarely was prosecuted. The courts prosecuted rape, although it remained an under-reported crime because of the stigma which society attached to the victim. The maximum sentence for rape is 8 years; convicted offenders often received a lesser sentence or early parole. According to the Prosecutor's Office, during the year, 168 persons were convicted on charges of rape and 298 persons (including 1 woman, 33 minors, 1 foreigner, and 3 police officers) were indicted on rape charges.

Prostitution is not prohibited by law; however, a variety of activities often associated with prostitution, such as pimping, are illegal (see Section 6.f.). Forced prostitution is illegal, but remained a serious problem. According to the Prosecutor's Office, during the year, a total of 12 persons were convicted on charges of forced prostitution and 50 persons (including 9 women, 1 minor, 1 foreigner, and 1 police officer) were indicted on forced prostitution charges. Poor socio-economic conditions contributed to a disproportionate number of Romani women drawn into organized prostitution.

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

The law does not prohibit sexual harassment, and it was a widespread problem, particularly in the clothing assembly industry. A survey conducted by the Agency for Social Research (ASR) in 2002 found that approximately 40 percent of women had suffered sexual harassment in the workplace.

The Constitution prohibits privileges or restrictions of rights on the basis of gender, and women were not impeded from owning or managing businesses, land, or other real property and do not suffer from discrimination under inheritance laws; however, women faced discrimination both in terms of job recruitment and the likelihood of layoffs. The new anti-discrimination law, expected to take effect in 2004, aims to prohibit and punish gender-based discrimination.

The Government did not have programs to address economic discrimination or integrate women into the mainstream of society and the economy, although much NGO activity was focused on these areas. Of the women's organizations that existed mainly to defend women's interests, the two largest were the Women's Democratic Union in Bulgaria and the Bulgarian Women's Association.

Children.—The Government generally was committed to protecting children's welfare; however, government efforts in education and health were constrained by serious budgetary limitations and by outmoded social care structures. The Constitution provides for mandatory school attendance until the age of 16. Public education was free, but children were required to pay for books, which was a problem for poor families. Fewer girls than boys attended school, particularly among minority groups.

Romani children and ethnic-Bulgarian children generally attended separate schools, although several localities instituted integration programs. Credible allegations were made that Romani children received an inferior quality of education. Additionally, the Government was largely unsuccessful in attracting and keeping many Romani children in school; less than 8 percent of Romani children have completed secondary education, and less than 1 percent have graduated from higher education. Many Romani children arrived relatively unprepared for schooling; many were not proficient in the Bulgarian language.

The Government and NGOs undertook initiatives to address these problems. They included providing free lunches, subsidizing textbooks and tuition costs, using teacher's assistants in schools with Roma and ethnic-Turkish students, and busing programs. Since 2002, a project in the Silistra region provided weekend classes for Romani children under the age of 15 who were not in school. Since 2000, the Government provided buses for Romani children to attend non-segregated schools in some cities.

Conditions for children in state institutions were poor. Social attitudes towards children with disabilities led families to institutionalize their children if they had disabilities. Another 2,900 children were considered at risk and were forced to seek

care in institutions because their families could or would not support them. In 2002, there were 19,908 children in institutions; however, in September the Council of Ministers adopted a National Action Plan for Reducing the Number of Children in Institutions. Human rights monitors were sharply critical of the serious deficiencies in government-run institutions for children, including orphanages, educational boarding schools (reform schools), facilities for children with mental disabilities, and shelters for homeless children. These facilities were plagued by inadequate budgets, poorly trained and unqualified staff, and inadequate oversight. Access to medical care and proper hygiene was poor.

Violence against children was a problem.

There were few provisions for due process of law for Roma and other juveniles when they were detained in educational boarding schools run by the Ministry of Education (MOE)(see Section 1.e.). According to press reports and NGOs, living conditions at these reform schools were poor, offering few medical, educational, or social services. Generally, staff members at many such institutions lacked 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, were common at the schools. Children in these institutions also did not have adequate access to medical care.

As prostitution is not illegal, children involved in prostitution were not officially registered with the MOI's unit for juvenile crime. However, they were viewed by the MOI as children at risk. In 2002, there were 585 child prostitutes on file with the MOI; during the year, the number decreased to 543. Child prostitution reportedly was particularly common among Romani youth.

Trafficking in children and child labor were problems (see Sections 6.d. and 6.f.).

Some Romani children were targets of arbitrary police detention; the homeless or abandoned were particularly vulnerable. Widespread poverty led many Romani children to turn to begging, prostitution, and petty crime on the streets.

The Council of Ministers adopted the National Strategy for the Children of the Street; however, the action plan for implementing the Strategy had not been approved by year's end.

Persons with Disabilities.—The law provides for a range of financial assistance for persons with disabilities, including free public transportation, reduced prices on modified automobiles, and free equipment such as wheelchairs; however, budgetary constraints limited the availability of assistance. A survey in 2002 by the Center for Independent Living (CIL) found that approximately 82 percent of public buildings were inaccessible to persons with disabilities. Societal discrimination against persons with disabilities persisted. Persons with disabilities had access to university training (students with disabilities were required to pay the university's initial application fee but were exempt from tuition fees if accepted), to housing, and to employment; however, architectural barriers were a great hindrance in many older buildings, including schools and universities.

Conditions in institutions for persons with disabilities were poor. In May, the Deputy Minister of Labor and Social Policy announced that 29 social institutions were to be closed down by the end of the year due to their extremely poor physical condition. One social institution for children in the village of Fakia was completely closed and its 30 residents moved to other places. Another six social institutions were closed, renovated, and then reopened by year's end. In March, there was a press report that a patient at the Bastoshevo social institution for adults with mental disabilities, near the city of Savlievo, was beaten to death. The MOI reported in early April that a patient at the Podgumer social institution for adults with disabilities, near Sofia, was strangled to death by another patient. The case was sent to the district prosecutor's office.

Labor laws intended to protect the interests of persons with disabilities and create employment opportunities had a mixed effect. On the one hand, the law provides incentives for small firms to hire persons with disabilities and requires larger businesses to hire a set quota of persons with disabilities; however, enforcement of the law was low and other laws, such as shorter working hours for workers with disabilities, often led to discrimination against them in the hiring process. General unemployment and a poor economy also undermined initiatives aimed at advancing equal opportunity for persons with disabilities; the great majority of persons with disabilities were unemployed.

Persons with mental and physical disabilities, including very young children, were often separated from the rest of society. Some complained that the effective segregation of children with disabilities into special schools lowered the quality of their education. According to the Ministry of Labor and Social Policy (MLSP), over 2,500 children with disabilities did not attend school; however, according to the CIL, the number may have been twice as high, despite new by-laws adopted by the MOE to pro-

vide for the integrated education of children with disabilities in schools. Many children with disabilities were institutionalized.

The law requires improved structural access for persons with disabilities, and public works have taken this into account; however, enforcement of this law lagged in existing, unrenovated buildings.

National/Racial/Ethnic Minorities.—According to a 2001 census, ethnic Bulgarians made up 86 percent and ethnic Turks 9 percent of the population. Ethnic-Roma were estimated officially to comprise 4.6 percent of the population; however, their actual share was likely between 6 and 7 percent. A Council of Europe report issued in 2002 estimated that there were 600,000 to 800,000 Roma in the country; official statistics estimated the number of Roma at 371,000. Ethnic-Bulgarian Muslims, often termed Pomaks, are a distinct group of Slavic descent whose ancestors converted from Orthodox Christianity to Islam; they constituted 2 to 3 percent of the population.

There were no reports of lethal police assaults on Roma; however, police harassed, physically abused, and arbitrarily arrested some Romani street children. Little progress was made in resolving cases of police violence against Roma.

Romani activists and NGOs continued to criticize the Government's lack of progress in implementing the Program for Social Integration of Roma, which was unveiled in 1999; however, there were projects that sought to improve economic and educational opportunities for Roma, as well as to address the problem of ineffectual political leadership among the Roma. One program was the Ethnic Integration and Conflict Resolution project in Vidin, Kyustendil, and Lom, which provided limited funds to small enterprises that employed Roma, undertook activities to reduce Romani drop-out rates, provided tutoring for university enrollment exams, and created an Institute for Roma Leaders where young Roma could develop leadership and conciliation skills. The Government and the European Bank for Reconstruction and Development continued to fund the construction of new apartments in Sofia for Roma who were displaced in 2001, and additional construction was carried out in Plovdiv.

Severe unemployment and poverty among the Roma, combined with generally unfavorable attitudes toward Roma among ethnic Bulgarians and Turks, contributed to strained relations between the Roma and the rest of society.

As individuals and as an ethnic group, Roma continued to face high levels of discrimination. NGOs reported that Roma encountered difficulties applying for social benefits, and local officials discouraged rural Roma from claiming land to which they were entitled under the law disbanding agricultural collectives. Many Roma and other observers made credible allegations that the quality of education offered to Romani children was inferior to that afforded most other students. Workplace discrimination against minorities continued to be a problem, especially for Roma. Employers justified such discrimination on the basis that most Roma only had elementary training and little education. Roma continued to suffer from inadequate access to health care.

There were no places reserved for minority candidates at the Police Academy; however, there was a special Office for Romani Training Programs, and bilingual training manuals were published. Ethnic Turks and Roma held no senior law enforcement positions (see Section 1.d.).

There were no restrictions on speaking Turkish in public and the Government continued to fund voluntary Turkish-language classes in public schools in areas with significant Turkish-speaking populations.

Pomaks remained in an ambiguous position. In the town of Yakoruda local officials refused to recognize Pomak identity, and those calling themselves Pomaks or Bulgarian Muslims alleged discrimination by government officials.

There were no restrictions on the use of non-Slavic names; however, both ethnic Turks and Pomaks complained that the procedures for restoring their original names (after they had been forced to adopt Slavic names during the 1970s and 1980s) were excessively burdensome and difficult to accomplish.

Several thousand persons, mainly in the southwest, identified themselves as ethnic Macedonians, most for historical and geographic reasons. The Government did not recognize Macedonians as a distinct ethnic group, and the group was not enumerated in official government census statistics.

Section 6. Worker Rights

a. The Right of Association.—The Constitution provides for the right of all workers to form or join trade unions of their choice, and workers exercised this right.

It was estimated that the unionized share of the workforce was approximately 18.2 percent; according to individual trade unions and the Democratic Trade Unions Association, the percentage of the workforce that was unionized continued to de-

crease. Trade unions were required to demonstrate their membership strength through a periodic census of their members; however, employer representative organizations were not similarly required to disclose whom they represented in the tri-lateral process.

Doctors and dentists were required by law to participate in government-imposed professional organizations, which many medical professionals viewed solely as government-mandated fee collection agencies that did not adequately represent their interests.

The Labor Code's prohibits anti-union discrimination and includes a 6-month period for redress against dismissal as a form of retribution; however, there was no mechanism other than the courts for resolving complaints, and the burden of proof in such a case rested entirely on the employee. The backlog of cases in the legal system delayed further action, effectively postponing, perhaps indefinitely, redress of workers' grievances.

The labor movement remained concerned about the widespread use of temporary contracts to evade provisions for worker protections for permanent staff. There were no restrictions limiting affiliation or contact with international labor organizations, and unions actively exercised this right.

b. The Right to Organize and Bargain Collectively.—The Labor Code provides an adequate legal structure for collective bargaining, which was practiced nationally, regionally, and on the local level; however, labor unions alleged that many employers failed to bargain in good faith or to adhere to agreements that were concluded. Labor observers also viewed the Government's enforcement of labor contracts as inadequate. The legal prohibition against striking for key public sector employees weakened their bargaining position; however, in the past, these groups were able to influence negotiations by staging protests and work slowdowns, and engaging in other pressure tactics without going on strike.

The Labor Code provides for the right to strike when other means of conflict resolution have been exhausted; however, political strikes were prohibited, and key public sector employees (primarily the military and the police) were subject to a blanket prohibition against striking. Such workers on occasion held effective strikes in which they stopped or slowed their activities for 1 or 2 hours. The Confederation of International Trade Unions in Bulgaria argued that the number of workers classified as essential, and thus ineligible to strike, was excessive and unfairly restricted the rights of many civil servants.

The obligation to bargain collectively and adhere to labor standards applies to the country's six export processing zones, and unions can organize workers in these areas.

c. Prohibition of Forced or Bonded Labor.—The Constitution prohibits forced and bonded labor, including by children; however, there were reports that such practices occurred (see Section 6.f.). Children were sometimes forced to work due to economic conditions, family members, or criminal organizations (see Section 6.d.).

d. Status of Child Labor Practices and Minimum Age for Employment.—The Labor Code sets the minimum age for employment at 16 years and the minimum age for dangerous work at 18 years; employers and the MLSP were responsible for enforcing these provisions. Child labor laws generally were enforced well in the formal sector, but NGOs reported that children were exploited in certain industries (especially small family-owned shops, textile factories, restaurants, family farms, construction, and periodical sales) and by organized crime (notably for prostitution and distribution of narcotics). The National Assembly passed amendments to the Labor Code on February 12 and amendments to the Child Protection Act on April 4; nonetheless, the increasingly widespread practice of using child labor in family businesses and to support family budgets continued unabated, as a result of the poor economic conditions.

There were no official statistics on child labor. According to the International Labor Organization (ILO), children's workdays often exceeded the 8-hour maximum set by the Labor Code, and sometimes children did not receive overtime pay for hours worked. Local NGOs reported that children worked on non-family-owned farms for meager monetary or in-kind wages (e.g., food), and that institutionalized children often hired themselves out for agricultural labor for a modest income during periods when they were allowed out of residential facilities.

"Worst forms" of child labor were infrequent, but continued to include hired heavy physical labor and health hazards on family tobacco farms, particularly among the Turkish minority.

e. Acceptable Conditions of Work.—The national monthly minimum wage of approximately \$68.75 (110 leva) did not provide a decent standard of living for workers and their family. The Constitution stipulates the right to social security and welfare

aid assistance for the temporarily unemployed, although in practice such assistance often was late.

The Labor Code provides for a standard workweek of 40 hours with at least one 24-hour rest period per week. The MLSP was responsible for enforcing both the minimum wage and the standard workweek. Premium pay for hours worked over 40 per week were supposed to be negotiated between employers and employees. The Labor Code stipulates that premium pay for overtime could not be less than 150 percent during workdays, 175 percent during weekends, and 200 percent during official holidays. Enforcement generally was effective in the state sector (aside from dealing with wage arrears) but was weaker in the private sector.

There was a national labor safety program, with standards established by the Labor Code. The Constitution states that employees are entitled to healthy and non-hazardous working conditions, and the MLSP was responsible for enforcing these provisions. However, conditions in many cases continued to worsen due to budget constraints and the growth of a private sector that labor inspectors did not supervise effectively. Protective clothing often was absent from hazardous areas. The law requires joint employer and labor health and safety committees to monitor workplace conditions; however, implementation was slow and these committees remained in developmental stages at year's end.

Under the Labor Code, employees have the right to remove themselves from work situations that present a serious or immediate danger to life or health without jeopardy to their continued employment. However, in practice, refusal to work in situations with relatively high accident rates or associated chronic health problems could result in the loss of employment for workers.

f. Trafficking in Persons.—The law prohibits trafficking in persons; however, trafficking in persons was a serious problem, and the country remained a source, transit, and increasingly a destination country for trafficked persons. There was no evidence of a pattern of official complicity in trafficking, although a number of individual law enforcement officers and other government authorities were involved in trafficking.

In May, the National Assembly passed a Law on Combating Trafficking in Human Beings, which supplements the 2002 amendment to the penal code that made trafficking in persons a criminal offense; however, implementation was not expected to begin until 2004. The law aims to provide protection and assistance to trafficking victims, as well as to promote cooperation between the central government, municipal authorities, and NGOs for the development of programs to combat trafficking. The law requires the establishment of a National Commission, made up of a deputy prime minister, deputy ministers, representatives from the judiciary, and NGOs, to act as a coordination and policy-making body.

The punishment for trafficking in persons may include 1 to 8 years in prison and fines up to approximately \$5,000 (8,000 leva). If aggravated circumstances exist—e.g., a minor or kidnapping was involved—penalties increase to 2 to 10 years in prison and fines of up to approximately \$6,250 (10,000 leva). Penalties for trafficking persons across borders increase to 3 to 10 years' imprisonment and fines of up to approximately \$9,375 (15,000 leva). If the act of trafficking in persons was carried out in connection with organized crime or constituted a serious repeat offense, penalties increase to 5 to 15 years' imprisonment and fines of up to approximately \$12,500 (20,000 leva), and the court could confiscate the traffickers' assets. A variety of additional laws could be used to prosecute persons for activities often associated with trafficking. Inducement to prostitution is punishable by up to 3 years' imprisonment, and the penalty rises to 10 to 20 years if the crime was performed by or through an organized crime group, if the victim was a minor under age 18 or legally incompetent, if two or more persons were induced into prostitution, or if the offense was repeated. Law enforcement officers complained that because the minimum penalty was less than 5 years' imprisonment, they were not permitted to use special investigative techniques, such as wiretapping, to deal with traffickers.

The Government investigated cases of trafficking, and one suspected trafficker, the Bulgarian rapper known as Vanko 1, and two of his accomplices were brought to trial and convicted in November. However, no other suspected traffickers were brought to trial during the year. Some judges and prosecutors reported that they feared reprisals from organized crime figures. There were two police units, one within the National Border Police and the other within the NSBOP, that specifically addressed the problem of trafficking in persons.

Victims overwhelmingly were women and girls trafficked for the purposes of forced prostitution. Government authorities and NGO observers reported that there were approximately 275 confirmed victims of trafficking in 2002 that involved either internal trafficking or domestic victims trafficked internationally; however, the actual number of cases may be much higher. Government authorities also estimated

that the number of prostitutes, both domestically and abroad, was between 2,500 and 5,000. Women working in the sex industry formed a high-risk group for trafficking, and it was not possible to determine the amount of prostitutes who were actually victims of trafficking. According to the IOM and AAF, there were also cases of male trafficking victims, specifically male children.

Girls and young women often were approached by persons who gained their trust, frequently other young women and acquaintances or persons introduced by mutual friends, who described glamorous work opportunities abroad. Some were sold into bondage to traffickers by relatives. Victims of trafficking ranged from those who were deceived into believing that they would have good and respectable employment to those who expected to work as prostitutes but were unprepared for the degree of violence and exploitation to which they would be subjected. Unaccompanied young women trying to cross the border into Macedonia, Romania, or Turkey reportedly could be at some risk of being abducted into trafficking. There were reports of women or girls who were denied access into Turkey for lack of a visa or means to pay for one being befriended by traffickers or abducted by taxi drivers at the border and sold to traffickers. Organized crime groups were responsible for human trafficking, although they could use various front companies to pose as employment agencies or tour operators.

According to AAF, the process of transforming girls into prostitutes generally took place before they left the country. The women typically were taken to a large town, isolated, beaten, and subjected to severe physical and psychological torture. Some trafficking victims from countries to the east were kept in the country for several weeks where they were subjected to psychological and physical abuse to make them more submissive before they were transported to their destination points. Once the women left the country, their identity documents were taken away, and they found themselves forced to work as prostitutes in cities across Europe. Victims routinely reported that traffickers took away their passports and visas and forced them to stay illegally in countries. The women were required to pay back heavy financial debts to the agency that helped them depart the country, leaving them in virtual indentured servitude. Traffickers punished women severely for acts of disobedience and threatened the women's families and family reputations to ensure obedience.

It was widely believed that some law enforcement officers or other government authorities were complicit in human trafficking, including local authorities, border police officers, and customs officials. During the year, two police officers were indicted on charged of trafficking in persons. The bulk of involvement appeared to consist of accepting bribes to look the other way, although some officers could have been more involved. Those involved in facilitating trafficking overwhelmingly were low-level, low-paid officials in the provinces and border regions. While observers saw the enactment of the new law on trafficking as a positive step toward seriously combating trafficking and providing support for trafficking victims, in practice the Government used ineffective methods and had a weak record in investigating and prosecuting corruption and misconduct by police.

The Government does not have a witness protection program and witnesses often feared retaliation if they testified; however, the Government established an inter-ministerial working group to draft legislation for a witness protection program. The Government had a provision for victims to provide an anonymous sworn deposition to be used in court, but an anonymous deposition was required to be corroborated to obtain a conviction. Victims generally were not jailed, although they could be detained for brief periods for questioning until referred to an NGO for assistance and, if necessary, repatriation. The new law provides victims, not in legal immigration status, with the possibility of special residency status if they are willing to cooperate with law enforcement personnel.

The AAF operated a 24-hour hotline for women in crisis, including victims of trafficking which received 116 calls regarding trafficking of women and children during the year (see Section 5).

The Government did not operate any trafficking prevention programs; however, the National Police Academy offered 5-day training seminars for active-duty police officers on the legal provisions relating to trafficking in persons as well as the operational and psychological treatment for trafficking victims. These courses were developed and taught by the anti-trafficking unit of the NSBOP in cooperation with the Nadya Center and the AAF. The IOM continued its trafficking awareness campaign that began in 2000.

CROATIA

The Republic of Croatia is a constitutional parliamentary democracy with an independent presidency. The President, Stjepan Mesic (formerly of the Croatian People's Party, but now independent), serves as head of state and commander of the armed forces, and nominates the Prime Minister who leads the Government. The Organization for Security and Cooperation in Europe (OSCE) determined that the November 23 parliamentary elections generally met international standards; however, some issues of concern remained. The Constitution provides for an independent judiciary; however, the judiciary continued to suffer from political influence at the local level.

The Ministry of Interior (MUP) oversees the civilian national police, and the Ministry of Defense oversees the military and military police. The national police has primary responsibility for internal security; but, in times of disorder, the Government and President may call upon the army to provide security. Civilian authorities generally maintained effective control of the security forces. Some members of the security forces committed isolated human rights abuses.

The Government worked towards creating a market-based economy that was primarily industrial. The population of the country was approximately 4,437,000 and real gross domestic product increased by 4.6 percent. According to the International Labor Organization (ILO), the average unemployment rate for the first 6 months of the year was 14.1 percent.

The Government generally respected the human rights of its citizens; however, there were problems in some areas. The Government continued to arrest, charge, and adjudicate persons for war crimes committed during the 1991–95 conflicts in Bosnia and Croatia; the State Prosecutor initiated investigations into several allegations involving Croatian forces and took steps to depoliticize cases against ethnic Serbs. Ethnic Serbs remained incarcerated after being convicted in nontransparent politicized trials in past years. The courts were subject to political influence and suffered from bureaucratic inefficiency, insufficient funding, and a severe backlog of cases. The Government made efforts to address changing of testimony by witnesses sometimes due to intimidation, an often-hostile local public, inadequate training of judges, prosecutors, and police, and shortcomings in the Criminal Procedure Code which had called into question the criminal justice systems ability to conduct fair and transparent war crimes trials; however, the slow pace of reform in the courts and prosecutor's offices resulted in few improvements in the functioning of the judiciary. Courts decreased the practice of convicting persons in mass and in absentia trials. At times, the Government infringed on privacy rights; restitution of occupied property to refugees (mostly ethnic Serb) returning to the country remained slow and problematic.

The Government did not interfere in the editorial decisions of the print media; however, electronic media was susceptible to political pressure. Governmental interference in the formation and operation of associations and nongovernmental organizations (NGOs) was limited; however, the creation and internal governance of foundations remained susceptible to government influence. Restitution of nationalized property remained a significant unresolved problem for religious communities. Lack of progress on private property restitution and resolution of the right to previously socially owned property, along with severe economic difficulties in the war-affected areas, continued to impede returns of refugees. There were concerns over the level of cooperation with the International Tribunal for the former Yugoslavia (ICTY). Questions remained regarding the Government's ability to apprehend and deliver prominent Croatians indicted for war crimes.

Violence and discrimination against women persisted. There were some incidents of violence and harassment of religious minorities. Occasional violence toward ethnic minorities, particularly Serbs and Roma, continued; some 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. Trafficking in women was a problem.

RESPECT FOR HUMAN RIGHTS

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

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

Domestic courts continued to adjudicate cases arising from the 1991–95 conflict in Croatia and Bosnia (see Section 1.e.).

Two persons were killed, one in Lika-Senj and one in Sibenik, in landmine incidents during the year.

b. Disappearance.—There were no reports of politically motivated disappearances. Government figures through June showed that 1,235 ethnic Croats and 607 ethnic Serbs remained missing in unresolved cases from the 1991–95 military conflict. The Government's Office of Missing Persons had information on 500 sites where missing Croatian Serbs might be located. Of the 3,924 victims that have been exhumed from mass and individual graves since the war 3,054 have been positively identified.

During the year, the bodies of 55 victims missing from the 1991–95 war were exhumed from mass and individual graves; the Government explained the relatively low number of exhumations by the fact that frequently partial remains were unearthed at one site only to discover that the actual bodies were moved to another yet undiscovered site. With the ICTY and international experts serving primarily as monitors, the Government handled all exhumations and identifications itself.

The International Commission on Missing Persons worked in the country on recovery, identification of remains, and assisting the families of missing persons. The Government Office for Missing initiated cooperation with counterpart agencies in Bosnia and Herzegovina (BiH) and Serbia and Montenegro, in collaboration with the International Red Cross and local Red Cross offices, for the purpose of data collection and information sharing designed to establish more precise figures on the missing.

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

NGOs and individuals reported sporadically about police abuse of or discriminatory treatment demonstrated toward minorities in and outside of the Danube Region. Senior police officials acknowledged poor police performance as an issue to be addressed when reviewing the police role during eviction proceedings and court-ordered actions (see Section 5).

Prison conditions generally met international standards, and the Government permitted visits by independent human rights observers. Men and women were held separately, juveniles were held separately from adults, and pretrial detainees were held separately from convicted prisoners.

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

The 2000 Law on Police governs the structure and organization of police work. This law effectively de-militarized police structures which had remained from the country's war experiences following the break up of the former Yugoslavia. Following the adoption of this law, the Government completed a significant downsizing of the police force. The Government also separated intelligence services from the Ministry of Internal Affairs and created an independent oversight board to monitor the performance of the services.

Widespread ethnic tension between ethnic Serb and Croat police officers existed, particularly in the Danubian region, where some Croat officers were laid off in 2001 to maintain proportionality in the ethnic mix of the police force as required by the 1995 Erdut Agreement. The Government appeared to fulfill its obligation under the Agreement to maintain proportionality in the numbers of ethnic Serb and Croat police officers in Eastern Slavonia; however, minority representation in the police outside Eastern Slavonia remained negligible, and the Government had not fully implemented provisions in Constitutional Law on National Minorities that require the hiring of minorities. In October, the Government hired 278 new police recruits. Of these, 209 were male and 69 were female, 22 were minorities, including 16 ethnic Serbs.

International observers and human rights organizations generally praised the police for their integrity; however, corruption was believed to be a problem, particularly among border police and customs officers. The Ministry of Internal Affairs began to update and codify rules of ethical police conduct and improve the capabilities of the police internal control section. Reforms were needed in the Ministry of Finance to which the Customs Service reports, to improve ethical standards and internal control capabilities. NGOs working on anti-corruption programs reported that public officials, even when exposed through media coverage, were rarely investigated or prosecuted for corrupt practices.

Problems in the police force included poor investigative techniques, insensitivity to ethnic issues, indecisive middle management, and pressure from hard-line local politicians. These factors impeded development of local police capability. In April, the Ministry of Internal Affairs launched a comprehensive program of police reforms, in part, to extend community policing pilot programs to all regions of the country; initial assessments by the international community were positive, although

considerable work remained. In October, the Police Academy accepted its first training class under a completely redesigned basic police school developed with international assistance. During the year, the Police Directorate of the Ministry of Internal Affairs launched the first programs in a regular series to provide in-service training for all active police officers; the goal of these programs was to ensure that every individual police officer received some form of advanced or refresher training at least once a year.

Police normally obtain arrest warrants by presenting evidence of probable cause to an investigative magistrate; however, it was not uncommon for police to make arrests without a warrant if they believed a suspect might flee, destroy evidence, or commit other crimes. 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. Detainees were also allowed visits by family members. 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 trial court may extend the period in exceptional cases (for a total of not more than 6 months, or 12 months in serious corruption/organized crime cases). Detainees may be released on their own recognizance pending further proceedings; however, most criminal suspects were held in custody pending trial. Detention was perceived to be necessary where the accused was considered a public danger, may influence witnesses, or a flight risk. There were several cases of suspects held in pretrial detention for several months on weak evidence.

The option of posting bail after an indictment is available but was not commonly exercised.

The inability of trial judges to issue written verdicts delayed the appeals process and was the major cause of extended detention. For example, in the Norac case (see Section 1.e.), the county court issued a verdict in March; however, because no written verdict had been issued, the appeal process had not begun by year's end.

Arrests of ethnic Serbs for war crimes continued but decreased throughout the year. In some cases of arrest on war crimes charges, the subject was released a few days after charges were dropped; however, in other cases, persons were detained for long periods. In September, although an initial investigation produced no evidence of his direct involvement, Ilija Vorkapic, a resident of Lovas, was arrested and detained for 2 weeks for the attack and occupation of Lovas in 1991.

Over the last few years, several ethnic Serb defendants convicted in absentia or at nontransparent trials continued to be held in detention for extended periods while their appeals progressed slowly through the overburdened judicial system (see Section 1.e.).

The Constitution prohibits forced exile of citizens, and the Government did not employ it.

e. Denial of Fair Public Trial.—The Constitution provides for an independent judiciary; however, the judiciary continued to suffer from political influence, a backlog of nearly 1.4 million cases, and funding and training shortfalls.

A significant part of the backlog was attributable to outdated procedural codes and court rules; inexperienced judges and staff; and, primarily in civil cases, to verdicts that had not been executed. Although the Constitution provides for the right to a fair trial and a variety of due process rights in the courts, at times, citizens were denied these rights. Excessive delays remained a problem, as evidenced by an increasing number of decisions by the Constitutional Court to award damages to persons whose trial had continued for numerous years without a decision. Additionally, the Government at times ignored Constitutional Court decisions, particularly with regard to the privatization of property.

The judicial system consists of municipal and county courts, commercial and misdemeanor courts, an administrative court, and the Supreme Court as the highest court. The independent Constitutional Court determines the constitutionality of laws, governmental acts, and elections. Justices of the Constitutional Court are elected for 8-year terms by Parliament, while all other judges are appointed for life. A parallel commercial court system adjudicates commercial and contractual disputes. The State Judicial Council (which consists of 11 members, including 7 judges, who serve 8-year terms), which is independent of both the judiciary and the Ministry of Justice, is charged with the appointment and discipline, including removal, of judges. The Chief State Prosecutor is appointed by Parliament and he then appoints the Chief State Attorneys at the county and municipal level; Deputy Prosecutors were appointed and disciplined by the High Prosecutorial Council. The process of re-appointing court presidents was completed by year's end.

Judges are constitutionally prohibited from being members of political parties. Over the past 3 years, the judiciary was subject to far less political influence than previously, although there continued to be reports of political influence at the local level.

Judges appointed under the government of former President Franjo Tudjman, who at times made decisions in a nontransparent manner seemingly at odds with the evidence or the law, were a problem. For example, in September, Split County Court judge Slavko Lozina, sentenced a former special police commander to 4 years and 11 months for the 1996 murder of a young Croatian of Serbian ethnicity. The Judge failed to give a formal explanation of what all observers considered a lenient sentence. Media reports alleged that the sentence was structured in a way so that the defendant could avoid custody during the appeal process. No disciplinary action was taken against the Judge in the case, although the Ministry of Justice and Supreme Court both launched inquiries into his behavior during the trial.

The inexperience of newly appointed judges and areas without permanent judges, particularly in the war-affected regions, continued to be problems. In March, the Ministry of Justice opened a new Center for the Professional Development of Judges and Other Justice Officials. In July, the Government formally adopted an implementation plan for judicial reform. The plan addressed technical issues and was designed to improve the quality of judicial decision-making and reduce court processing times, but left many implementation issues unaddressed; implementation of these judicial reforms was not completed by year's end.

In an election year, all election commissions from the national to the local level are constituted on an ad hoc basis and staffed primarily by professional judges. The chair of 1 district commission, of which there were 10 total, reported that the November parliamentary election consumed 1 month for more than 30 judges. The OSCE recommended that a permanent electoral commission be established, at least in part to free judges from the additional task of conducting elections.

Domestic courts continued to adjudicate cases arising from the 1991–95 war. Despite the increased number of open war crime cases involving Croatian forces, questions remained about the criminal justice system's ability to conduct fair and transparent trials in these complex and emotionally charged cases. Observers blamed inadequate training, shortcomings in the legal code, chronic witness intimidation, and an often hostile local public as hampering the war crimes process.

International observers continued to express concern about the justice system's ability to treat defendants equally without regard to ethnic identity. The OSCE reported that the outcomes of war crimes prosecutions appeared to be largely determined by the ethnic identity of both the defendant and the victim. For example, in 2002, there was a significantly different rate of conviction and acquittal depending on the ethnic identity of the defendant; 82 percent of all ethnic Serbs were found guilty, whereas only 18 percent of Croats were found guilty. Similar rates were found for the first part of the year. At all stages of proceedings, except for acquittals, ethnic Serbs constituted the large majority of defendants. In absentia proceedings, despite some efforts to curtail the practice, were applied almost exclusively to ethnic Serb defendants. The conclusion of the OSCE was that war crimes prosecutions continued to be motivated more by ethnic considerations than by the impartial administration of justice.

In October, the Parliament passed the Law on Application of the Statute of the International Criminal Court and the Prosecution of Criminal Acts Against International Military and Humanitarian Law. This new war crimes law allows the Chief State Prosecutor, with the approval of the President of the Supreme Court, to obtain a change of venue for any war crimes case to one of four country-level courts, requires trials to be conducted before a three-judge panel of experienced judges who are appointed to 4 year terms, and creates the office of a special prosecutor, under the Chief State Prosecutor, to prosecute war crimes.

During the year, the domestic prosecution of war crimes cases continued, primarily against ethnic Serbs, but increasingly against ethnic Croats. For example, during the year, the Chief State Prosecutor requested that investigations be opened into the killings of ethnic Serbs in Sisak, Osijek, and Pozega that took place over 10 years ago; however, due to problems with witness intimidation, many of the investigations have not led to indictments.

In August, the Gospić County Court convicted Svetozar Karan, a former member of the Serbian military police for the severe beating of prisoners of war in Korenica and Frkasic between 1991 and 1995. The written verdict contained inflammatory and derogatory remarks about ethnic Serbs, such as "the defendant and his (Serb) predecessors have been sitting on Croatia's back for the past 80 years," that called into question the court's ability to conduct a fair trial.

In February, the County Prosecutor in Split appealed the acquittal to the Supreme Court in the high-profile Lora war crimes case (eight Croatian soldiers were accused of torturing ethnic Serb prisoners) on grounds of wrongly and incompletely established facts and failure to admit crucial evidence. The appeal remained pending before the Supreme Court at year's end.

In March, the war crimes trial against five persons held at the County Court in Rijeka ended with convictions of Tihomir Oreskovic, former Croatian Army General Mirko Norac, and Stjepan Grandic, who were sentenced, respectively, to 15, 12 and 10 years in prison. This marked the first time that senior Croatian military officials have been convicted in a Croatian court for war crimes and, in contrast to the "Lora" trial, monitors considered the so-called Gospic trial fair and well conducted. The three defendants were found guilty of abduction and execution of at least 50 Serb and Croat civilians in the area of Gospic in 1991. Ivica Rozic was acquitted for lack of evidence, and charges were dropped against the fifth defendant, Milan Canic.

In June, trial proceedings began in the so-called Paulin Dvor case in Osijek County Court against Nikola Ivankovic and Enes Viteskic, 2 lower-ranking army officers suspected of participation in the December 1991 killing of 19 ethnic Serb civilians. The victims were killed in Paulin Dvor in Eastern Slavonia and buried at a military warehouse, then in 1997 their remains were secretly transferred across Croatia to a mass grave near Gospic, where they were discovered by the ICTY and Government investigators. The case gained added prominence when testimony by a former Osijek-Baranja county prefect implicated the wartime defense leader of Osijek and current Member of Parliament (M.P.) for the area, Branimir Glavas, in a series of murders of ethnic Serbs and Croatian Army soldiers in Osijek between 1991-95. Revelations at trial prompted a local NGO to forward information on wartime criminal activities in Osijek to the prosecution (see Section 4).

The retrial of Mihajlo Hrastov, a former Croatian member of the Karlovac Police Special Forces, for the murder of 13 unarmed Yugoslav National Army prisoners of war near Karlovac in 1991, ended at the Karlovac County Court in an acquittal. The prosecution appealed the case to the Supreme Court in late 2002 but the Court had taken no action by year's end.

The appeal of the acquittal of four retired Croatian soldiers, charged with killing two elderly Serb civilians near Sibenik in 1995, remained pending at year's end.

The appeal of Bosnian Fikret Abdic's 20-year prison sentence for the deaths of 121 civilian detainees and 3 military prisoners between 1993 and 1995 remained pending at year's end.

In 2001, the Constitutional Court ordered a retrial in the case of former Croatian policeman Antun Gudelj, who was convicted and then improperly amnestied in 1997 for the 1991 murder of Osijek police chief Josip Reihl-Kir. At year's end, bilateral legal discussions on the arrest and extradition from Australia continued.

Activities that should have qualified for amnesty under the 1996 Law on General Amnesty were classified mistakenly and prosecuted as common crimes or war crimes, although this practice declined and was under review by the Public Prosecutor.

Some courts continued the practice of convicting persons in mass and in absentia trials; however, in July 2002, the chief State Prosecutor initiated a case-by-case review of war crimes cases and sought to limit the use of in absentia proceedings. While 293 cases were dropped as a result of this review by the end of August, local prosecutors and courts continued to conduct in absentia proceedings, which were used almost exclusively against ethnic Serb defendants. In cases monitored by the OSCE during the year, 85 percent of all ethnic Serbs convicted for war crimes were convicted in absentia proceedings. No ethnic Croat has been a part of a group in absentia proceeding, nor has any ethnic Croat been convicted in such a proceeding. The practice of in absentia proceedings placed an added burden on the courts, since defendants convicted in absentia regularly made use of their guaranteed right for a re-trial.

In February, an in absentia trial held at the Zadar County Court, 2 Serbs were sentenced to 9 and 10 years in prison respectively for the 1991 shooting of an ethnic Serb in Perusic, whom they suspected of collaborating with Croatian authorities. In August, the Osijek County Court convicted eight Serbs in absentia for crimes against civilians in the village of Luc in Eastern Slavonia in 1990. In September, the Vukovar County Court began trial proceedings against 18 former members of a Serb paramilitary unit who were charged with genocide and war crimes in the 1991 attack and subsequent occupation of the town of Lovas in Eastern Slavonia. Only one of the accused was present during the trial.

At year's end, approximately 21 individuals remained incarcerated on war crimes or related charges based on politicized or nontransparent trials held under the pre-

vious regime. For those who had exhausted their appeal procedures, there was no mechanism to review their cases other than seeking pardons. There were no other reports of political prisoners.

In cases regarding property claims, the laws implicitly favor ethnic Croats over ethnic Serbs. Despite a 1998 Constitutional Court ruling that declared several elements of the Law on the Temporary Takeover of Specified Property unconstitutional, many thousands of ethnic Serb property owners, who fled homes that were later occupied by ethnic Croats, remained unable to access their property.

The Government completed a review in 2001 of housing units that were distributed for temporary occupancy by the previous regime; the data provided was intended to facilitate eventual returns and property restitution. However, at year's end, 3,509 of the 19,271 housing units remained occupied. Many of the occupants of these units were subject to immediate eviction; however, in practice, evictions have not occurred. Backlogs in the judicial system were a further impediment to timely resolution of housing disputes.

During the year, the Government did not implement its plan to facilitate the return of largely ethnic Serb refugees by making available state housing to those who previously enjoyed occupancy and tenancy rights outside war-affected areas in the former Socialist Republic of Croatia.

In 2000, the Constitutional Court struck down provisions of the Law on the Status of Displaced Persons and Refugees that prohibited evictions unless alternative accommodation is provided for the evictee. This practice reinforced the precedence of temporary occupants over that of property owners. The July 2002 amendments to the Laws on Areas of Special State Concern (LASSC) introduced measures designed to facilitate property repossession, but the law continues to subordinate the rights of private property owners to those of temporary users. The Government has not evicted occupiers of private property, even in the case of illegal or double occupants; physical repossession of a property by its rightful owner occurred, almost exclusively, only when the occupier decided that he or she no longer needed the property.

The State Attorney is responsible for conducting the eviction process against those who are illegally occupying houses; however, out of 718 existing cases of illegal/double occupancy, less than half have been referred to the State Prosecutor's office, and most repossessions took place only through extra judicial settlements. Despite orders from the national Government, prosecutors often did not initiate lawsuits against individuals who refused to vacate occupied premises.

The amended LASSC has not accelerated the process of legally resolving property restitution cases; it provides no guarantee to claimants that they can physically repossess their property, and there were no mechanisms to implement the new legal provisions. Additionally, the LASSC subordinates the rights of private property owners to those of temporary occupants by making property repossession conditional on provision of alternative accommodation for the temporary occupant and thus, violates the right to ownership as provided for in the Constitution.

The July 2002 amendments to the LASSC stipulated a timeframe for recipients of alternative housing assistance to complete construction or reconstruction and to vacate occupied properties. Under the amendments, illegal or double occupants were given up to 60 days after receipt of an administrative order to vacate or face eviction; however, in practice, the Government has not effectively enforced the law, and most cases remain self-solved.

The LASSC obligated the Office of Displaced Persons and Refugees to make administrative decisions on repossession. The amended law further obligates the Government to pay compensation to the legitimate owners if it fails to physically return their properties by December 31; however, only 657 owners out of 3,819 eligible owners received a compensation payment by year's end.

During the year, the Government significantly accelerated processing of claims by ethnic Serbs for reconstruction assistance.

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

Police were often unwilling to intervene in housing disputes, which involved attack against property, looting, and arson, and were a frequent occurrence in war-affected areas (see Section 5). There were frequent allegations that the police did not always remain impartial and uphold the law when it came to housing disputes between ethnic Croats and ethnic Serbs.

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Speech and Press.—The Constitution provides for freedom of speech and the press, and the Government generally respected these rights in practice. The

constitutional provisions specifically include freedom of the press and other media, speech and public expression, and the free establishment of institutions of public communication.

The Government did not interfere in the editorial decisions of the print media; however, electronic media was susceptible to political pressure since most outlets were at least partially owned by local government.

In October, Parliament passed a new Media Law that creates preconditions for freedom of the media and journalism. Among the most important of these are regulations on the transparency of ownership, the operational activities of the media, and on measures to protect journalists from in-house and external pressures. Under the law, media outlets must make their ownership structure public, and publishers must send annual business reports to the Ministry of Culture. The new law also prevents monopolies by limiting media ownership to 40 percent of any given market.

The privately owned Tisak distributed approximately 75 percent of the print media. Foreign newspapers and journals were available in urban areas throughout the country; however, due to their high cost, they remained largely inaccessible to many persons.

In February, a new law on Croatian Radio and Television (HRT) was passed, that should provide for HRT's financial stability, political independence, and the presentation of objective information to the public. According to the OSCE, with the exception of provisions relating to the appointment of the HRT Broadcasting Council, the law represents a considerable improvement over the one previously in force. After a long delay, on October 17 Parliament approved 11 members of the HRT Broadcasting Council; the Council held its first meeting on November 14.

In April, the Croatian Helsinki Committee (HHO) reported that Croatian Television (HTV) was no longer under government influence, but its programming remained biased in its objectivity and quality of coverage. According to HHO, HTV paid insufficient attention to important post-war issues such as refugee return, war crimes, minority issues, and human rights.

In September, the Council for Radio and Television privatized HRT's third national television channel in an open and transparent process. HRT was no longer the sole beneficiary of revenue from government taxes on television users. The new Electronic Media Law allocated 3 percent of HRT's revenue from government taxes to local, private radio and television stations. In the past, being the sole recipient of government funding created advantages for HRT over independent radio and television stations.

Although HINA became a public institution in 2001, by year's end the Government still provided most of HINA's funding and a truly independent nationwide television news and entertainment station did not exist.

Over 60 percent of the population continued to rely on government-run HRT's evening Dnevnik program for television news. While privately owned Nova TV reached more than 75 percent of the population during the year, it was primarily an entertainment station with limited news programming. A network of independent local television stations produced a competing nightly news program Vjesti that reached 65 percent of the country's territory.

In early March, a bomb explosion destroyed a car that belonged to the Europa Press Holding publishing company while it was parked in front of the house of the founder and co-owner Ninoslav Pavic. There were no arrests in the case by year's end. In December, Ivan Caleta, one of the co-owners of Nova TV, was shot and injured in Zagreb. The OSCE issued a statement that "such threats . . . have a chilling effect on the media."

A 2001 Penal Code amendment decriminalized the offense of libel, resulting in a lower filing rate of such cases; however, an estimated 1,200 libel cases from previous years remained unresolved due to the slow and inefficient judicial system. In recent years, there have been no reports of biased verdicts in libel cases. Sections of the Penal Code that authorize prosecution of journalists who publish "state secrets" remained in force; however, there were no reports of these laws being used during the year.

The Government did not restrict access to the Internet or academic freedom.

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

The law permits assembly for registered demonstrations at approved locations; while the process for approving or denying the registration of an assembly is not transparent, there were no reports that it was used discriminatorily. During the year, there were several peaceful demonstrations and marches throughout the country organized by labor groups, farmers, and war veterans' groups opposed to government policies (see Section 6.b.).

The Constitution provides for the right of association, and the Government generally respected this right in practice.

Although the Law on Associations provides for these rights, the Law on Funds and Foundations, enacted in 1995, grants discretionary power to the Ministry of Justice over the establishment and internal governance of foundations. While the law was applied equally to all, the law itself is restrictive and controlling. According to the Ministry, registration of a foundation, takes up to 6 months provided that all submitted documents were in order. Only approximately 70 foundations have been registered (compared with 20,000 registered associations under the Law on Associations).

c. Freedom of Religion.—The Constitution provides for freedom of religion, and the Government generally respected this right in practice. No formal restrictions were imposed on religious groups, and all religious communities were free to conduct public services and to open and run social and charitable institutions.

There is no official state religion; however, the Roman Catholic Church enjoyed a historic relationship with the State that was not shared by other religious groups. Other religious groups also have agreements with the State, which grant benefits similar to those enjoyed by the Catholic Church. State financing of salaries of religious workers; provision of spiritual counseling in state institutions such as the army, police, and prisons; and the recognition of religious marriages were among the main points of the agreements. The Government adopted a similar agreement with the Jewish community; however, its signing fell through over the key issue of return of nationalized property.

In January, the Government approved a regulation on the registration of religious communities, which required all religious communities to submit registration applications within 6 months in order to receive status as a legal person. Approximately 27 religious communities were registered during the year. In October, agreements were signed with the Croatian Old Catholic Church, the Bulgarian Orthodox Church, and the Macedonian Orthodox Church in Croatia.

The Government required that religious training be provided in schools, although attendance was optional. Given that 85 percent of the population was Roman Catholic, the Catholic catechism was the one predominantly offered. Under the 2002 Law on Religious Communities, Catholic religious education was introduced in kindergartens across the country; this prompted criticism from representatives of some other religious communities, particularly the Orthodox Church, and political parties. The Islamic community began training staff for the purpose of conducting religious education in kindergartens in 2004. As stipulated in all agreements signed with religious communities, schools that met the necessary quota of seven students of a minority faith per class offered separate religion classes for the students. In cases where there were not sufficient numbers of students of a minority faith to warrant separate classes, students could exercise the option to receive religious instruction through their religious community.

Restitution of nationalized property remained a problem for most major religious communities. Restitution to the Catholic Church is regulated by a 1998 concordat with the Vatican and the December 2002 agreements with the Islamic community and Serbian Orthodox Church established joint commissions with the Government to resolve property, legal, educational, and cultural issues. The joint commissions met during the year, and religious communities reported that there were frequent and constructive discussions with the Government; however, the joint commissions lack authority to return property, which was the overarching issue of concern to religious communities. The Serbian Orthodox Church—the second largest claimant of property after the Catholic Church—has repossessed a significant amount of business property in Zagreb, as well as some property in Rijeka and Osijek; however, several buildings in Zagreb, Karlovac, and other towns had not been returned, nor had properties that belonged to monasteries, including forests and arable land. Similarly, the Jewish community has had only partial success in recovering its properties; long standing negotiations with the Government's Office for Property Repossession on three buildings in Zagreb, Ravna Gora, and Crikvenica were unsuccessful, and no property was returned during the year. At year's end, according to the Catholic Church, the Government made a proposal, but never initiated formal negotiations, to give the Catholic Church a 25 percent interest in the country's major insurance company, Croatia Osiguranje, as compensation for a part of its nationalized property.

The Islamic community reported delays with obtaining permits to build an Islamic Center on land owned by the community in the coastal city of Rijeka. In March, approximately 5,000 citizens signed a petition opposing construction in their neighborhood, but the city authorities accepted the plan; however, actual construction had not begun by year's end.

In January, the driver for the Metropolitan of the Serbian Orthodox Church was verbally abused in front of the main church in Zagreb. In September, an incident occurred involving verbal abuse against the Metropolitan and another member of the Serbian Orthodox clergy.

In March and again in May, fascist graffiti appeared on the church door, and obituaries were regularly torn off the billboard by the church entrance. Sometime between March and April, the Serbian Orthodox Church of St. Archangel Michael and Gabriel in Kostajnica was broken into. Windows were smashed and religious items, including four icons, were burned or badly damaged. In April, windows were broken at the Serbian Orthodox Church in Plaski, and similar incidents were reported in Ogulin in August and September. No arrests were made in any of the cases. According to the OSCE and other reporting, Serbian Orthodox churches and property in war-affected areas were attacked during the year. In April, tombstones in a cemetery in Vukovar were damaged—marking the eighth such incident at the cemetery. Serbian Orthodox Church leaders reported that in Knin the Church of St. Pokrov was frequently desecrated with fascist Ustasha symbols. Serbian Orthodox clergy reported good cooperation with the police, who promptly reacted to reported incidents, but complained about a lack of information on the results of investigations.

In June, insulting graffiti appeared on the walls and minaret of the Zagreb mosque. Police investigated, but no arrests were made.

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

d. Freedom of Movement within the Country, Foreign Travel, Emigration, and Repatriation.—The Constitution provides for these rights, and the Government generally respected them in practice. All persons must register their residence with the local authorities and, 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.” Freedom of movement continued to be constrained for returning refugees and internally displaced persons (IDPs), particularly in Eastern Slavonia, where those who lost tenancy rights experienced difficulties in regularizing their status because they had no permanent residence (domicile), which is a precondition for acquisition of a civilian ID.

International observers remained concerned that arrests of ethnic Serbs for war crimes, often based on weak evidence, dissuaded some refugees from returning.

The Government’s procedures to verify and document the citizenship of hundreds of thousands of ethnic Serbs who fled the country after the military operations in 1995 improved during the year; however, there were regular reports of obstruction by some local officials. Many cases existed in which Serb returnees experienced difficulties in obtaining identity cards and other forms of documentation that would allow them to verify their citizenship status. The municipal government in Gracac obstructed returns to Donji Srb and other municipalities under its jurisdiction while at the same time providing immediate assistance to ethnic Croat settlers from BiH.

During the year, the MUP conducted a review of 441 permanent residency documents of Croatian Serb returnees who were habitual residents of Croatia prior to 1991. Many were able to regularize their status, obtain identity documents, and apply for citizenship through naturalization; however, international monitors reported that the MUP followed different procedures and varied its interpretation of its own internal guidelines from case to case.

The new Law on Foreigners was scheduled to enter into force on January 1, 2004. The Law’s transitional provisions are designed to enable former habitual residents to return and regularize their status. The law states that if they return within 12 months, they would be reinstated into their pre-war status of former habitual residents without any further requirements, such as meeting housing and financial criteria, and could subsequently apply for citizenship.

A significant number of IDPs remained in the country, although not all were under the Government’s direct care (approximately 1,715 ethnic Serb IDPs in the Croatian Danube Region did not hold official IDP status). In December, U.N. High Commissioner for Refugees (UNHCR) reported that there were 12,566 IDPs in the country (75 percent of whom were ethnic Croats originating from the Danube region) and 4,195 refugees (mostly from BiH). These numbers did not fully reflect an additional 140,000 former refugees (nearly all ethnic Croats from BiH) who have become citizens and residents of Croatia.

President Mesic and the Prime Minister continued to make public statements encouraging the return and reintegration of all Croatian citizens to their prewar homes. However, despite an ongoing government program to reconstruct thousands of homes damaged in the 1991–95 war, government officials, NGOs, and international observers assessed that the returns process was nearing its completion with significant changes in the ethnic composition of most communities. The return

of ethnic Croats to their prewar domiciles was virtually complete; however, the Serbian minority still faced significant obstacles to return. While ethnic tensions continued in the Danube region and parts of Dalmatia, the overall security situation was stable (see Section 5). The largest disincentive to returns in the Danube region was the poor state of the regional economy, the absence of a concrete solution that provides housing to former tenancy rights holders, and the very slow pace of repossession of private property.

The restitution of occupied private property to (mostly ethnic Serb) refugees returning to the country remained a problem (see Section 1.e.). The Government continued to give preference to the rights of temporary occupiers (mostly ethnic Croats) over those of the legal owners. In Kostajnica, for example, the Mayor obstructed the return of an ethnic Serb family to their home, which was currently occupied by a Bosnian Croat family that is related to the Mayor's wife. In June, a group of Bosnian Croats, allegedly organized by the Mayor, physically threatened the ethnic Serb owners when they attempted to visit their home. As a result of the incident, the Government suspended economic and infrastructure assistance to the municipality. Few property owners were able to recover their prewar dwellings and the issue of former-tenancy rights holders of socially-owned property remained largely unaddressed, preventing these persons (mostly ethnic Serbs) from returning to their prewar apartments.

The Government allowed free access to all displaced persons by domestic and international humanitarian organizations and permitted them to provide assistance.

The Government cooperated with the UNHCR and other humanitarian and international organizations in assisting refugees and returnees. By the end of December, in returns organized by the UNHCR and the Government, 9,280 persons who were refugees in the former Yugoslavia were repatriated to Croatia. According to the UNHCR, approximately 123,162 refugees (mostly ethnic Serbs) have returned to Croatia since 1995.

A new Law on Asylum, enacted in June, but not scheduled to enter into force until July 2004, provides for the granting of refugee status to persons who meet the definition of a refugee in the 1951 U.N. Convention Relating to the Status of Refugees and its 1967 Protocol. The MUP processed asylum seekers separately under the Law on Movement and Stay of Aliens and applied the same procedures to all newly arrived asylum seekers, regardless of country of origin, including citizens of countries of the former Yugoslavia. During the year, the Government did not grant asylum status to any of approximately 63 asylum seekers, despite positive recommendations from the UNHCR in 2 cases. There were no reports of the forced return of persons to a country where they feared persecution.

Asylum seekers, who were rejected in the first instance and lodged appeals before the Administrative Court, were deported since the appeal had no power to suspend the deportation. However, in practice, the stay of rejected asylum seekers whose claims were dealt with by UNHCR in its mandate procedure were tolerated by the MUP until the procedure was completed. The UNHCR closely followed up on individual cases that were deported/returned by Croatian authorities to BiH and Serbia and Montenegro.

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

The Constitution provides citizens with the right to change their government peacefully, and citizens exercised this right in practice through periodic, free, and fair elections on the basis of universal suffrage; however, the OSCE expressed a few concerns regarding the November parliamentary elections, including the legislative framework for elections, the short timeframe available for election administration, the accessibility of out-of-country voting (particularly for refugees in Serbia and Montenegro and BiH), and the lack of transparency in campaign financing.

In May 2001, nationwide elections were held for local offices (town, municipal, and county level). OSCE monitors reported that the elections were generally free and fair although there were shortcomings, including hurried last-minute drafting of the election law, provisions on minority representation that did not clearly spell out procedures for achieving minority balance in local bodies, lack of a permanent state electoral commission, lack of transparency in parties' campaign expenditures, and lack of regulations for campaign financing.

In February 2000, President Stjepan Mesic was elected to a 5-year term. OSCE monitors characterized the elections as "calm and orderly," noting that "voters were able to express their political will freely"; however, there were problems. The Citizenship Law and electoral legislation grant citizenship, and thereby the right to vote, on purely ethnic grounds to ethnic Croats abroad with no genuine link to the country; however, in 2000, the Government failed to ensure that many Croatian

Serbs, who fled in 1995 and who wished to assume the responsibilities of Croatian citizenship, could document their Croatian citizenship in order to vote and ultimately to return. At year's end, the law still had not been amended to rectify this problem and create equal citizenship conditions regardless of ethnicity.

There were no legal restrictions on participation in government or politics by women. There were 27 women elected to the 152-seat Parliament in the November elections. There were 4 women in the 15-seat cabinet, including the position of Minister of Justice. There were 4 women out of 13 Constitutional Court Justices and 19 women out of 39 Supreme Court Justices.

In April, the election law was amended to bring it in compliance with the Law on National Minorities adopted by the Parliament in 2002, which stipulates that ethnic minorities must be represented in local government bodies, provided the census shows that the minority group constitute at least a specified percentage of the local population; however, minority groups will remain under-represented in 79 municipalities and 9 counties until the next local-level elections are held in 2005.

There were no legal restrictions on participation in government or politics by minorities and the electoral law reserves up to eight parliamentary seats for ethnic minorities. There were 11 members of minorities in the 152-seat Parliament, of which 8 were elected as minority representatives.

In November's parliamentary elections, ethnic minorities elected a total of eight M.P.s, an increase from five in the previous parliament. Minority participation in the elections was mixed, but generally stronger than in 2000, as voters elected three M.P.s to represent the country's Serb minority, and one each for the Italian and Hungarian communities. Czechs and Slovaks will share a representative, as will the Albanian, Bosniak, Montenegrin, Macedonian, and Slovene minorities; 12 other smaller minorities will also share a representative. The OSCE and NGOs argued in advance of the election that the number of polling stations in Serbia and Montenegro was insufficient for the number of potential voters among ethnic Serb refugees who still had not returned, but the Government did not open more polling stations.

In December, the three ethnic Serb members elected to parliament as representatives of the Independent Serb Democratic Party (SDSS) and Prime Minister-designate Ivo Sanader signed an agreement in which the SDSS pledged to support Sanader as Prime Minister in exchange for a commitment from the new Government on the full return of refugees, the restitution of illegally used Serb property within 6 months, and compensation for destroyed property outside of areas covered by the existing Reconstruction Act. The agreement also committed the Government to fulfill, within 3 months, provisions within the Constitutional Law on National Minorities that guarantee minority representation in local and regional government units.

In 2002, after extensive discussion with minority groups and political parties, Parliament passed a Constitutional Law on National Minorities with broad political support. However, implementation has been slow and in some aspects non-existent. The law assures minority representation in local government bodies, creates minority councils to advise elected officials on minority rights, promotes use of minority languages and symbols, and provides for the election of up to eight minority representatives in the parliament. Ethnic minority groups welcomed most of the law's provisions, but objected to the loss of generous affirmative action rights to elect representatives to parliament. In May, elections were held for the new local minority councils, but turnout was so low the elections were broadly judged to be a total failure. Reasons cited for the less than 10 percent turnout included short deadlines, an insufficient number of polling stations, and inadequate voter education.

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

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

The Law on Associations enhances the ability of NGOs to register and operate without undue government interference (see Section 2.b.). There were no reports of government harassment of NGOs. The Government's Office for Cooperation with NGOs and other Government ministries and offices were active in coordinating and promoting NGO and governmental efforts on human rights and civil society. In many municipalities, there was generally good cooperation between NGOs and local government officials.

Early in the year, the Center for Peace in Osijek, HHO, and other human rights NGOs provided information to the State Prosecutor on the killings of at least nine civilians in the town of Osijek in 1991.

International organizations, including the European Union Monitoring Mission, the OSCE, and the UNHCR operated freely.

The Government in general cooperated with the ICTY; however, in one high profile case the Government refused to fulfill its international obligations as the ICTY's agent in the arrest and transfer of indicted retired General Janko Bobetko. In April, Bobetko died in Zagreb. Also in April, the Government arrested Ivica Rajic, a former regional commander of Croatian Defense forces, who was indicted by the ICTY in 1995 for the murder of at least 16 Bosnian Muslim civilians in Stupni Do in 1993, and transferred him to The Hague in June. Questions continued about the Government's diligence in tracking down 2001 indictee former General Ante Gotovina. The lack of progress in locating Gotovina called into question the seriousness of the Government's efforts to fulfill its legal and political commitments to the ICTY.

The parliamentary Ombudsman for human rights received and acted on individual citizens' complaints; however, its authority to order compliance from government ministries was limited.

Aside from the Ombudsman's office, Parliament maintained an independent human rights committee tasked with human and minority rights and a separate gender equality committee. They met periodically throughout the year to discuss topics and legislation within their purview (see Section 5). The two committees, in cooperation with ministry and other experts, were effective in drafting and recommending laws, in establishing relevant committees at the local level, and in raising awareness of their issues.

The Government's Office for Human Rights is the primary office responsible for developing, coordinating, and implementing the Government's human rights policies. The Office was generally effective in cooperating with NGOs and the international community. The Government's Coordinating Body to address refugee returns and housing reconstruction in war-affected areas and representatives of the international community met several times during the year in working groups; however, in March, the international community suspended its participation due to a lack of Government commitment to resolve issues raised by the group.

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

The Constitution specifies that individuals shall enjoy all rights and freedoms, regardless of race, color, sex, language, political or other opinion, national or social origin, property, birth, education, social status, or other attributes and that members of all national groups and minorities shall have equal rights. While most of these rights generally were observed in practice, discrimination against women, ethnic Serbs, and Roma continued.

In September, the parents of primary school children in Kutina, east of Zagreb, protested at the prospect that their children might attend classes with an HIV-infected orphan named Ela. The case drew national media attention beginning in 2002 when Ela encountered similar problems in another town. Prime Minister Racan and other senior Government officials made public statements in support of Ela, and the Government launched a media campaign with the message that HIV is not transmitted through social contact. The Ministry of Health and a Zagreb clinic for infectious diseases organized a lecture on HIV for approximately 100 residents of Kutina; however, only 3 other children enrolled in classes with Ela; the parents of the other students in Ela's grade sent their children to schools elsewhere.

In July, Law on Same Sex Relationships was adopted to prevent discrimination in inheritance, property rights and access to social benefits.

Women.—Although the Government collected only limited statistics on domestic violence, credible NGO observers reported that domestic violence remained a widespread and underreported problem. Alcohol abuse, the psychological consequences of war, and poor economic circumstances were cited as contributing factors. During the last 5 years, there generally has been a greater awareness of the problem, improved cooperation and collaboration between NGOs and the Government, and better police handling of domestic violence cases. The police received training as part of the community policing program, and the MUP issued guidelines to police on how to handle domestic violence cases. The OSCE reported that they had not received any complaints regarding the police performance in handling domestic violence cases. There were four shelters for victims of domestic violence (one in Karlovac, and Caritas operated shelters in Rijeka, Osijek, and Sibenik). Additionally, there were hotlines, counseling, and legal assistance programs targeting victims of domestic violence.

The law provides that a domestic violence case may be initiated by persons other than the victim; for example, cases can be initiated by the police. The Law on Pro-

tection Against Family Violence, enacted in July, requires that witnesses or those with knowledge of domestic violence or child abuse—such as teachers, counselors, or health workers—report their suspicions to relevant authorities. The law also provides for measures to protect potential victims.

Rape and spousal rape are illegal under the Penal Code; however, NGOs reported that many women did not report rape or spousal rape.

Trafficking in women for the purposes of sexual exploitation remained a problem (see Sections 6.f.).

The Penal Code's section on abuse of power prohibits sexual harassment in the workplace and, in July, the labor law was amended to specifically prohibit sexual harassment. NGOs reported that, in practice, women who were sexually harassed often did not resort to legal remedies for fear of losing their jobs.

The labor law prohibits gender discrimination; however, in practice, women generally held lower paying positions in the work force. Government statistics from previous years and reports from union officials in 2002 showed that, while women constituted an estimated 46 percent of the formally employed work force and up to 66 percent of the total workforce, they occupied few jobs at senior levels, even in areas such as education and administration where they were a clear majority of the work force.

In March, the Croatian State Institute for the Protection of the Family, Maternity, and Youth released a study that showed half the companies surveyed did not have a single woman in a senior managerial position, and less than 3 percent of companies had more than four women in such positions. Anecdotal evidence gathered by NGOs suggested that women held the preponderance of low-level clerical, labor, and shopkeeping positions. Women constituted a larger proportion of unemployed—54 percent—and pension statistics indicated that women's salaries averaged 26 percent less than those of their male counterparts. Women often were among the first to be laid off in times of corporate restructuring. The Labor Code authorizes 1 year of paid maternity leave and up to an additional 2 years of unpaid leave.

Government efforts to promote gender equality continued; in July, Parliament passed the Law on Gender Equality. The law creates, among other things, the position of a Gender Ombudsman, who is appointed by and reports to the Parliament. While NGOs have expressed some reservations about the new law, most observers expect the law to further empower women politically. In 2002, the Government Committee for Gender Equality initiated and secured financial support for regional gender equality bodies, which were established in several counties. The Labor Ministry office was responsible for implementing the 2001–05 National Action Plan on gender equality and coordination of tasks among ministries, parliamentary offices, unions, and the NGO community to promote gender equality. Parliament's Gender Equality Committee initiated changes to the Defense Law and to the Law on Armed Forces, which introduced a gender equality committee at the Ministry of Defense's Personnel Council and listed sexual harassment as a disciplinary violation.

The Croatian Women's NGO Network supports the activities of 50 NGOs from across the country. There were several NGOs that had an impact nationally on women's issues.

Children.—The Government was generally committed to the rights and welfare of children. Education was free and mandatory through grade eight (generally age 14). The majority of students continue their education to the age of 18, with Roma being the only notable exception. Romani children faced serious obstacles in continuing their education, including discrimination in schools and a lack of family support. Schools provided free meals for children and subsidized daycare facilities were available in most communities even for infants. Medical care for children was free.

NGOs operating hotlines for sexual abuse victims reported numerous cases of child abuse, although there was no societal pattern of child abuse. A new clinic opened in Zagreb specifically for the treatment of abused children. In July, Parliament appointed the first Ombudsman for Children's Rights. According to the Ministry of Interior, from 2000 through 2002 there were 76 cases of criminal acts against children: 70 related to child abuse and pornography, 4 to slavery, and 2 to international prostitution.

Persons with Disabilities.—The Constitution ensures “special care for the protection of disabled persons and their inclusion in social life”; however, while persons with disabilities face no openly discriminatory measures, job opportunities generally were limited and special education, particularly for young adults, was limited and poorly funded.

The Law on Social Welfare and the official regulations regarding architectural barriers specify access to public services and buildings for persons with disabilities;

however, the regulations were not always enforced and did not mandate that facilities be retrofitted. As a result, access to public facilities was limited.

National/Racial/Ethnic Minorities.—While the Constitution specifically lists 10 “indigenous” ethnic minorities, the constitutional protections it contains are extended to all citizens, including minorities not listed (for example, Bosniaks, Roma, and Slovenes); however, in practice, a pattern of open and sometimes severe discrimination continued against ethnic Serbs and Roma. In 2002, a Constitutional Law on National Minorities was adopted that provides further legal protections for the rights of national minorities and, in November, eight ethnic minority representatives were elected to parliament. There was some discrimination against minorities in schools. For example, textbooks used derogatory adjectives in reference to minorities.

The OSCE reported on several ethnically related incidents where the perpetrators were charged with misdemeanor offenses, such as disturbing public order, rather than criminal offenses; in a majority of the cases, police and prosecutors were reluctant to identify the cases as ethnic discrimination.

Zagreb police pressed charges against seven minors and one adult suspected of involvement in three separate attacks in July and August against foreigners. The incidents involved an attack on an Egyptian student, an 11-year-old Egyptian boy, and an Austrian family of Pakistani origin. Government officials publicly condemned the allegedly racially motivated incidents.

Frequent reports of interethnic violence early in the year in schools in Vukovar culminated in March when approximately 30 Serbian and Croat students clashed in front of the Vukovar High School. The media reported that three injured students were hospitalized. Both ethnic Serb and Croat leaders cite the 50–80 percent unemployment in the region as significantly contributing to interethnic tensions.

In several areas, including in administration of justice, employment, housing, and freedom of movement ethnic Serbs were discriminated against. Ethnic Serbs in war-affected regions continued to be subject to harassment, intimidation, and occasional violence. Weapons left over from the war, including firearms and explosives, were readily available and were used in incidents of harassment during the year, particularly in the areas of return in central Dalmatia. Property destruction and other forms of harassment often arose from disputes between home occupiers of one ethnicity and returning homeowners of another. Verbal and legal harassment, forcible evictions, and assaults continued to occur regularly.

In May, an ethnic Serb woman was verbally abused and attacked with a whip by her neighbor in the village of Kljucar in Vojnic municipality. Police took the attacker into custody, and the woman sought medical treatment for head and back injuries. In June, a group of young men smashed the windows of a home owned by a Serbian woman in Daruvar. Police intervened and caught the perpetrators; however, the owner of the home complained that police treated her inappropriately during questioning. In Benkovac, in July, police intervened on behalf of an ethnic Serb returnee whose neighbor has verbally harassed and threatened him since his return in 1999; however, despite the fact of repeated instances of extremely provocative hate speech and an attempt to break into the returnee’s home, the police said they would cite the offense only as a public disorder. In August, an ethnic Serb returnee was physically attacked by his neighbor in Pakrac and suffered injuries when he tried to reconnect his house to the local water supply. Although police investigated, the returnee expressed dissatisfaction with the security in the area and stated his intention to leave the country. Also in August, a Bosnian Croat settler who occupies a Serb house in Donji Lapac was alleged to have shouted abuse and attacked an ethnic Serb youth with an axe. The incident was reported to police, but no criminal charges were filed.

In September, the third war documentary in a series—“Neighbors”—was screened in Western Slavonia. As with the prior installments, the film appears to accurately depict historical events and facts surrounding activities of the Yugoslav People’s Army and ethnic Serb paramilitary units during the 1991–95 war; however, the international community remained concerned that the overall promotion of the film by right-wing nationalist politicians and the film’s use of derogatory language to describe ethnic Serbs stimulated ethnic tensions and complicated the process of return for ethnic Serb refugees.

An 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 1991–95 conflict. Implementation of the 1997 convalidation law to allow the recognition of documents issued by the rebel Serb para-state was undermined by Ministry of Labor and Social Welfare instructions that seriously limited eligibility. While the law itself does not include a deadline for filing applications, a decree issued by the previous regime established a

1999 filing deadline. Since more than half of the 108,000 Serbs who have returned to Croatia returned after 1999, the filing deadline effectively excludes most of those who otherwise would be beneficiaries. Even persons who filed before this deadline experienced arbitrary delays and obstructions. Without the recognition conferred by the law, citizens (almost exclusively ethnic Serbs) remained unable to resolve a wide range of problems including pensions, disability insurance, and ability to establish work experience. Additionally, the state pension fund improperly denied some applications for recognition of working experience from ethnic Serbs.

In July, an association of Croat war veterans successfully banned a 14 year-old ethnic Serb from playing in a soccer tournament in Vukovar. The case drew national media coverage, and both President Mesic and Prime Minister Racan condemned the incident and spoke publicly in support of the need for tolerance and reconciliation.

Serbian leaders continued to express concern about discrimination in appointment of municipal judges and report that the Croatian State Judicial Council has either refused candidates or left positions vacant rather than appoint ethnic Serbs as judges. The Constitutional Law on National Minorities, adopted in December 2002, specifically guarantees minority representation in the state administration and judiciary. However, in the year since the law was passed, of the 66 new judges hired, 65 were ethnic Croats (the one minority hired was not an ethnic Serb); additionally, in the same period, all 23 state attorneys hired were ethnic Croats.

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, so long as they submit a written statement that they consider themselves Croatian citizens. Non-Croats must satisfy more stringent requirements to obtain citizenship through naturalization after 5 years of registered residence. Even those who previously were lawful residents of the former Socialist Republic of Croatia were compelled to provide proof of previous residence and citizenship not demanded of ethnic Croats. Obstacles to ethnic Serbs' documenting their citizenship led to discrimination in other areas, including the right to vote (see Section 3). While a citizenship application is pending, the applicant is denied social benefits including medical care, pensions, free education, and employment in the civil service. Denials frequently were based on Article 26 of the Citizenship Law (which stipulates that citizenship can be denied to persons otherwise qualified for reasons of national interest) and on 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 registered residence on the territory of Croatia for the 5 years preceding the application for citizenship). The Interior Ministry recognizes the period that mostly ethnic Serbs spent outside the country as refugees as applicable to the 5-year residency requirement.

Inter-ethnic incidents were also directed against ethnic Croats. In August, a series of incidents occurred in Eastern Slavonia, Karlovac, and Lika. Ethnic Croat returnee associations and local authorities accused some ethnic Serb leaders of encouraging ethnic hatred, but senior government officials downplayed the incidents. Serb nationalist graffiti appeared on traffic signs in Beli Manastir and in the village of Jagodnjak near Osijek. An investigation by the police led to the arrest of an underage ethnic Serb from Jagodnjak. In October, prosecutors at the Municipal Court in Vukovar issued an indictment against a person who allegedly poured paint over the bust of an ethnic Croat military commander. Police also investigated the desecration of a cross in Vukovar dedicated to ethnic Croat victims of the 1991-95 war in the center of this ethnically divided town. In the village of Donji Srb, a flag with Serb nationalist symbol was placed on the hilltop and Croatian children near by were harassed. In September, ethnic Serb members of the local government in Karlovac and in Vojnic publicly spoke out against Serb nationalist graffiti written on the World War II monument in the Petrova Gora memorial and the toppling of the Croatian flag in the nearby town of Turanj in August. In both cases, there were strong indications that these acts were the work of visiting refugees who are now living in Serbia and Montenegro.

Violence, harassment, and discrimination against Roma continued. The 2001 census counted only 9,463 Roma in the country, but government officials and NGOs agreed that the true number may be between 30,000 and 40,000. In February, two masked assailants broke into a house just outside Zagreb and beat an entire Roma family, including a 9-year-old girl and her disabled father. In the same month, a group of young men physically attacked a Roma man in Zagreb and burned his automobile. Also in February, a home owned by Roma in the settlement of Trokut in Zagreb was burned to the ground after repeated threats by neighbors. Romani

associations blamed skinheads and similar groups for most of the attacks and complained to authorities about insufficient police intervention.

Roma faced many obstacles, including language (many, particularly women, had only limited Croatian language skills), lack of education, lack of citizenship and identity documents, high unemployment, and widespread societal discrimination. Romani NGOs estimated that 25 percent of Roma do not have citizenship documents and thus cannot obtain papers necessary to acquire social benefits, employment, voting rights, and property resolution. In October, the Government adopted a National Program for Roma that was developed during the year with significant input from both international and local NGOs. The program identifies educational, health, social, and employment measures that if taken would help the Roma to integrate better into the social and political life; however, at year's end, the program had not been implemented and questions remained about the Government's willingness to address Romani issues.

Romani children faced serious obstacles in continuing their education, including discrimination in schools and a lack of family support. An estimated 10 percent of Croatian Romani children begin primary school, and of these only approximately 10 percent go on to secondary school.

International and local NGOs remained concerned about the practice of holding separate classes (allegedly of lower quality) for Romani students in northern Croatia. In May, the European Center for Roma Rights (ECRR) lodged a pre-application letter against Croatia with the European Court of Human Rights in Strasbourg related to the case of segregated classes in Medjimurje. In 2002, the Cakovec County Court confirmed a municipal court's verdict, which rejected a complaint by 15 parents of Romani students who charged the Ministry of Education, Medjimurje County, and four primary schools for operating segregated classes. ECRR filed the pre-application to bring the matter before the European Court should the Croatian Constitutional Court rule against their appeal.

In March, more than 100 residents of the village of Drzimurec-Strelec protested against the building of a new wing of a primary school for Romani children, who constitute a majority in the first four grades. County authorities said they would not give up the project and that construction, delayed for technical reasons, was scheduled to begin in 2004. A school in Medjimurje held both mixed and integrated classes; however, it fell short of the constitutionally guaranteed right of all citizens to equal education regardless of ethnicity.

Section 6. Worker Rights

a. The Right of Association.—Workers are entitled by law to form or join unions of their own choosing, and workers exercised this right in practice. Approximately 64 percent of workers were members of unions. In general, unions were independent of the Government and political parties.

The Labor Code prohibits anti-union discrimination and expressly allows unions to challenge firings in court; however, in general, citizens' attempts to seek redress through the legal system were seriously hampered by the inefficiency of the court system, where cases often languished for months or years before reaching a final resolution (see Section 1.e.).

Unions may affiliate freely internationally and did so.

b. The Right to Organize and Bargain Collectively.—Collective bargaining is protected by law. The Labor Code governs collective bargaining contracts, protection for striking workers, and legal limitations on the ability of employers to conduct "lockouts" during labor disputes.

The Constitution provides for the right to strike with some limitations. Members of the armed forces, police, government administration, and public services are not permitted to strike. Workers may only strike at the end of a contract or in specific circumstances mentioned in the contract.

When negotiating a new contract, workers are required to go through mediation before they can strike over the new contract. Labor and management must jointly agree on a mediator if a dispute goes to mediation. The Labor Law provides for the Economic and Social Council (GSV) which typically met at least once a month on policies, procedures, and legislation relating to social protections, workers' and employers' interests, and the collective bargaining process. Local GSVs have been formed in most counties of the country.

The Government's Office for Social Partnership (OSP) provides administrative and expert support to the GSV and facilitates dialogue between the Government, employers, and trade unions. The OSP mediated approximately 97 labor disputes during the year. Only after submitting to mediation and formally declaring that negotiations are at an impasse is a strike legal. If a strike is found to be illegal, any participant may be dismissed and the union held liable for damages. During the

year, the Ministry of Justice registered 34,697 new labor disputes, of which over 90 percent were financial claims, approximately 5 percent were dismissal claims, and less than 4 percent were classified as "other."

In March, approximately 200 laid off workers from the Borovo footwear company protested in front of Parliament. Representatives of the workers, the Minister of Economy, and the head of the OSP subsequently agreed to an amount and schedule for severance pay and further protests were cancelled. In June, mediation by the OSP helped settle a strike by workers at the Agro-Kombinate "Belje" who demanded payment of wage arrears. In August, workers at the troubled Viktor Linac shipyard went on a 7-day strike over non-payment of over 2 months' wages.

During the year, members of the national police force continued to protest layoffs that occurred in 2001 in which the criterion for dismissal was never released; however, on November 22, the day prior to national elections, the police put their 613 day-long protest on hold, and announced their intention to engage the new Government on a solution before resuming the protest.

The Government is obliged to consult with labor unions before announcing economic reforms that would result in changes in worker benefits and layoffs; however, unions complained that the Government did not always follow this agreement in practice. In June, four out of the five major unions conducted a referendum among members and the overwhelming majority of respondents voted in opposition to labor law amendments. Nonetheless, in July, the Government amended the labor law to reduce severance pay and advance notice of dismissal, and broaden the definition of a small employer.

There are no export processing zones.

c. Prohibition of Forced or Bonded Labor.—The Constitution prohibits forced or bonded labor, including by children; however, trafficking in women was a problem (see Section 6.f.).

d. Status of Child Labor Practices and Minimum Age for Employment.—The Government has a National Action Program to address and prevent child labor and created a national ombudsman for children to ensure effective implementation of the program (see Section 5).

The minimum age for employment of children is 15 years, and it was enforced by the Ministry of Labor and Social Welfare. Workers under the age of 18 are prohibited from working overtime, at night, or under dangerous conditions.

In the period January 2002–April 2003, labor inspectors found four minors in bakeries and one transporting timber working under unlawful conditions (which includes heavy manual labor or night work). Employers were fined respectively \$1,500 (10,000 Kuna) and \$150 (1,000 Kuna) and ordered to dismiss the minors. In the same period, labor inspectors cited 117 violations affecting 99 minors (65 female, 34 male) employed in hospitality businesses (restaurants and catering), trade, industry, and construction.

e. Acceptable Conditions of Work.—The national minimum monthly net wage of \$276 (1,850 Kuna), which applies to all workers, did not provide a decent standard of living for a worker and family. For example, the average cost of living for a family of four was estimated, by various labor union calculations, to be \$770 to 1,040 (5,160 to 6,983 Kuna) per month. The average monthly wage as of September was about \$582 (3,899 Kuna).

Nonpayment and late payment of wages continued to be a serious problem. According to the Croatian Federation of Independent Trade Unions, in 2002, out of a workforce of 1.793 million, 48,400 employees did not get paid for their work, down from 165,000 in 1999.

The labor law provides for a standard workweek of 40 hours and workers are entitled to receive time-and-a-half pay for any hours worked beyond that. Workers are entitled to a 30-minute daily break, a 24-hour rest period during the week, and a minimum of 18 days of paid vacation leave annually. The Labor Code stipulates conditions for overtime work, and limits overtime to 10 hours per week. The Government's Labor Inspectorate must be notified if overtime work for an individual employee continues for more than 4 consecutive weeks, or more than 12 weeks during 1 calendar year, or if the overtime work of all employees of a certain employer exceeds 10 percent of the total working hours in 1 particular month. Overtime by minors is prohibited. Pregnant women, a mother of a child under 3 years of age, and a single parent of a child under 6 years old, may work overtime only if he or she freely gives his or her consent in writing to perform such work.

Health and safety standards are set by the Government and were enforced by the Ministry of Health; however, in practice industries often do not meet the standards for worker protection. For example, it was common to find workers without hard-hats on construction sites and safety devices removed from dangerous equipment.

The State Inspectorate (an independent governmental inspection and compliance agency) has jurisdiction over enforcement of health and safety laws at the workplace and annually compiles data on injuries and health and safety code violations. As of October, the Inspectorate received 162 reports of employers violating work safety regulations. According to 2002 statistics, an average of 25,500 persons annually suffered injuries at work, of which 40 resulted in death. Under the law, workers may remove themselves from hazardous conditions at work and have recourse through the courts if they believe that they have been dismissed wrongfully for doing so; however, according to the State Inspectorate, workers did not exercise this right in practice and normally only reported employers after they had left their job.

The July amendments to the labor law extended existing constitutional and labor law provisions barring discrimination; however, in practice, discrimination persisted against women and minorities. The labor law also specifically bars discrimination on the basis of sexual orientation.

f. Trafficking in Persons.—The law does not specifically prohibit trafficking in persons, although existing laws may be used to prosecute traffickers; trafficking in women was a problem. Little statistical information on trafficking exists, although most observers and research indicated that the country was primarily a transit country for women trafficked to other parts of Europe for prostitution, as well as a lesser source and destination country for trafficked women.

Trafficking is prosecuted under the Penal Code's articles prohibiting slavery, the illegal transfer of persons across state borders, international prostitution, and procurement or pimping. According to the Office of the State Prosecutor, from 1998 through 2002, 8 criminal charges were filed under the law prohibiting slavery, 21 criminal charges were filed under the law prohibiting international prostitution, and 1,425 criminal charges were filed under the law prohibiting illegal crossing of the state border. Resulting convictions, through 2002, were 16 for international prostitution and 644 for illegal crossing of the state border. In December, the County Court in Split convicted Anđelko Zec to 3 years in prison for establishing slavery and international prostitution, which was the first time a defendant was convicted of establishing slavery; the victim assisted the prosecution by testifying on two different occasions during the trial.

Police awareness of the problem was low; however, awareness raising activities have begun: Police, social welfare, and justice officials were trained, and a shelter and hotline was established. In October, a witness protection law was passed; however, it did not enter into force during the year. According to government officials, victims were encouraged to assist in the criminal investigation and prosecution of their traffickers.

Failure to identify trafficked women among illegal aliens smuggled into the country and shortcomings in the readmission agreement with BiH put police under pressure to process and repatriate illegal migrants within 72 hours after their initial arrest and resulted in a significant underestimation of the trafficking problem in the country. Women from Hungary, Ukraine, Romania, Bulgaria, Slovakia, and other countries reportedly were trafficked through BiH and Serbia and Montenegro to the country, where some remained to work as prostitutes or were trafficked to other destinations. Women were transported through the country by truck or boat. In addition, women from Albania, BiH, Bulgaria, Hungary, Macedonia, Moldova, Romania, Slovenia, and Serbia and Montenegro were detained in incidents of illegal entry into the country; some of these women were believed to be victims of trafficking. Anecdotal information indicates that international organized crime groups, local groups, and travel/marriage agencies were responsible for trafficking.

Government officials, international missions, and NGOs collaborated to develop an anti-trafficking strategy. In 2002, the Government appointed a National Committee for Combating Trafficking in Persons consisting of 22 members, including representatives from the Government (including a representative from the State Prosecutor's Office), two NGO members, one member of the Croatian Office of the International Organization for Migration (IOM), and a journalist. The National Committee created a National Action Plan; however, a combination of limited resources, a weak organizational structure, and a lack of authority to enforce decisions, resulted in very slow implementation of the National Action Plan.

There were limited support services available for trafficking victims. Trafficking victims typically were detained for illegal entry or immigration violations in Zagreb for up to several weeks and then deported. In July, the Government in cooperation with the Ministry of Labor and Social Welfare established a second shelter for trafficked victims. Local NGOs and the IOM, in cooperation with the Ministry, provided services in the shelter. In addition, three reception centers were established, in cooperation with the Croatian Red Cross—in Western, Central, and Southern Cro-

atia—to accommodate victims temporarily. The Government also assisted an NGO to operate a hotline.

CYPRUS

Since 1974, the southern part of Cyprus has been under the control of the Government of the Republic of Cyprus while the northern part is ruled by a Turkish Cypriot administration which has proclaimed itself the “Turkish Republic of Northern Cyprus” (“TRNC”) and is not recognized by the United States or any other country except Turkey. A substantial number of Turkish troops remain on the island. A buffer zone patrolled by the U.N. Peacekeeping Force in Cyprus (UNFICYP) separated the two parts. In February, Tassos Papadopoulos was elected President. Rauf Denktaş is “President” of the “TRNC.” On December 14, Turkish Cypriot “parliamentary” elections resulted in an even split of seats between parties favoring a solution to the division of the island and parties favoring the status quo. The judiciary is generally independent in both communities.

Police in the government-controlled area and the Turkish Cypriot community are responsible for law enforcement. Police in the government-controlled area were under civilian control, while the Turkish Cypriot police were under military authority. Some members of the police on both sides committed abuses.

Both Cypriot economies operated on free market principles, although there were significant administrative controls in each community. Approximately 802,500 persons lived on the island. The government-controlled area had a robust, service-oriented economy (including tourism) with a declining manufacturing base and a small agricultural sector. For the year, inflation was estimated at 4.3 percent and economic growth at 2.0 percent. The Turkish Cypriot economy was handicapped by restrictions imposed by the Government and by international institutions and relied heavily on subsidies from Turkey. It was basically service-oriented, with a smaller tourism and trade base but a larger agricultural sector than the government-controlled area. For the year, inflation was estimated at 12.6 percent and economic growth at 5.4 percent.

The Government generally respected the human rights of its citizens; however, there were problems in some areas. Police brutality against detainees continued to be a problem. The Government placed some restrictions on persons traveling to the north. Violence against women persisted. Trafficking in women for prostitution remained a problem.

Turkish Cypriot authorities generally respected the human rights of citizens living under its control; however, there were problems in some areas. Police reportedly abused some suspects and detainees. Civilians continued to be tried in military courts. The authorities reportedly subjected members of the Greek Cypriot community living in the north to surveillance. The authorities filed criminal charges against journalists for their reporting. The police interfered with some demonstrations. For part of the year, Turkish Cypriot authorities restricted freedom of movement to government-controlled areas and prohibited most contacts between Turkish Cypriots and Greek Cypriots. On April 23, Turkish Cypriot authorities relaxed many restrictions on movement between the two communities, including abolishing all crossing fees; the new procedures led to relatively unimpeded contact between the communities. Cooperation between Turkish Cypriot authorities and the U.N. High Commissioner for Refugees (UNHCR) was uneven. Turkish Cypriot authorities took some steps to improve the conditions of Greek Cypriots and Maronites living in the territory under their control, but these groups remained subject to discriminatory treatment. Violence against women and trafficking in women for prostitution were problems.

RESPECT FOR HUMAN RIGHTS

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

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

In August, the European Court for Human Rights (ECHR) sent a delegation to the Turkish Cypriot community to take depositions for an investigation into the 1996 murder of Kutlu Adali, a prominent leftist Turkish Cypriot journalist who wrote articles critical of Turkey’s role in the north. Turkish Cypriot authorities had not conducted a credible investigation of the case.

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

The U.N., through the autonomous tripartite (U.N., Greek Cypriot, Turkish Cypriot) Committee on Missing Persons in Cyprus (CMP), continued its attempts to resolve the problem of missing persons who remained unaccounted for after the intercommunal violence beginning in 1963–64 and the events beginning in July 1974. The CMP made little progress, due primarily to Turkish Cypriot reluctance to proceed without first fully accounting for those who may have been killed in internal Greek Cypriot fighting in 1974, prior to the landing of Turkish forces on the island.

The Government continued to exhume sites in the south thought to contain the remains of persons missing since 1974. In December 2002, the Government conducted exploratory digging at a mass grave site in Alaminos village (Larnaca district) containing 14 Turkish Cypriots whose names are on the list of Turkish Cypriot missing. During the year, no remains of Greek Cypriots were identified through DNA testing. As of the previous year, a total of 127 remains had been identified. According to the Government, 1,493 Greek Cypriots remained missing. Turkish Cypriot authorities did not cooperate in the DNA identification effort. On June 5, the Government released to relatives information concerning the fate of Turkish Cypriots who were reported missing between 1963 and 1974. In June, the Government placed announcements in the Turkish Cypriot press informing Turkish Cypriots of this move. The announcements called on Turkish Cypriots to give blood samples to aid in identifying remains.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.—The Constitution of the Republic of Cyprus and law of the government-controlled area and the basic law governing the area under Turkish Cypriot administration prohibit torture, and the Government and Turkish Cypriot authorities generally respected these provisions in practice; however, there were reports that police in both areas abused detainees.

On January 15, the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) released a report on its 2000 visit to the government-controlled area of Cyprus that noted that the level of treatment of persons detained by police there had not been maintained since its 1996 visit. The report stated that the CPT received many allegations of physical ill-treatment of detainees by police officers, including kicks and punches to the body and head, banging heads against a wall, blows with truncheons or wood bats, placing a pistol to the head and issuing death threats, and applying electric shocks to the body. The CPT noted that the severity of the alleged treatment was such that it could be qualified as torture. The report concluded that the physical ill-treatment by police remained a serious problem.

There continued to be reports that police in the government-controlled area engaged in heavy-handed tactics and degrading treatment of suspects. In November, the office of the Ombudsman released its 2002 annual report that included citizens' complaints of ill-treatment by police. During the year, two new cases of police brutality were brought before the courts and hearings were scheduled for the beginning of 2004. The press carried additional reports of police brutality.

In August, a 39-year-old man and his 17-year-old son filed charges against 11 policemen in Limassol for allegedly chasing and beating the 17-year-old, who was driving without a driver's license, outside his house. Police also allegedly beat his father. A hospital treated the boy for injuries, including bruises and abrasions, and put his wrist in a cast due to injuries he allegedly sustained when police handcuffed him. The case remained pending at year's end.

Also in August, four youths claimed that police beat them late one night in Nicosia. According to a press report, one youth was taken to a hospital with a serious head injury. The police claimed that, when they responded to a reported fight, the subjects tried to run away, and one fell and hit his head. The State pathologist confirmed the police claim, but an independent pathologist maintained that the head injury was not consistent with damage from a fall. That pathologist also disputed the official findings regarding the extent of the injuries of the other subjects and claimed that one nearly died from exposure to tear gas.

Turkish Cypriot police prevented demonstrations during the year (see Section 2.b.).

There were credible reports of police abuse of power and harsh treatment of some detainees in the Turkish Cypriot community. There were reports that police used physical abuse and the threat of physical abuse to pressure some suspects into signing written testimonies or confessions before they consulted legal counsel.

Prison conditions in both areas of the country generally met international standards, although there were some problems. In its January 15 report, the CPT reported that prison overcrowding continued to be a problem in the government-controlled area. In its annual report, the government Ombudsman noted that there had been improvements in prison conditions, but cited overcrowding as an ongoing prob-

lem. During the year, the Ombudsman reported some improvements in the medical care of prisoners with psychiatric problems, including daily visits by a social worker, psychiatrist, psychologist, doctor, and two nurses. However, the Ombudsman received additional complaints and reopened her investigation. Women prisoners were held separately from men, juveniles were held separately from adults, and pretrial detainees were held separately from convicted criminals.

In the area under Turkish Cypriot administration, women were held separately from men; however, there were no separate cells for juveniles in prison. Pretrial detainees were held separately from convicted criminals.

During the year, the Government permitted prison visits by independent human rights observers. During his June 26–28 visit to the country, the Council of Europe’s (COE) Commissioner for Human Rights visited prisons in the government-controlled area. The Commissioner said that prison conditions were good with the exception of overcrowding. The Commissioner also expressed concern over the practice of criminalizing illegal entry or residence in the country and the jailing of debtors. Turkish Cypriot authorities permitted prison visits by independent human rights observers, although no such visits occurred during the year.

d. Arbitrary Arrest, Detention, or Exile.—Laws in both communities prohibit arbitrary arrest and detention; however, Turkish Cypriot police at times did not observe legal protections.

In the government-controlled area, the police are the responsibility of the Ministry of Justice and Public Order. The President appointed the Chief of the Police. The police force is divided into headquarters (with six departments), six district divisions (including one inactive district located in the area under the Turkish Cypriot administration), and seven police units that provided specialized services. Although there were individual cases of misconduct reported during the year within the police force, there were no serious cases of police corruption or bribery. The Assistant Chief of Police for Administration typically handled investigations into such cases and recommended appropriate disciplinary measures to the Chief of Police.

In the Turkish Cypriot community, the Chief of Police reports to the Turkish Cypriot general holding the “security portfolio,” and the general is under the supervision of the “prime ministry.” The police are divided into eight functional divisions and five geographic divisions. While there were no serious corruption or bribery cases within the police, there were individual cases of appropriation, and officers were punished and discharged from the force. The office of the “Attorney General” worked in conjunction with an officer from the Inspection Division (or occasionally the Criminal Investigative Division) to conduct investigations into allegations of police misconduct. During the year, no investigations resulted in the prosecution of officers for the abuse of detainees.

Throughout Cyprus, judicially issued arrest warrants were required. No person may be detained for more than 1 day without referral of the case to the courts for extension of the period of detention. Most periods of investigative detention did not exceed 8 to 10 days before formal charges were filed. Attorneys generally had access to detainees; bail was permitted. The Government claimed the right to deport foreign nationals for reasons of public interest whether or not they had been charged with or convicted of a crime.

On November 3 and 4, Turkish Cypriot authorities filed criminal charges against five journalists for “insulting the army” in reporting on the March 25 demonstration in Doganci (see Section 2.a.)

On March 25, Turkish Cypriot police arrested five persons in the village of Doganci on charges of organizing an illegal demonstration that threatened the Turkish Cypriot Administration (see Section 2.b.).

Turkish Cypriot police at times did not observe legal protections, particularly at the time of arrest. In some instances, suspects were not permitted to have their lawyers present when testimony was taken, in contravention of Turkish Cypriot basic law. Suspects who demanded the presence of a lawyer might be threatened with stiffer charges or physically intimidated. A high percentage of cases in the Turkish Cypriot community were closed based on confessions or written testimonies taken during initial police interrogation under these conditions. Such cases generally did not reach the courts.

There were no developments in the 2001 ECHR case brought by Greek Cypriot Panicos Tziakourmas.

The Constitution and the basic law governing the Turkish Cypriot community prohibit forced exile, and neither the Government nor the Turkish Cypriot authorities employed it.

e. Denial of Fair Public Trial.—The Constitution and the basic law governing the Turkish Cypriot community provide for an independent judiciary, and both the Gov-

ernment and the Turkish Cypriot authorities generally respected these provisions in practice.

In both the government-controlled and the Turkish Cypriot areas, most criminal and civil cases begin in district courts, from which appeals are made to Supreme Courts. There were no special courts for security or political offenses, although civilians in the Turkish Cypriot community may be tried in military courts.

The law in both communities provides for the presumption of innocence, the right to due process, and the right of appeal.

The law in both communities provides for the right to a fair public trial, and an independent judiciary generally enforced this right in both. Defendants have the right to be present at their trials, to be represented by counsel (at public expense for those who cannot afford one), to confront witnesses, and to present evidence in their defense.

In the area under Turkish Cypriot administration, civilians charged with violating military zones or military regulations or defaming the military were subject to trial in a military court. These courts consisted of three civilian judges and a civilian prosecutor.

There were no reports of political prisoners in either community.

On December 1, Turkey agreed to compensate Titina Loizidou approximately \$1.4 million (1.12 million euros) for her loss of use of her property seized after the 1974 Turkish intervention. In 1998, the ECHR reaffirmed the validity of property deeds issued prior to 1974 and ordered Turkey to provide restitution and compensation to Loizidou for the loss of use of her property in the area under Turkish Cypriot administration. In December, the COE issued a resolution postponing further action on the case to an unspecified date.

In July, the ECHR ruled against Turkey on two additional, comparable cases. The Government estimated that Cypriots had filed approximately 500 cases against Turkey at the ECHR. By year's end, the ECHR had not reached a decision on any of the approximately 46 similar cases in which the Government had exercised its right to intervene.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence.—Both the Constitution and the basic law governing the Turkish Cypriot community prohibit such actions. There were reports that Turkish Cypriot police subjected Greek Cypriots and Maronites living in the north to surveillance (see Section 5).

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Speech and Press.—Laws in both communities provide for freedom of speech and of the press, and the Government and Turkish Cypriot authorities generally respected these rights in practice; however, Turkish Cypriot authorities filed criminal charges against a number of journalists for their reporting.

Opposition newspapers frequently criticized the authorities. Independent newspapers and periodicals proliferated in both communities. In the government-controlled area, there were seven major daily newspapers, one weekly, and six major magazines. Several private television and radio stations in the Greek Cypriot community competed effectively with government-controlled stations.

In the Turkish Cypriot community, there were 12 newspapers. There were two television channels operated by Turkish Cypriot authorities and four private television channels. In addition to three small, university-run radio stations, eight private radio stations operated in the Turkish Cypriot community, along with three radio stations run by the authorities, and a radio station run by the Turkish Cypriot security forces.

International broadcasts were available without interference throughout the island, including telecasts from Turkey and Greece.

In September and November, the extreme nationalist newspaper *Volkan* published two articles that included threatening language against journalists at the opposition newspaper *Afrika*. One article contained a death threat against *Afrika* editor Sener Levent. The author of one article belonged to the National People's Movement, the other to the ultra-nationalist Grey Wolves Association. At year's end, none of the threats had been carried out.

On October 17, Murat Kanatli, a journalist from the Turkish Cypriot opposition newspaper *Yenicag*, covered a demonstration by the Grey Wolves Association. Kanatli claimed that up to 30 members of the Grey Wolves attacked him, beat him, and stole his camera when he went to the Association's headquarters to take a photo of the group's leader. Opposition newspaper *Kibris* reported that Kanatli entered the Association's headquarters without permission. There was no independent corroboration of a physical attack on Kanatli. Turkish Cypriot police later recovered his camera from the Grey Wolves. No arrests had been made related to this incident by year's end.

On November 3 and 4, Turkish Cypriot authorities filed criminal charges against five journalists with the daily newspapers Kibris and Ortam for “insulting the army” in their reports about police actions against demonstrators in the village of Doganci on March 25. The journalists faced possible prison sentences of 10 to 44 years. Authorities had not scheduled a trial by year’s end.

At year’s end, the October 2002 charges of libel and defamation filed against several journalists from the opposition newspaper Afrika remained pending in Turkish Cypriot district and military courts.

Government and Turkish Cypriot authorities at times imposed restrictions on the ability of journalists to cross the buffer zone to cover news events. The Government denied entry to all visitors, including Turkish journalists who arrived on the island through ports of entry in the area under Turkish Cypriot administration. Prior to April 23, Turkish Cypriot authorities, at times, required Greek Cypriot journalists to purchase a “visa” for entry. However, after April 23, Turkish Cypriot authorities dropped the requirement but still required Greek Cypriot journalists covering certain events to wear identification bearing the flag of the self-proclaimed “TRNC.” Greek Cypriot journalists chose not to travel north to cover these events. The Turkish Cypriot “Press Information Office’s” (“PIO”) policy was to provide “PIO” escorts for Greek Cypriot journalists covering events in the north during business hours and to provide escorts for groups of Greek Cypriot journalists and for journalists covering important meetings regardless of the time of day. This policy was not strictly enforced, and Greek Cypriot journalists reported that they were permitted to cover some events in the north without a “PIO” escort.

At year’s end, criminal charges remained pending against a Turkish Cypriot teacher, who was suspended for publishing an article critical of Turkey and its military in an opposition newspaper in 2001, and against a trade union that protested on her behalf. The charges were for defamation and trespassing, respectively.

Neither the Government nor Turkish Cypriot authorities restricted access to the Internet, although some users reported difficulties in sending e-mail between service providers in the two communities.

Neither the Government nor Turkish Cypriot authorities restricted academic freedom.

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

The basic law governing the Turkish Cypriot community provides for freedom of assembly and association; however, police blocked or dispersed demonstrations on several occasions.

On March 25, an estimated 150–200 Turkish Cypriot police with truncheons disbanded a demonstration in the village of Doganci and arrested the organizers when they produced a ballot box for a symbolic referendum on the proposed “Annan Plan” to end the island’s division. They were charged with organizing an illegal demonstration that threatened the Turkish Cypriot administration. The charges against demonstration organizers remained pending at year’s end.

On April 5, Turkish Cypriot police reportedly prevented the group YBH Youth from holding a small demonstration at the Turkish Embassy in Nicosia, although the group claimed it had obtained a permit for the gathering. Demonstration organizers claimed that police beat several demonstrators and sexually harassed female demonstrators.

On February 20, the ECHR found that Turkey had violated one Turkish Cypriot’s right to freedom of peaceful assembly by denying him permission to attend bicomunal events in the government-controlled areas and in the buffer zone and ruled that Turkey should pay approximately \$18,800 (15,000 euros) in mental damages and approximately \$5,900 (4,715 euros) for expenses incurred.

For part of the year, Turkish Cypriot authorities sometimes denied Turkish Cypriots the ability to participate in bicomunal meetings in the U.N.-controlled buffer zone. Following the relaxation of crossing restrictions on April 23, Turkish Cypriot authorities allowed Turkish Cypriots to participate in bicomunal events in and across the buffer zone without difficulty.

Turkish Cypriot authorities also attempted to interfere with some bicomunal events taking place outside Cyprus by requiring civil servants to seek permission from their employer and the Turkish Cypriot “Ministry of Foreign Affairs” before they could participate. Enforcement of the policy was inconsistent, with some officials permitted to attend off-island bicomunal events.

c. Freedom of Religion.—The Constitution provides for freedom of religion, and the Government generally respected this right in practice. The basic law governing the Turkish Cypriot community refers specifically to a “secular republic” and also pro-

vides for freedom of religion, and the Turkish Cypriot authorities generally respected this right in practice. Both the Government and the Turkish Cypriot administration have constitutional or legal prohibitions against religious discrimination. Turkish Cypriots residing in the southern part of the island and non-Muslims living in the north were allowed to practice their religions.

The Constitution specifies that the Greek Orthodox Church, which was not under the authority of the mainland Greek Orthodox Church, has the exclusive right to regulate and administer its internal affairs and property in accordance with its holy canons and charter. The Constitution also states that the Turkish Cypriot religious trust, the Vakf (the Muslim institution that regulates religious activity for Turkish Cypriots), has the exclusive right to regulate and administer its internal affairs and property in accordance with Vakf laws and principles. No legislative, executive, or other act may contravene or interfere with the Orthodox Church or the Vakf. The Armenian Orthodox Church, Maronite Christians, and Latins (Roman Catholics) are also recognized by the Constitution.

Religions other than the five recognized religions were not required to register with government authorities; however, if they desired to engage in financial transactions such as maintaining a bank account, they had to register as a nonprofit company, and most did so.

Between 1997 and 2000, the Government and the Turkish Cypriot authorities agreed to allow reciprocal visits in which groups of Greek Cypriots visited Apostolos Andreas monastery in the north and groups of Turkish Cypriots visited Hala Sultan Tekke mosque in the south on certain religious holidays. Following developments in April that facilitated crossings, Greek Cypriots reported relatively easy access to Apostolos Andreas monastery and other religious sites in the north, while Turkish Cypriots visited religious sites, including Hala Sultan Tekke in the government-controlled area. There were reports that slow processing at buffer zone checkpoints limited the number of people who crossed the zone to visit religious sites during the holidays.

Greek Cypriots and Maronites were still prohibited from visiting religious sites located in military zones in the Turkish Cypriot community.

In May, the Bishop of Morphou (now resident in the Government-controlled area) visited a church building (now used as a religious museum) in his traditional seat located in the area under Turkish Cypriot administration. During his visit, he conducted a private religious service. On a return visit, the Bishop, accompanied by Greek Cypriot journalists with television cameras, attempted to perform a religious service but was prevented by Turkish Cypriot authorities. The officials said that "government" regulations only permitted church services in designated religious facilities and that only priests resident in the north were permitted to conduct such services. Otherwise, a special permit was required.

In February, the Turkish Cypriot administration returned two houses of worship that it had expropriated in 1997 to the Jehovah's Witnesses. In August 2002, Turkish Cypriot authorities lifted a ban prohibiting several ministers of Jehovah's Witnesses, deported in 1997, from reentering north Cyprus.

Missionaries had the legal right to proselytize in both communities, but the Government and Turkish Cypriot authorities closely monitored missionary activities. It is illegal for a missionary to use "physical or moral compulsion" to make religious conversions. The police may investigate missionary activity based on a citizen's complaint. They could also open an investigation if missionaries might be involved in illegal activities threatening the security of the Republic, constitutional or public order, or public health and morals. There were occasional apprehensions but no arrests under these laws.

The Government required children in public primary and secondary schools to take instruction in the Greek Orthodox religion. Parents of other religions may request that their children be excused from such instruction. While these children were exempted from attending religious services, some Jehovah's Witnesses parents reported that their children were not excused from all religious instruction.

Greek Cypriots living in the north reported that vacant Orthodox churches were vandalized and religious icons were removed. Although Turkish Cypriots reported that unused mosques in the south also were vandalized, the Government routinely carried out maintenance and repair of mosques in the area under its administration. During the year, the Government restored a mosque in the southern town of Limassol at the request of Turkish Cypriot residents.

Members of Jehovah's Witnesses reported some difficulties in claiming conscientious objector status and exemption from compulsory reserve military service in the National Guard. While the law provides for exemption from active military service for conscientious objectors, it does not provide for an exemption from reserve duty. Legal proceedings were begun in 2002 against several members of Jehovah's Wit-

nesses for failure to appear for reserve duty. Their cases were suspended in November 2002 pending a revision of the law.

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

d. Freedom of Movement within the Country, Foreign Travel, Emigration, and Repatriation.—Both the Constitution and the basic law governing the Turkish Cypriot community provide for these rights, and they were generally respected in practice. Both the Government and Turkish Cypriot authorities generally respected the right to travel abroad and to emigrate.

Government authorities discouraged travel to Turkish Cypriot areas. The Government did not legally restrict Greek Cypriots from traveling to the northern part of the island, but generally discouraged them from staying at former Greek Cypriot-owned properties or gambling there. The Government permitted foreigners only to take day trips and sometimes arbitrarily refused non-Cypriots permission to cross the buffer zone. The Government deported two groups of Israeli tourists on the suspicion that they planned to stay overnight and gamble at facilities in the north. It remained illegal to enter Cyprus except at authorized entry points in the south, effectively barring entry into the government-controlled area by foreigners who arrived through entry points in the north.

On July 5, a foreign citizen of Turkish Cypriot origin and her two children were refused entry at Larnaca Airport despite having a valid visa issued by the country's embassy in Beirut. The woman and her children were detained at the airport for 24 hours before being sent back to Lebanon. An investigation ordered by the Council of Ministers found two immigration officials responsible. There has been no public announcement of disciplinary measures taken against these officials.

On October 20, Greek Cypriot police arrested four foreign students studying in the north when they went to the Ledra Palace checkpoint and asked if they were allowed to cross to the government-controlled area. The four were held in prison for 10 days, fined a total of approximately \$3,700 (1,900 Cyprus pounds), and deported back to their countries of origin.

In November, a foreign citizen of Turkish Cypriot origin was stopped by immigration officials at the Larnaca airport and questioned about the purpose of his visit. He later wrote to an English language newspaper complaining of his treatment. In a story on the incident, the newspaper quoted an immigration officer at the airport as saying that it was standard procedure to single out Turkish Cypriots for questions about their visit. The Government denied such a policy existed.

Greek Cypriots had to obtain a Turkish Cypriot "visa" to visit the north, although this was relatively easy after April 23. Greek Cypriots were required to present their passports at the checkpoints along the buffer zone, something many were reluctant to do. Greek Cypriots were also permitted to drive their personal vehicles in the north, provided they arranged insurance with a provider in the Turkish Cypriot community. They were allowed to stay up to 3 nights in the north as long as they stayed in a hotel and provided receipts. Prior to April 23, individuals with Greek or Armenian surnames faced considerable difficulties entering the Turkish Cypriot community, and foreigners of Turkish Cypriot origin who had arrived on the island through ports in the south also were refused entry.

Turkish Cypriot authorities maintained restrictions on the 403 Greek Cypriots and 140 Maronites living in enclaves in the Turkish Cypriot community. Until April 23, Turkish Cypriot authorities limited the duration of visits to the south by the Greek Cypriots and Maronites to a total of 6 months per year; those who remained longer risked losing their right to return home and to keep their property. Authorities also required enclaved Greek Cypriots and Maronites resident in the north to obtain advance permission to visit the government-controlled area and their relatives had to obtain similar permission to visit the enclaves. On April 23, Turkish Cypriot authorities discontinued both the 6-month rule, which had been rarely enforced in practice, and the requirement that enclaved Greek Cypriots obtain advance permission to visit the south.

During the year, Turkish Cypriot authorities limited overnight stays by child relatives of enclaved Greek Cypriots and Maronites to a "reasonable period" (as determined by Turkish Cypriot authorities), with extensions possible. Turkish Cypriot authorities permitted school holiday and weekend visits for all full-time Greek Cypriot and Maronite students, regardless of age and gender, who moved south to continue their studies. Immediate relatives of enclaved Greek Cypriots were exempted from the requirement that they stay at a hotel and instead could stay with their relatives.

On April 23, freedom of movement within the country improved significantly when Turkish Cypriot authorities relaxed many crossing restrictions and abolished both the \$2.15 (1 Cyprus pound) crossing fee and the requirement of advance per-

mission. By year's end, there had been almost 2.5 million crossings of the buffer zone in both directions. Two additional checkpoints were opened to facilitate the flow of personal vehicles across the buffer zone.

On April 30, the Government announced a "set of measures" designed to facilitate Turkish Cypriot movement to and within government controlled areas and access to Government services. However, by year's end, the Government had not implemented key aspects of the measures.

Since April 23, Turkish Cypriots traveling to the south have not needed prior permission from Turkish Cypriot authorities nor have they had to provide an itinerary and the purpose of their travel. Similarly, Greek Cypriot checkpoint police have not required Turkish Cypriots to give advance notice of their intent to travel or their planned itinerary and return date, but they must still prove they are Turkish Cypriots. Checkpoint police prevent foreigners who entered Cyprus through unauthorized ports of entry in the north from crossing into the government-controlled area. The Government did not limit the length of their stay in the south, although most did not stay overnight. Turkish Cypriots could drive their personal vehicles, provided they had arranged insurance with a provider in the Greek Cypriot community. As part of the "set of measures" announced in April, the Government offered Turkish Cypriots free bus service from checkpoints to various parts of the government-controlled area. By the end of the year, Turkish Cypriots had taken more than 100,000 trips using this bus service.

Until April 23, Turkish Cypriot authorities restricted the ability of persons resident in the north to travel to bicomunal events (see Section 2.b.).

Following the April relaxation of crossing restrictions, Greek Cypriots could visit the Apostolos Andreas monastery in the north and Turkish Cypriots could visit Hala Sultan Tekke mosque and a nonreligious monument in Kokkina in the south (see Section 2.c.).

Turkish and Turkish Cypriot forces continued to operate a checkpoint adjacent to the Greek Cypriot village of Strovilia and the British eastern Sovereign Base Area that restricted UNFICYP movement. After April 23, Turkish Cypriot authorities began using a Greek Cypriot house as a control post for a newly established crossing point in Strovilia. UNFICYP protested the unauthorized takeover of private property. At year's end, Turkish Cypriot authorities continued to use the property.

Turkish Cypriots had difficulty traveling to most countries because travel documents issued by the "TRNC" were recognized only by Turkey, and most Turkish Cypriots used Turkish travel documents instead. Since April 23, when Turkish Cypriot authorities eased restrictions on individuals crossing between the two communities, Turkish Cypriots increasingly obtained passports from the Government. The Government issued 9,681 passports to Turkish Cypriots after April 23.

In the government-controlled area, the law provides for the granting of refugee status or asylum to persons who meet the definition in the 1951 U.N. Convention Relating to the Status of Refugees and its 1967 protocol. In practice, the Government provided protection against refoulement and granted asylum but did not grant refugee status to any applicant during the year.

Cyprus continued to attract a growing number of asylum seekers, many of whom arrived through legal ports of entry while others arrived in small boats. Many claimed to be from the Middle East, including Iraq. These cases were referred to the Government's asylum unit. During the year, the unit received 4,036 applications (corresponding to 4,411 individuals) for asylum and processed approximately 800 cases. At year's end, there were 3,860 pending cases, including some from the previous year. At year's end, 10 cases were under consideration for humanitarian reasons. If given refugee status, the applicant was granted a 3-year residence permit renewable for an additional 3 years. If applicants met the criteria for refugee status, they were permitted to stay and were given temporary work permits. However, refugees generally were not granted permanent resettlement rights, although they were permitted to remain until resettlement in another country could be arranged. The law provides for temporary protection for those persons who do not meet the definition of a refugee or asylee. In December, the Government opened a 120-bed detention facility to house arriving migrants until their cases are evaluated.

The Government generally cooperated with the office of the UNHCR. Until January 2002, the UNCHR handled all asylum cases and the Government considered its decisions binding. Although no new cases were directed to the UNHCR during the year, there was a backlog of approximately 150 cases (corresponding to 229 individuals) still pending before the UNHCR at year's end.

The "TRNC" is not a signatory to any international conventions on asylum. Individuals who requested asylum in the Turkish Cypriot community were directed to the UNHCR; however, there were reports that not all individuals who wished to seek asylum were permitted to do so.

The basic law governing the Turkish Cypriot community does not provide for the granting of refugee status or asylum to persons who meet the definition in the 1951 U.N. Convention Relating to the Status of Refugees and its 1967 protocol. Turkish Cypriot authorities have not established a system for providing protection to refugees and did not provide protection against refoulement. In the past, Turkish Cypriot authorities have granted refugee status to asylum seekers in a few cases.

In the north, cooperation between the Turkish Cypriot authorities and the UNHCR was uneven. During the year, working with the assistance of a local non-governmental organization (NGO), the UNHCR continued examination of the asylum claims of 11 persons who entered the north in accordance with official procedures. Their case remained pending at year's end. Turkish Cypriot authorities did not provide protection against refoulement, and 101 illegal immigrants who arrived in the north without proper documentation were arrested and subsequently deported to their countries of origin without the opportunity to apply for asylum through the UNHCR.

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

The Constitution provides citizens with the right to change their government peacefully, and citizens exercised this right in practice through periodic, free, and fair elections held on the basis of universal suffrage. Reform of the country's political and economic structure led to an invitation in 2002 to join the European Union (EU) in May 2004.

The basic law provides Turkish Cypriots living in the north with the right to change their government peacefully, and they exercised this right in practice through periodic, democratic elections held on the basis of universal suffrage.

In the government-controlled area, presidential elections are held every 5 years. In February, President Tassos Papadopoulos was elected to a 5-year term. Elections for members of the House of Representatives are held every 5 years or less. Elections were last contested in 2001.

Turkish Cypriots choose a leader and a representative body every 5 years or less. On December 14, Turkish Cypriot "parliamentary" elections resulted in an even 25–25 split of seats in the "National Assembly" between parties favoring a solution to the division of the island based on the Annan plan and parties favoring the status quo. There were numerous reports that the parties in power misused "government" resources in support of their campaigns. They reportedly distributed "government" jobs to supporters, exerted control over the "state-run" media, used monetary incentives to pressure settlers to vote for the status quo, and engaged in other similar activities. Opposition parties complained but the courts took no action. In 2000, Rauf Denktaş was named Turkish Cypriot "President" after his opponent withdrew between the first and second rounds of voting. Political parties in both communities competed for popular support actively and without restriction.

Under the Constitution, voting takes place on a communal basis. Due to the de facto partition of the island, Turkish Cypriots living in the government-controlled area were 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 and are not recognized by Turkish Cypriot authorities.

In both communities, women faced no legal obstacles to participating in the political process and some held cabinet-level, judicial, and other senior positions. Women held 6 seats in the 56-seat House of Representatives; in the north, women held 3 seats in the 50-seat "National Assembly."

In addition to their political voting rights, the small Maronite, Armenian, and Latin (Roman Catholic) communities also elected special nonvoting representatives from their respective communities who sat in the House of Representatives.

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

A number of domestic and international independent human rights groups generally operated in both communities without government or Turkish Cypriot authorities' restriction, investigating and publishing their findings on human rights cases. Government and Turkish Cypriot officials generally were cooperative and responsive to their views.

A number of NGOs in both areas of the island considered themselves human rights groups; however, they generally were concerned with alleged violations of the rights of their community's members by members of the other community. Groups

with a broader human rights-related mission included organizations promoting awareness of domestic violence, and those concerned with allegations of police brutality. Representatives of international human rights organizations had access throughout the island and generally operated without restriction.

The U.N., through the autonomous tripartite CMP, continued its attempts to resolve the problem of missing persons who remained unaccounted for after the inter-communal violence beginning in 1963–64 and the events beginning July 1974 (see Section 1.b.).

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

Laws in both communities provide for protection against discrimination based on sex or national, racial, or ethnic origin. While each community generally respected such laws, serious problems remained concerning the treatment of the Greek Cypriots and Maronites living in the north and, to a lesser extent, concerning the treatment of Turkish Cypriots living in the government-controlled area.

Women.—Spousal abuse in the government-controlled area was a problem and continued to receive attention. An NGO working with domestic abuse victims reported that, during the year, the number of telephone calls to its hotline had increased 15.8 percent. Women constituted 86 percent of the reported victims. A small professional staff ran the NGO and relied on a volunteer staff to answer calls received by its hot line. The NGO also operated a shelter for battered women and children in Nicosia, which served 25 women and 18 children during the year.

The law establishes clear mechanisms to report and prosecute family violence and provides that the testimony of minors and experts such as psychologists may be used as evidence to prosecute abuses. The law also provides for prison terms for the abuse of family members. Doctors, hospital workers, and education professionals are required to report all suspected cases of domestic violence to the police. Many victims refused to testify in court. Under the law, spouses cannot be compelled to testify against each other. In cases where a spouse was the victim and the only witness and she refused to testify, the courts were forced to drop the case. Very few cases tried in the courts resulted in convictions.

Domestic violence in the Turkish Cypriot community was reportedly a problem, but there was little discussion of it in public. Domestic violence cases were rare in the Turkish Cypriot legal system, since they were typically considered a family matter. “Honor” crimes, in which women were victimized or killed by relatives for acts that allegedly dishonored the family, have not occurred for many years in either the government-controlled area or in the Turkish Cypriot community. No “honor” crime-related deaths or injuries were reported on the island during the year.

In the government-controlled area, the law does not prohibit “voluntary” prostitution; however, sexual exploitation and trafficking of adults and children is a felony. It is illegal to live off the profits of prostitution and to procure women for prostitution. There were credible reports that women continued to be trafficked for sexual exploitation in both communities (see Section 6.f.).

In December 2002, the Government enacted a law against sexual harassment in the workplace. In the Turkish Cypriot community, the basic law contains no provision specific to sexual harassment, however victims could pursue such cases under other sections of the criminal code. Sexual harassment was not discussed widely in either community, and any such incidents largely were unreported. Throughout the island, women generally have the same legal status as men. Both Greek and Turkish Cypriot women married to foreigners have the right to transmit citizenship automatically to their children.

Turkish Cypriot law on marriage and divorce provides for relatively equal treatment of husbands and wives. A wife may retain her surname but must also add the husband’s surname. 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.

Laws in both the government-controlled area and the Turkish Cypriot community that require equal pay for men and women performing the same work were enforced effectively at the white collar level. However, Turkish Cypriot women in the north working in the agricultural and textile sectors were routinely paid less than their male counterparts.

Children.—Both government and Turkish Cypriot authorities were strongly committed to children’s rights and welfare; they funded public education and health care for those who cannot afford it. There was no difference in the health care and educational opportunities available to boys and girls. In the government-controlled areas, free education was available at all levels through the age of 18. Education was compulsory up to the age of 15 or 9 years of education. In the Turkish Cypriot

community, education through the age of 15 was free and compulsory. In the government-controlled area, approximately 85 percent of the population was eligible to receive free public health care. In the Turkish Cypriot community, publicly funded health care was available to the entire population, however, patients faced long waits for services in "government" medical facilities.

Despite improvements in living conditions for Greek Cypriots and Maronites, there were no Greek-language educational facilities beyond the elementary level in the north. For this reason, parents often were forced to choose between keeping their children with them or sending them to the south for further education. In the latter case, Turkish Cypriot authorities did not permit children to return to live permanently in the north. If the families of these children moved south with them, the entire family was not permitted to return to live permanently in the north. In September, the Turkish Cypriot administration refused a request to open a secondary school for Greek Cypriots in the north and delayed approval for two new Greek Cypriot teachers for the elementary school, forcing a 3-day delay in the start of the school year.

Turkish Cypriot authorities screened all textbooks sent from the south to Greek Cypriot elementary schools in the north, which caused lengthy delays in their distribution and shortages of up-to-date textbooks. The Government reported that Turkish Cypriot authorities removed pages from textbooks sent from the south that included material the Turkish Cypriots considered inflammatory and derogative of their community. Turkish Cypriot textbooks included similarly inflammatory material derogative of Greek Cypriots.

There were some reports of child abuse in the government-controlled area. The Government prosecuted all cases of reported child abuse. In the government-controlled area there were reports that the Ministry of Labor's Welfare Department was understaffed and unable to deal effectively with the problem. In 2000, the Ministry of Justice amended evidentiary laws to permit the use of video-taped testimony in family violence cases, including instances of alleged child abuse. During the year, one child abuse case was prosecuted using taped testimony; the case was pending at year's end. There were no reported cases of child abuse in the Turkish Cypriot community, although, as with domestic violence, there were social and cultural disincentives to seeking legal remedies for such problems.

Persons with Disabilities.—Persons with disabilities did not generally face discrimination in education or the provision of state services. In March, the Government Ombudsman called for additional facilities to provide support for children with behavioral and emotional problems. In the government-controlled area, persons with disabilities who apply for a public sector position are entitled to preference if they are deemed able to perform the required duties and if their qualifications are equal to those of other applicants. The law provides for equal opportunities for persons with disabilities, which includes regulations promoting equal opportunities in the areas of employment, transportation, and recreation. In the Turkish Cypriot community, regulations require businesses to employ 1 person with disabilities for every 25 positions they fill, although enforcement was inconsistent.

The law in the Greek Cypriot community mandates that new public buildings and tourist facilities be accessible to all, although little has been done to enforce the law. While there was increasing awareness of the problem of accessibility to public buildings for persons with disabilities, Turkish Cypriot authorities have not adopted laws mandating access to public buildings and other facilities for persons with disabilities.

National/Racial/Ethnic Minorities.—Constitutional or other legal mechanisms prohibit discrimination in both communities. The 1975 Vienna III Agreement remains the legal source of authority regarding the treatment of Greek Cypriots and Maronites living in the north and Turkish Cypriots living in the south. The agreement provides for the voluntary transfer of populations, free and unhindered access by the UNFICYP to Greek Cypriots and Maronites living in the north and Turkish Cypriots living in the south, and facilities for education, medical care, and freedom of religion. In practice, noncompliance with some of the provisions of the Vienna III Agreement by Turkish Cypriot authorities made daily life difficult for Greek Cypriots and Maronites living in the north. At year's end, there were 403 Greek Cypriots and 140 Maronites resident in the north.

The Government reported that 1,317 Turkish Cypriots lived in the government-controlled area during the year. Some of the Turkish Cypriots living in the government-controlled area reportedly faced difficulties in obtaining identification cards and other government documents, particularly if they were born after 1974. There were no reports of Turkish Cypriots subjected to surveillance by the Greek Cypriot police during the year. Turkish Cypriots made few formal complaints to UNFICYP

about their living conditions in the south. Complaints most often concerned the lack of affordable accommodation.

UNFICYP access to Greek Cypriots and Maronites living in the north remained limited. Despite improvements in living conditions for Greek Cypriots and Maronites, no Greek-language educational facilities for Greek Cypriot or Maronite children in the north exist beyond the elementary level (see Section 5). Although the Vienna III Agreement provides for medical care by a doctor from the Greek Cypriot community, only care provided by a Turkish Cypriot doctor registered with Turkish Cypriot authorities was permitted. Greek Cypriots and Maronites resident in the north were still unable to leave property to heirs residing in the south.

The Government and the Turkish Cypriot authorities continued to use textbooks at the primary and secondary school level that included inflammatory language derogatory of the other community. This was a particularly serious concern with history textbooks, and authorities in both communities have complained about the textbooks in the other community.

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, and workers did so in practice. In the government-controlled area, police officers were permitted only to join associations that have the right to bargain collectively but not to go on strike. More than 70 percent of the Greek Cypriot workforce belonged to independent trade unions. Approximately 50 to 60 percent of Turkish Cypriot private sector workers, and all public sector workers, belonged to labor unions.

In the Turkish Cypriot community, union officials alleged that various firms were successful in establishing “company” organizations and then pressing workers to join these unions. Officials of independent labor unions also accused Turkish Cypriot authorities of creating rival public sector unions to weaken the independent unions.

In both the government-controlled area and the Turkish Cypriot community, trade unions maintained their independence from the authorities. Two of the major trade unions, one in each community, were affiliated closely with political parties. Both of the other major unions were independent.

In the Turkish Cypriot community, there were press reports that, in the public sector, the “government” discriminated against members of pro-solution labor unions who participated in political activities, including demonstrations. In some cases, individuals were passed over for promotion or were reassigned to undesirable jobs or locations.

Anti-union discrimination is illegal in the government-controlled area. Anti-union discrimination is not illegal in the Turkish Cypriot community. Union leaders contended that private sector employers were able to discourage union activity because the enforcement of labor regulations was sporadic, and penalties for anti-union practices were minimal. As in the government-controlled area, parties to a dispute could request mediation by the authorities.

Unions in both communities affiliated with international trade union organizations, although Greek Cypriot unions sometimes objected to recognition of Turkish Cypriot unions formed after 1963.

b. The Right to Organize and Bargain Collectively.—By law, trade unions and confederations are free to organize and bargain collectively throughout Cyprus. This right was generally observed in practice in the government-controlled areas, and most wages and benefits were set by freely negotiated collective agreements; however, Greek Cypriot collective bargaining agreements were not enforceable. In the rare instances in which persons claimed that such agreements were infringed upon, the Ministry of Labor was requested to investigate. If the Ministry was unable to resolve the dispute, the union could call a strike to support its demands.

In the Turkish Cypriot community, wage levels were reviewed several times a year for both private and public sector workers, and a corresponding cost-of-living raise established. A special commission composed of five representatives each from organized labor, employers, and the authorities conducted the review.

All workers have the right to strike; however, in the northern part of the island, employers have an unrestricted right to hire replacement workers in the event of a strike, thereby limiting the effectiveness of the right. In addition, authorities in both the government-controlled area and the Turkish Cypriot community have the power to curtail strikes in “essential services,” although this power was used rarely in practice. There were no major strikes during the year. In October, truck drivers went on strike for 8 days demanding changes in the Government’s plans to harmonize the law with EU regulations. The central dispute was over the Government’s plan to issue commercial goods transport licenses (class “A”) only to transport com-

panies and not to individual truck drivers. The strike ended when the truck drivers accepted the Government's offer to discuss the issue. At year's end, the dispute remained unresolved and the truck drivers continued to threaten a repeat strike if their demands were not met.

There are export processing zones (EPZs) in the port of Larnaca and in Famagusta; the laws governing working conditions and actual practice in the EPZs are the same as outside the zones.

c. Prohibition of Forced or Bonded Labor.—The Government and Turkish Cypriot authorities prohibit forced or bonded labor, including by children; however, there were reports that foreign maids and illegal foreign workers were subject to the non-payment 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 government-controlled area and the Turkish Cypriot community, the minimum age for employment in an "industrial undertaking" is 16 years of age. Turkish Cypriots may be employed in apprentice positions at the age of 15. The minimum age for employment is consistent with the age for completing education requirements in both communities. There were labor inspectors in both communities who enforced the law effectively. However, it was common in family-run shops for children to work after school and, according to press reports, children as young as age 11 worked in orchards during school holidays in the Turkish Cypriot community.

e. Acceptable Conditions of Work.—The legislated minimum wage in the government-controlled area, which was reviewed every year, was approximately \$620 (320 Cyprus pounds) per month for shop assistants, practical nurses, clerks, hairdressers, and nursery assistants. The wage rose to \$660 (340 Cyprus pounds) after 6 months' employment. Neither amount was sufficient to provide a decent standard of living for a worker and family. All other occupations, including unskilled workers, were covered under collective bargaining agreements between trade unions and employers within the same economic sector, and the wages set in these agreements were significantly higher than the minimum wage. The minimum wage in the Turkish Cypriot community, while subject to frequent review because of high inflation, was approximately \$370 (500 million Turkish lira) per month at year's end. This amount was insufficient to provide a decent standard of living for a worker and family.

In the government-controlled area, the legal maximum workweek was 48 hours, including overtime. Actual working hours were determined through collective agreements between the unions and employers. In the private sector, the workweek was typically 39 hours for white-collar workers and 38 hours for blue-collar workers. In the public sector, the workweek was 38 hours during the winter and 35 hours in the summer. In the Turkish Cypriot community, the legal maximum workweek was 38 hours in the winter and 36 hours in the summer. Labor inspectors effectively enforced these laws.

In the government-controlled area, laws regulating health and safety standards comply fully with the 1981 International Labor Organization convention on occupational health and safety. The law also requires employers to provide insurance liability coverage for work-related injuries. Workers may remove themselves from dangerous work conditions without risking loss of employment. According to labor union officials, these laws were enforced effectively.

Turkish Cypriot authorities enforced occupational safety and health regulations sporadically. In both the government-controlled and the Turkish Cypriot areas, factory inspectors processed complaints and inspected businesses to ensure that occupational safety laws were observed. Turkish Cypriot workers who file complaints do not receive satisfactory legal protection and may face dismissal.

There were reports of the mistreatment of maids and other foreign workers in the Greek Cypriot press. Such reports usually involved allegations that maids, often from East or South Asia, were mistreated by their employers or fired without cause in violation of their contracts. Many women did not complain to authorities out of fear of deportation. The law protects domestic workers who file a complaint with the Labor Ministry from being deported until their cases have been adjudicated.

A significant percentage of the labor force in the north consisted of illegal migrants, mainly from Turkey. According to some estimates, illegal workers constituted as much as 10 to 15 percent of the work force there. There were frequent allegations that such workers were subject to mistreatment, including the non-payment of wages and threats of deportation.

f. Trafficking in Persons.—The law in the government-controlled area criminalizes trafficking, but the regulations in the Turkish Cypriot community do not specifically prohibit trafficking, and women trafficked into both communities for the purpose of prostitution was a problem. There were allegations of police corruption in the government-controlled area.

In the government-controlled area, it is a felony to engage in the sexual exploitation and trafficking of adults (with or without their consent) and children. The Court may order persons convicted of trafficking to pay part or all of the expenses incurred for the provision of protection, temporary shelter, medical care and psychiatric care for victims. The Court may also order persons convicted to pay compensation to the victim, including repatriation expenses. Responsibility for combating trafficking was shared by the Ministries of Justice, Labor, and the Interior and the Attorney General's office.

While there is no law against trafficking in the Turkish Cypriot community, a law designed to regulate the hiring of women in nightclubs provides penalties for women and employers who engage in prostitution. Turkish Cypriot authorities denied the existence of trafficking and have not allocated resources to combat it. Turkish Cypriot authorities claimed that a study into trafficking issues was conducted and presented orally to Turkish Cypriot leader Rauf Denktash; there were no written results, and authorities were unwilling to discuss the study further.

It is a misdemeanor in both communities to procure a woman for prostitution.

The Government reported that there were no arrests or convictions for trafficking during the year and maintained that most women who claimed to be trafficking victims choose to return to their home countries voluntarily without testifying in court. There were reports that cabaret owners and "artiste" agents pressured women to withdraw complaints made about their situations or not to follow through with their intention to testify in court.

Since the Government enacted the anti-trafficking legislation in 2000, there have been no arrests or convictions under this section of the law. In May, the press reported that two Belarus women working in a pub claimed that their employer raped them and tried to force them into prostitution. The press reported that the police were seeking the alleged perpetrator, but, at year's end, authorities were unable to provide any information on the incident.

On November 25, the office of the Ombudsman published a report on trafficking which concluded that the country was both a destination and transit point for women being channeled into the sex industry and that immigration authorities were fully aware and, to a great extent, tolerant of the situation. The report concluded that "essentially nothing had been done" by the Government to combat trafficking. The report found the legal framework for combating trafficking to be generally satisfactory, but made recommendations about improving implementation of existing regulations. The report also recommended that trafficking and sexual exploitation of minors be addressed by separate legislation.

The country was a destination for women trafficked from Eastern Europe, primarily Ukraine, Romania, Moldova, Russia, Belarus, and Bulgaria, although there were no reliable statistics on the number of trafficking victims. Some East European women entered government-controlled areas of the country on temporary 3-month "artiste" visas (renewable for an additional 3 months) to work at a specific cabaret or nightclub. The Government issued approximately 4,000 "artiste" visas during the year. The maximum number of "artistes" employed in the country at any time was 1,400. Additionally, some East European women entered the country on work visas as barmaids with set contracts and terms of employment, while others entered on tourist visas and worked illegally.

Foreign women working as "artistes" or barmaids were vulnerable to trafficking and exploitation. In some cases, women reportedly were forced to surrender their passports, perform sexual services for clients, or were not paid their full salaries. A similar pattern existed in the recruitment of East European women to work as prostitutes in nightclubs in the Turkish Cypriot community, and reports persisted that nightclub workers were coerced.

For example, a 25-year-old mother from Belarus reported that she had arranged to work during the year as a nightclub dancer on a 3-month employment contract through a Belarusian agency and was given a written assurance that the job would not require any sexual activities. When the victim arrived in the country, the club owners confiscated her passport and explained she would be required to work as a prostitute in the club and repay her "debt" for the cost of her visa and travel. During the 3 months, the victim reported being abused physically and psychologically by the club's owners and by clientele. Once the club's owners were satisfied that they had recovered their expense, the victim was released and returned to Belarus. The victim reported that an additional 20 women were trafficked and forced to work under similar conditions in the same club.

There have been allegations of corruption in the Police Immigration Unit. While not admitting corruption was a problem, the Ministry of Justice changed the unit's entire staff during the year and advocated regularly reassigning the unit's personnel to prevent corruption.

The law obligates the Government to provide protection and support for trafficking victims by allowing them to remain in the country to press charges or by facilitating their return home. During the year, there were no reports of trafficking victims seeking to exercise their rights under this law.

Under the law, the Government must provide shelter, medical, and psychiatric care to trafficking victims until they have recovered from the trauma of their experience. The Government may appoint a guardian for victims to advise and give counsel, and to represent the victim with the appropriate government agency. Victims may sue traffickers for damages. There were no comparable legal protections in the Turkish Cypriot community; consequently, many of the victims were reluctant to press charges, fearing retaliation by employers or deportation.

NGOs that protect the rights of women and immigrant workers were available to assist trafficking victims; however, they reported that they rarely received any requests for assistance.

There were no prevention efforts or public awareness campaigns in either the government-controlled area or the area under Turkish Cypriot administration.

CZECH REPUBLIC

The Czech Republic is a constitutional democracy with a bicameral Parliament. Following free and fair elections in June 2002, Prime Minister Vladimir Spidla's left-of-center Social Democrat Party joined forces with the centrist Christian Democrat and center-right Freedom Union parties to form a coalition government. On February 28, Parliament elected Vaclav Klaus as President. The judiciary is independent.

The Ministry of the Interior oversees the police. The civilian internal security service, known as the Security and Information Service, reports to the Parliament and the Prime Minister's office through the Foreign Minister. The civilian authorities maintained effective control of the security forces. Some members of the security forces committed human rights abuses.

The country's economy was market based, and its population was approximately 10.2 million. The economy grew by 2.7 percent through September. Inflation decreased to 0.1 percent, while wages grew by 6.3 percent. The workforce was employed primarily in industry, retail trade, and construction. While overall unemployment was 10.3 percent, unemployment among the Romani population was estimated at over 70 percent. Those able to find employment worked primarily in low-paying jobs.

The Government generally respected the human rights of its citizens; however, there were problems in some areas. Occasional police violence and use of excessive force remained a problem. Long delays in trials were a problem. There was some violence and discrimination against women and children. Occasional skinhead violence and discrimination, particularly with respect to housing, against Roma remained problems. Romani children continued to be sent to special schools for children with mental or social disorders at a disproportionate rate. Trafficking in women and children was a problem.

RESPECT FOR HUMAN RIGHTS

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

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

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

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.—The Constitution prohibits such practices; however, there were reports that police used excessive force, particularly against Roma.

On February 21, six police officers in the northwestern town of Litvinov physically abused a Romani man, according to a Roma rights organization. Responding to a report of a domestic disturbance, the officers allegedly forced their way into the man's house, sprayed tear gas into his eyes, and then repeatedly hit him on the head with truncheons until he lost consciousness. The case was under investigation at year's end.

On May 12, five off-duty officers in the northeastern Bohemian town of Jicin allegedly broke into the home of the Danis family, who are Roma, shouted racial insults, and beat Ljubica Danisova, her 17-year old son, and her pregnant daughter. On May 20, the Inspectorate of the Ministry of the Interior opened an investigation on the case. Two officers were charged in the crime and dismissed from their posi-

tions, although the investigation concluded there was no evidence of racism. A trial was scheduled for early 2004.

There were reports that police and prosecutors increasingly recognized that there were ethnic and racial motives for crimes; however, some observers criticized the police for their ineffectiveness in investigating such crimes (see Section 5).

On June 27, a Karlovy Vary court ruled that a 2001 beating of a Romani man by five police officers was not racially motivated. Two defendants were acquitted, and three received 10-month suspended sentences. The verdict was widely criticized by human rights groups, as well as by the government's human rights commissioner.

There were no developments in the 2001 case of a police officer in Ostrava who was charged with assaulting a suspect during questioning.

Prison conditions generally met international standards, and the Government permitted visits by independent human rights observers. However, there was overcrowding in many prisons, and the prison population increased during the year. By December, the prison system was at 112 percent of capacity. Women and men were held separately, juveniles were held separately from adults, and pretrial detainees were held separately from convicted prisoners.

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

The State Police are responsible for enforcing the law and were generally effective in doing so, although some instances of police corruption were reported. The Ministry of Interior oversees the police. The Inspectorate of the Ministry of Interior is responsible for investigating allegations of police misconduct. During the year, the Government continued an active effort to recruit Roma to serve in law enforcement and improve police relations with the Roma community (see Section 5).

In January, an amendment to the Criminal Code placed Inspectorate investigations under the supervision of the State Attorney. Critics charged that the amendment, while an improvement, has not ensured that cases of abuse and misconduct have been promptly and impartially investigated. According to the Ministry of Interior, the number of investigated cases of abuse of authority by police and Ministry officials, including corruption, declined slightly in 2002, from 390 to 376. Cases of bribery declined from 203 to 171. Cases of corruption were most prevalent in traffic and insurance fraud investigations.

Suspects were apprehended openly, with warrants based on sufficient evidence and issued by a prosecutor, and brought before an independent judiciary. Police may hold persons without charge for up to 48 hours, during which time they have the right to counsel, although they may not contact family members.

The law allows bail except for certain serious crimes.

Under the law, pretrial detention may last no longer than 4 years and then only for cases considered "exceptionally grave" under the Criminal Code. Lengthy pretrial detention and long delays in trials were problems and were primarily due to judicial inefficiency, financial constraints and staff shortages. In practice, few pretrial detainees were held for longer than 2 years. The average length of pretrial detention was 130 days. A suspect may petition investigating authorities at any time for release from detention.

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

e. Denial of Fair Public Trial.—The Constitution provides for an independent judiciary, and the Government generally respected this provision in practice. Structural and procedural deficiencies, as well as a lack of training and resources, hampered the effectiveness of the judiciary. There were allegations of judicial corruption, particularly surrounding bankruptcy and commercial courts.

The lack of qualified judicial staff combined with an evolving legal environment contributed to a backlog of cases. Approximately half of appealed cases were returned to lower courts for retrial. In the last 5 years, the European Court for Human Rights (ECHR) delivered five decisions against the country related to excessive length of court proceedings.

Judges are nominated by the Minister of Justice and appointed for life by the President. The Senate must confirm Constitutional Court judges. In contrast with previous years, most judicial positions were filled.

The court system consists of district, regional, and high courts. The Supreme Court is the highest court of appeal. The separate Constitutional Court has final authority for cases concerning the constitutionality of legislation.

The law provides for the right to a fair trial, and an independent judiciary generally enforced this right. Trials are public and conducted with a jury. Defendants have the right to be present and the right to timely consultation with an attorney. The Government provided lawyers for indigent defendants in criminal and some

civil cases. Defendants could confront or question witnesses against them and present witnesses and evidence on their behalf. Defendants and their attorneys have access to government-held evidence relevant to their cases. All defendants enjoy a presumption of innocence and have the right to refuse to testify against themselves. They may appeal any judgments against them. The law extends the above rights to all citizens.

The Office for the Documentation and Investigation of the Crimes of Communism continued to investigate actions taken by government authorities and the Communist Party during the 1948–89 Communist regime. On August 18, a regional court in Brno halted the prosecution of former state security agent Pavel Minarik on charges of plotting an attack on the Munich headquarters of Radio Free Europe in the mid-1970s. The State Attorney appealed the decision to the Supreme Court. On October 13, the High Court sentenced Karel Hoffmann to 6 years in prison for his role in halting radio broadcasts during the 1968 Warsaw Pact invasion. On December 12, a Prague district court delivered suspended sentences to 9 of 10 senior state security officials for participation in anti-dissident raids. The tenth defendant, Petr Zak, received a 3-year sentence. Zak and one other defendant have appealed their verdicts.

There were no reports of political prisoners.

Since the fall of the Communist regime, the country has enacted laws to allow for restitution of property confiscated during the Nazi and Communist regimes. However, restitution or compensation was restricted to citizens. This restriction unfairly impacted some Czechs who obtained citizenship in one country where a bilateral treaty on naturalization required them to forfeit their Czech citizenship. The restriction was lifted in 1997, although by that time the deadlines for filing claims had passed. Efforts to reopen the period for filing restitution claims have failed due to the reluctance of many legislators to revisit this controversial issue and the fact that many of the properties in question have already been restituted to more distant claimants.

There were no instances in which the Government failed to enforce court orders with respect to restitution or compensation for takings of private property under domestic law. However, the ECHR ruled on December 2 that delayed court proceedings adversely affected a citizen's restitution claims.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence.—The law prohibits such actions, and the Government generally respected these prohibitions in practice.

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Speech and Press.—The law provides for freedom of speech and of the press, and the Government generally respected these rights in practice.

The print media were independent and published a wide variety of views without government interference; however, there were restrictions on certain types of propaganda.

The broadcast media were independent. There were 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. The leading television channel, Nova, was privately owned. Citizens also had access to foreign broadcasts via satellite, cable and the Internet.

A 13-member Council for Radio and Television Broadcasts had limited regulatory responsibility and answered to the parliamentary media committee, which exercised broad oversight of the Council and approved its members. The Council could issue and revoke radio and television licenses and monitors programming. There was also a nine-member Czech Television Council charged with oversight of public television. Critics accused Prime Minister Spidla of political interference when he met with the Council Chairman on the eve of a February 25 vote to appoint a new station director. Spidla and Parliament dismissed the Council in April for failing to elect a new director.

The law calls for prison terms of between 6 months and 3 years for persons who deny that the Nazi Holocaust or the Communist genocide took place. The law also prohibits the incitement of hatred based on race, religion, class, nationality, or other group affiliation.

On October 7, a district court in Sumperk in northern Moravia acquitted Communist activist David Pecha on charges of supporting a movement leading to the suppression of citizens' rights and freedoms and inciting panic and criminal slander. Pecha had repeatedly called for imposition of a dictatorship of the proletariat, nationalization of industry and capital, and a return to Communist rule. He had also labeled several prominent politicians "criminals and traitors."

There were no developments in the 1999 case of journalist Zdenek Zukal, who was charged with criminal libel for reporting that police had provided false information in their investigation of high-level corruption in Olomouc.

The Government did not restrict access to the Internet or academic freedom.

b. Freedom of Peaceful Assembly and Association.—The Constitution provides for freedom of assembly, and the Government generally respected this right in practice; however, it may legally restrict assemblies that promote hatred and intolerance, advocate suppression of individual or political rights, or otherwise jeopardize the safety of participants. Permits normally are required for demonstrations, but police rarely interfered with spontaneous, peaceful demonstrations.

During the year, skinhead and neo-Nazi groups organized rallies, protests and concerts, and the police closely monitored their activities. The 2001 case of eight persons arrested in connection with a skinhead concert was pending at year's end.

The law prohibits political party activity of any kind at universities.

The Constitution provides for freedom of association, and the Government generally respected this right in practice. Organizations, associations, foundations, and political parties were required to register with local officials or the Interior Ministry, but there was no evidence that this registration was either coercive or arbitrarily waived.

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

All religious groups officially registered with the Ministry of Culture are eligible to receive limited tax benefits or government subsidies, depending on the size of their membership and length of presence in the country. However, some declined government financial support as a matter of principle and as an expression of their independence. There were 25 officially recognized groups, 4 of which registered during the year.

The Ministry of Culture oversees the registration process. Several unregistered religious groups have criticized the law as prejudicial to smaller religions. Some critics also argued that completing registration at the second-tier level necessary for government subsidies would be difficult to attain due to the 10-year observation period.

Unregistered religious groups, such as the small Muslim minority, may not legally own communal property but often formed civic-interest associations for the purpose of managing their property and other holdings. The Government did not interfere with this type of interim solution. Unregistered religious groups otherwise were free to assemble and worship as they choose, and their members issued publications without interference.

On October 7, the Constitutional Court ruled that the Ministry of Culture improperly interpreted the registration law in failing to register a religious enterprise operated by the Catholic Church in the North Moravian town of Lipnik nad Bečvou. The Ministry argued that the charity was operating nursing facilities and that the registration law did not provide for establishment and maintenance of medical facilities. The Court ruled that the Ministry of Culture did not have the right to deny the registration of religious charities.

A small but persistent and fairly well-organized extreme rightwing movement with anti-Semitic views existed. On October 21, unknown vandals damaged gravestones at the Jewish cemetery in Turnov in eastern Bohemia. On November 8, police in the northern Bohemian town of Krupka apprehended two youths painting Nazi symbols on a monument to the victims of a World War II death march. On November 9, an unknown vandal upturned 15 tombstones of Jewish girls who died in a Nazi concentration camp at Trutnov in eastern Bohemia. The Ministry of Interior continued a forceful effort to counter the movement, which included monitoring of its activities, cooperating with police units in neighboring countries, and concentrated efforts to shut down unauthorized concerts and gatherings of neo-Nazi groups.

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

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

There were 65 Czech asylum applications in the United Kingdom through September compared to 1,295 during the same period in 2002. The significant decrease in applications was largely due to the United Kingdom's imposition of a list of "safe countries of transit," which included the Czech Republic, and much more rapid case processing. British pre-inspection controls continued at Prague's international airport. Romani activists criticized the controls as "racist" because they appeared to target Roma. In October 2002, a British human rights group lost its case when a

British judge ruled that pre-screening at Prague's international airport did not violate national law and was "no more or less objectionable than a visa control system." The group stated its intention to appeal.

The law provides for the granting of asylum and refugee status to persons who meet the definition in the 1951 U.N. Convention Relating to the Status of Refugees and its 1967 Protocol. In practice, the Government provided protection against refoulement and granted refugee status and asylum. The Government also provided temporary protection for some persons who did not qualify as refugees or asylees. It cooperated with the U.N. High Commissioner for Refugees and other humanitarian organizations in assisting refugees and asylum seekers. However, the Ministry of Interior was criticized for its practice of informing embassies of other countries of their undocumented illegal nationals with protection concerns. This policy received particular scrutiny when, in November, Czech Foreigners Police escorted Iranian asylum applicant Alia Reza Yadollahi to the Iranian Embassy to verify his identity.

By October, the Government received approximately 9,638 asylum applications and granted asylum to approximately 182 persons. A law on asylum establishes a list of "safe countries of origin" from which applicants are unlikely to be granted refugee status. While the law is meant to discourage applicants from countries that observe human rights and democratic institutions, it does not prevent applications or the granting of asylum. Applicants whose cases have been denied may appeal to the relevant regional court, and the Government must abide by the court's decision.

The Government fully funded 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 were provided for recognized refugees. While conditions at the refugee camps were good, there were reports of poor conditions at detention centers for illegal migrants in Balkova and Velke Prilepy, particularly respecting unaccompanied minors.

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

The Constitution provides citizens with the right to change their government peacefully, and citizens exercised this right in practice through periodic, free, and fair elections held on the basis of universal suffrage. Reform of the country's political and economic structure led to an invitation in 2002 to join the European Union (EU) in May 2004.

The June 2002 elections for the Chamber of Deputies and the November 2002 Senate elections were widely considered free and fair.

Prime Minister Vladimir Spidla's government, which took office in 2002, consisted of the Prime Minister's left-of-center Social Democrat Party, the centrist Christian Democrat Party, and the center-right Freedom Union Party. The Constitution mandates elections to Parliament at least every 4 years based on proportional representation. The President was elected by Parliament and serves a 5-year term. The President has limited constitutional powers but may veto legislation and return it to the Chamber of Deputies, which may then override that veto by a simple majority of all members.

The "Lustration" (vetting) Law prohibited many former Communist Party officials, People's Militia members, and suspected secret police collaborators from holding a wide range of elected and appointed offices, including senior positions in state-owned companies, academia, and the media. The law is scheduled to expire in January 2004.

There were 34 women in the 200-seat Chamber of Deputies and 9 women in the 81-seat Senate. The Government had two female Cabinet members.

There were no members of minorities in the Chamber of Deputies, the Senate, or the Cabinet; one justice on the Constitutional Court was an ethnic Slovak. Most of the estimated 150,000 to 175,000 Roma were not fully integrated into political life (see Section 5). Few Roma served in local government, although some were appointed to advisory positions in government ministries.

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

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

The Human Rights Commissioner served as head of the government Committee for Nationalities and of the Government Council for Romani Community Affairs. A Council for Human Rights, which consisted of 10 representatives from government

ministries and 10 human rights activists, advised the Government on human rights issues and proposed legislation to improve the observation of human rights in the country.

Former Justice Minister Otakar Motejl served as "Public Rights Protector" or Ombudsman. Appointed by the Chamber of Deputies, Motejl, a political independent, addressed citizens' complaints of violations of civil and human rights and freedoms by government entities. By the end of September, the Ombudsman's Office had received 3,007 requests for assistance. The Ombudsman has no legal power to sanction offending individuals or offices, but did provide a means of alternative dispute resolution and often mediated between citizens and government offices.

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

The Constitution prohibits discrimination on the basis of race, gender, disability, language or social status; however, societal discrimination against women and Roma persisted.

Women.—The extent of violence against women was unknown; however, some studies indicated that it was more common than publicly acknowledged. ROSA, a nongovernmental organization (NGO) that provides direct assistance to victims of domestic abuse, estimated that 1 in 10 women in domestic situations were emotionally or physically abused and that 30 percent of the abusers were university-educated. According to a 1999 survey by White Circle of Safety, an association for crime victims, approximately 50 percent of incidents of domestic violence were associated with alcohol, 34 percent with a domestic disagreement, and 30 percent with mental illness on the part of the abuser. Only 21.5 percent of domestic violence victims notified police or turned to the police for assistance.

On December 11, Parliament amended the Criminal Code to recognize domestic violence as a distinct crime, punishable by up to 8 years in prison. The bill goes into effect on June 1, 2004. Prior to the amendment, the law did not specifically address spousal abuse; however, the Criminal Code covered other forms of domestic violence. An attack was considered criminal if the victim's condition warranted medical treatment for 7 days or more and caused the victim to miss work. If medical treatment was necessary for less than 7 days, the attack was classified as a misdemeanor and punished by a fine of not more than approximately \$109 (3,000 crowns), an amount roughly equivalent to a quarter of the average monthly wage. Repeated misdemeanor attacks did not result in stricter sanctions against the abuser.

The police trained some specialized personnel to handle cases of domestic violence. The police did not work regularly with welfare and medical services. However, training materials to help police officers improve the identification and investigation of domestic violence and sexual abuse cases and to help sensitize them in the treatment of victims of abuse were introduced into both the introductory and continuing education curriculums. A local NGO provided police with pamphlets to give victims informing them of their rights, options, and organizations that provide assistance. In April, White Circle of Safety trained 40 police officers on dealing with victims of domestic violence and avoiding secondary victimization.

According to Elektra, a crisis center for abused women, rape victims and victims of abuse could seek psychological counseling through a number of hotlines and crisis centers, including the White Circle of Safety, which provided free psychiatric and legal counseling, and Riaps, a hotline that counseled persons who had suffered some form of abuse. According to NGOs, there were 107 state-supported shelters located in most major cities and towns that took in women who were victims of rape or abuse. NGOs also provided medical and social assistance to women on a local level. NGOs reported that there were not enough spaces available in shelters to meet the demand.

According to police statistics, there were 597 rapes reported countrywide by the end of November. According to the Ministry of Justice, there were 147 convictions for rape throughout the country in 2002. Researchers and NGOs estimated that approximately 3.3 to 7 percent of rape victims filed reports with the police. According to experts, both rape and domestic violence were greatly underreported. There were no laws specifically addressing spousal rape.

Gender studies experts reported that women were ashamed to report or even speak about rape, and that police often were neither appropriately trained nor behaved in a helpful manner toward rape victims. The Ministry of the Interior offered a training program in protocols for investigating family violence and sexual offenses in order to improve police responsiveness and prosecution efforts.

Prostitution is legal, while pimping is prohibited by law; however, local communities have the right to regulate prostitution and enforce restrictions on it. The Interior Ministry estimated that up to 25,000 persons worked in the sex industry during

the year. Prostitution and sex shops were prevalent, particularly in regions bordering Germany and Austria where international vehicular traffic was heaviest. Romani women and women in the high unemployment zones of northern Moravia and Bohemia were at the greatest risk of being drawn into prostitution.

Trafficking in women was a problem (see Section 6.f.). The Government maintained a comprehensive awareness and prevention program designed to address problems of trafficking, abuse, and violence against women.

The labor law prohibits sexual harassment, which is defined as unwanted, inappropriate, or offensive sexual behavior, the acceptance or rejection of which could be interpreted by the employee being harassed as affecting his or her status in the workplace. Studies have concluded that approximately one-half of all women have experienced sexual harassment in the workplace.

Women and men are equal under the law, and, in principle, women enjoyed equal property, inheritance, and other rights with men. By law, women receive equal pay for equal work. Although women constituted approximately half of the labor force, they were employed disproportionately in professions with a lower median salary than were men. Women's median wages lagged behind those of men by almost 25 percent. The Council for Equal Opportunities for Men and Women monitored gender issues and advised the Government on its efforts to enforce equal gender rights.

The law prohibits discrimination based on gender, and repeated offenses are punishable by fines of up to approximately \$36,300 (1 million crowns); however, in practice, employers were free to consider gender, age, or attractiveness when making hiring decisions and often blatantly used these factors in advertising jobs and making employment decisions. The unemployment rate for women exceeded that for men (11.2 percent to 8.7 percent), and a disproportionately small number of women held senior positions.

In May, the Government amended a resolution that set priorities and procedures for the enforcement of gender equality in the workplace. Among the changes was an increased focus on incorporating gender equality into government media policy; a requirement to adopt concrete measures to balance gender representation in governmental management positions; and an increased focus on women in rural areas.

Among the active women's rights groups were Feminismus.cz and ProFem. The former actively promoted women's rights and gender studies programs, while the latter supported more grassroots-level organizations throughout the country.

Children.—The Government was committed to children's welfare; it funded programs for health care and basic nutrition and provided free and compulsory education through age 15 (through age 14 in special schools). Public education was available through the university level. Girls and boys enjoyed equal access to health care and education at all levels. Language and cultural barriers frequently impeded the integration of Romani children into mainstream schools. While the Government reported that approximately 90.6 percent of children attended school, official estimates indicated that less than 20 percent of the Romani population completed ninth grade, and less than 5 percent completed high school. A significant number of Romani children were transferred at an early age to "special schools" for the mentally ill and socially maladjusted after a psychological exam.

According to unofficial government estimates, 60 percent or more of pupils placed in these special schools were Romani children, although less than 3 percent of the population were Roma. Graduates of the "special schools" were not restricted from attending secondary schools. However, the special school curriculum did not prepare students to pass the tests required to transfer to mainstream schools. Human rights organizations condemned the practice of placing Romani children in special schools as perpetuating their marginal position in society. Some Romani parents did not send their children to school regularly due to fear of violence and the expense of books and supplies. Children were assigned to "special schools" based on poor results on the examination.

Many districts with high concentrations of Roma held year-long programs (so-called "zero grades") to prepare Romani children for their first year in school; these programs were funded by the Government and administered by local NGOs. More than 100 "zero grades" operated throughout the country. Some districts tracking local Romani students reported that up to 70 percent of the children who attended "zero-grade" training successfully entered and remained in mainstream schools.

In addition, Romani teaching assistants were placed in primary and special schools to help teachers communicate with Romani pupils and encourage cooperation between schools and Romani parents. Bilingual Romani-Czech language textbooks were used in 60 elementary schools to help overcome the cultural and language differences between Romani children and non-Romani-speaking teachers. The Ministry of Education commissioned 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 NGOs supported additional studies and private initiatives to prepare Romani children for mainstream schools.

The Ministry of Interior reported a slight increase in the number of reported child neglect and welfare cases. There were 11,629 such cases through the end of November, compared with 11,571 during the same period in 2002. The Fund for Endangered Children estimated that the total number of children suffering from physical, psychological, or sexual abuse was between 20,000 and 40,000. Between 50 and 100 children died each year from domestic violence.

Laws criminalize family violence, physical restraint, sexual abuse, and other forms of abuse of minors (the age of majority in the country is 15 years). In May, Parliament passed a law creating a juvenile court system for criminal offenders 15 years and younger. In June, the Government hosted the World Congress on Family Violence and, in September, conducted a child rights protection seminar in connection with the Our Child Foundation. There was a Children's Crisis Center that was 70 percent government-supported.

In October, the German UNICEF office published a report drafted by a German social worker that characterized the region along the border with Germany as a "haven for pedophilia." While both Czech and foreign officials disputed the scope of the problem, Germany and the Czech Republic formed a liaison group to increase communication and exchange information on vice crimes, augmenting a 2000 agreement on police cooperation.

Trafficking in children continued to be serious problem (see Section 6.f.).

Persons with Disabilities.—There was no discrimination against persons with disabilities in employment, education, or in the provision of other state services. However, persons with disabilities suffered disproportionately from unemployment. Businesses in which 60 percent or more of the employees were persons with disabilities qualified for special tax breaks, and the Government provided transportation subsidies to citizens with disabilities.

The law mandates access to buildings for persons with disabilities, and the Government generally enforced these provisions in practice. However, many buildings and means of public transportation remained inaccessible to those in wheelchairs, although access did improve during the year. In Prague, 24 of the 50 metro stations were wheelchair-accessible; however, most of those stations were in the suburbs, and the majority of stations in the city center remained inaccessible. A growing number of bus lines were accessible to persons with disabilities. Tramlines in the west Bohemian city of Pilsen were wheelchair-accessible. Children with physical disabilities lacked barrier-free access to most public schools, although there was at least one barrier-free school in each district.

A mental disability advocacy NGO criticized the continued use of cage beds at certain hospitals around the country. No laws or regulations exist at the national level to deal with the use of cage beds or other restraints.

National/Racial/Ethnic Minorities.—After ethnic Slovaks, the largest minority was the Romani population, officially estimated at between 150,000 and 175,000. Roma lived throughout the country but were concentrated in the industrial towns along the northern border. Roma suffered disproportionately from poverty, unemployment, interethnic violence, discrimination, illiteracy, and disease.

Members of skinhead organizations and their sympathizers were the most frequent perpetrators of interethnic violence, particularly against Roma and other "dark-skinned" persons. An estimated 5,000 skinheads were active in the country. Some observers believed that the actual figure was higher. Reports to police of "racially motivated or extremist crimes" have continued to increase in recent years, and police and prosecutors increasingly recognized that there were ethnic and racial motives for many crimes. However, some observers cited judicial inconsistency in dealing firmly with racially and ethnically motivated crimes as a continuing problem.

On March 7, two skinheads assaulted the Human Rights Commissioner, Jan Jarab, in a Prague metro station after he came to the defense of a black man they were beating. Dr. Jarab criticized the police for their ineffectiveness and apparent lack of interest in investigating the incident.

On June 28, three drunken youths attacked a Romani couple in their home in the north Moravian town of Jesenik. The youths slashed the husband in the face and chest with a knife and hit his wife in the eye with a cobblestone. A police spokesman stated that the attack appeared to be racially motivated. A court decision in the case was pending at year's end.

On March 4, the High Court in Prague sentenced Vlastimil Pechanec to 17 years in prison for the racially motivated murder in 2001 of a 29-year-old Rom, Oto Absolon, in the town of Svitavy.

The following cases remained pending at year's end: The August 2002 beating of two Roma in Prerov and a July 2002 attack on two Roma at a gasoline station in Ostrava.

The Romani community and the Human Rights Commission continued to call for the removal of a pig farm on the site of a former Romani concentration camp at Lety.

Roma who wished to integrate into mainstream society faced practical difficulties in the areas of employment and education. Precise figures for unemployment among Roma were unavailable, but the rate was disproportionately high, with many unemployed Roma subsisting on government support or earnings from illegal activities. Some employers refused to hire Roma and asked local labor offices not to send Romani applicants for advertised positions. The law prohibits hiring and employment discrimination based on ethnicity. No enforcement statistics were available, although there were instances of decisions and settlements in favor of Romani complainants. Under the law, individual Roma do not have the right to file discrimination complaints; such action must come from governmental authorities. The stereotype of Roma was that they were qualified only for low-paying jobs, such as manual laborers, since so few completed secondary education.

Roma also faced discrimination in housing and other areas of everyday life. Despite constitutional prohibitions against discrimination, a framework to implement those provisions in civil law was not incorporated to address specific offenses under the Criminal Code. Some restaurants, bars, and other public places refused service to Roma and posted signs prohibiting their entry. Human rights groups reported that many municipalities, including the central Bohemian town of Slany and the northeast Bohemian town of Jaromer, have attempted to force Romani families to leave. They reportedly employed such tactics as evicting Roma from municipally owned homes for alleged lapses in rent payments or coercing Roma to sign agreements that they did not understand, which were used to curtail their existing housing contracts. While the Human Rights Commissioner criticized such practices publicly, the law allows municipalities substantial autonomy to take such actions.

On July 29, the Government settled a long-standing legal dispute by agreeing to pay a Romani family approximately \$32,700 (900,000 crowns) as compensation for its loss of housing in 1993 and the protracted court proceedings that followed. City officials in Usti nad Labem, where the family now resides, publicly criticized the family and threatened to make a claim on the settlement for debts they say the family owes the city.

A higher-than-average percentage of the Romani population applied for partial or full disability pensions because of the relatively high incidence of serious and chronic illnesses among their population. To a large extent, this situation resulted from lack of access to basic and preventive health care. Some Romani parents refused to allow their children to receive compulsory vaccinations. Some Roma were refused treatment by general practitioners who had full quotas of subsidized patients. NGOs and some health and education professionals working to improve living conditions for the Roma had only minimal impact, sometimes due to the attitudes or intransigence of local authorities. Romani leaders themselves had limited success in organizing their own communities, which often were disunited and suspicious of outsiders.

In a continuation of its Plan for Roma Integration, the Government allocated several million dollars (tens of millions of crowns) at various times throughout the year for projects designed to promote integration of the Romani community. Allocations supported construction of community centers and educational assistance to minorities.

Roma continued to face discrimination in education.

The Inter-Ministerial Commission for Roma Community Affairs, which included 12 government and 14 Romani representatives, as well as the Commissioner for Human Rights and his deputy, continued to take an active role in resolving disputes between Romani communities and their non-Romani neighbors. The Commission also promoted positive initiatives in housing, education, and discrimination.

The Ministry of Foreign Affairs' Roma Affairs Coordinator continued to function as the Ministry's liaison with Romani groups, NGOs, and the diplomatic community.

During the year, the Government continued an active effort to identify, train, and recruit qualified Roma to serve in law enforcement. Police trainees continued to attend the national police academy's course in Romani language and culture, designed to improve police officers' communications with and response to the Romani communities in their precincts.

The Human Rights Commission's "Project Tolerance" continued its annual national campaign against xenophobia and racism. Teams of ethnically mixed foreigners, refugees, asylum seekers, Roma, and members of the majority population,

traveled around the country to share their experiences, customs and cultures with secondary school students and to donate literature on ethnic minorities to public libraries.

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 previous authorization or excessive requirements, and workers exercised this right in practice. Approximately 25 percent of the workforce was unionized, although union membership continued to decline during the year. Most workers were members of unions affiliated with the Czech-Moravian Chamber of Trade Unions (CMKOS). The CMKOS was a democratically oriented, nationwide umbrella organization for branch unions. It was not affiliated with any political party and carefully maintained its independence.

The law prohibits anti-union discrimination, although there were instances of employers taking anti-union action. Employers are required to reinstate workers fired for union activity if found guilty of anti-union discrimination, though the court procedure was generally slow. A law is scheduled to enter into force in January 2004 that would allow employers to dismiss trade union officers without prior authorization from the union. There were no restrictions on trade union contacts with regional, national or international labor organizations, and unions developed a wide range of ties with international trade union bodies.

Common discriminatory practices included firing union leaders, refusing to permit trade union members to be present at meetings between employees and management, refusing to provide office space for unions, forcing trade union members to cancel their memberships, offering money in exchange for dissolving union organization within a company, disparaging trade unions in statements to employees, conducting special “checks” on trade union members, and refusing to withhold trade union dues.

b. The Right to Organize and Bargain Collectively.—The law provides for collective bargaining, which generally was carried out by unions and employers on a company basis. The 2003 International Confederation of Free Trade Unions Annual Survey of Trade Union Rights stated that some employers attempted to prevent workers from organizing by means of direct and indirect pressure.

The scope for collective bargaining was more limited for civil servants, whose wages were regulated by law.

Workers have the legal right to strike, with the exception of those in critical sectors such as health care, nuclear energy, oil and gas pipelines, air traffic control, fire fighting, and telecommunications. Workers in these industries have access to mediation. The law requires that labor disputes be subjected first to mediation and that strikes would take place only after mediation efforts failed. The law requires trade unions to provide employers with the names of strikers at least one day before a strike. There were no major strikes during the year.

There are no export processing zones.

c. Prohibition of Forced or Bonded Labor.—The law prohibits forced or bonded labor, including by children; however, trafficking in persons was a problem (see Section 6.f.).

d. Status of Child Labor Practices and Minimum Age for Employment.—The Labor Code stipulates a minimum working age of 15 years, although children who completed courses at special schools (for persons with mental disabilities and the “socially maladjusted”) may work at the age of 14. Employment conditions for children aged 15 to 18 were subject to strict safety standards. These regulations were enforced in practice. In May 2004, a clause in the labor law that allows children under the age of 15 to work in family-owned businesses and farms is scheduled to expire.

e. Acceptable Conditions of Work.—The Labor Ministry sets and enforces minimum wage standards. The national minimum wage was approximately \$225 (6,200 Czech crowns) per month, and it provided a decent standard of living for a worker and family. The law provides for a 40-hour work week and requires a paid break of at least 30 minutes during the standard 8 hour workday and between 4 and 8 weeks of paid vacation, depending on profession. Subject to the consent of the employee, employers may establish mandatory overtime not to exceed 8 hours per week, although the local employment office may permit additional mandatory overtime. The Labor Ministry enforces standards for working hours, breaks, and paid vacation.

The Government, unions, and employers promoted worker safety and occupational health standards, but conditions in some heavy industry sectors did not meet these standards, particularly in enterprises still awaiting privatization.

The Office of Labor Safety was responsible for enforcing health and safety standards. Workers had the right to refuse work endangering their life or health without risking the loss of their employment. The law treats foreign workers the same as other workers in terms of wages and working conditions, although in practice undocumented foreign workers generally did not receive equal treatment. Many foreign workers, particularly from Slovakia and Ukraine, worked in the construction industry.

f. Trafficking in Persons.—The law prohibits trafficking in persons; however trafficking in women and children for the purpose of sexual exploitation was a problem.

The penalties for trafficking are generally commensurate with those for rape and sexual assault. Convicted traffickers may receive prison sentences of up to 12 years. The Government investigated and prosecuted cases of trafficking in persons, although the conviction rates were low. According to police statistics, 7 persons were arrested and 15 prosecuted for trafficking as of November. The Ministry of Interior and the Organized Crime Division of the State Police had responsibility for combating trafficking.

Organizing prostitution and pimping are also illegal and punishable by a prison term of up to 12 years if the victim is under the age of 15. Dissemination of child pornography in print, or on video, CD-ROM, or the Internet is a criminal act; laws against child pornography were generally enforced. During the year, the police took more effective measures to prevent sex tourism involving children, maintaining patrols in high-risk areas, enforcing curfew-type policies more actively, and raising public awareness of the problem through the media. Despite increased police efforts, press reports still indicated that, in many border regions, sex tourism involving adolescent minors continued. Convictions of sexual abusers of children were reported routinely in the media.

The Government cooperated extensively with other Central and East European countries, the EU, and other foreign countries in the investigation and prosecution of trafficking cases.

The country was a source, transit point, and destination for trafficking in persons, primarily women and girls for sexual exploitation. Women and girls from the former Soviet Union (in particular, Russia, Belarus, Ukraine, and Moldova), Eastern Europe, the Balkans, and Asia were trafficked into the country and onward to Western Europe and the United States for prostitution. Czech women and girls were trafficked to other European countries. Foreign minors were believed to be exploited in the commercial sex trade. There was some evidence of a small amount of internal trafficking of primarily Romani women and children for prostitution from areas of low employment to border areas with Germany and Austria. Press and government reports indicated that the country remained a popular destination for pedophiles due to its location and the common misperception of a low risk of sexually transmitted disease. A small number of men were trafficked to the United States for coerced labor.

Trafficked women were frequently offered jobs as models, maids, waitresses, and dancers, and then forced into prostitution. Once in a destination country, traffickers withheld the victims' travel documents and used isolation, violence, threats of violence, and the threat of arrest and deportation to ensure compliance.

Most traffickers were members of organized crime groups. Such groups were from Russia, Bulgaria, the former Yugoslavia, and East Asia and worked in cooperation with individual Czechs, Slovaks and, less often, Austrians and Germans.

Police maintained close contact with the International Organization for Migration and other NGOs in order to provide services to trafficking victims. Foreign victims were treated as illegal immigrants and either detained or ordered to leave the country within 30 days; however, foreign victims could be offered temporary residence if they agreed to testify against a trafficker. Those detained were sometimes deported, but more often were eventually released and ordered to depart the country within 30 days.

The Government did not provide direct assistance to victims, but referred them to NGOs that provided such assistance. The Government provided funding to some of these NGOs. La Strada was the primary domestic NGO providing services to victims and conducted awareness campaigns for girls and women at risk of being trafficked. Citizens who were trafficked to other countries often could not receive government assistance upon their return because their identity documents were stolen or taken by traffickers. Returnees also frequently were hesitant to go to their families or public social service providers for help because of the stigma attached to having been trafficked. The Crime Prevention Division of the Interior Ministry implemented a national media campaign on the dangers of trafficking, as well as an informational program in schools targeting 13- and 14-year-olds.

DENMARK

Denmark is a constitutional monarchy with parliamentary democratic rule in which citizens periodically choose their representatives in free and fair multiparty elections. Queen Margrethe II is head of state. The Government, which is accountable to the unicameral Parliament (Folketing), is headed by the Cabinet. A minority center-right coalition government led by the Liberal Party remained in power since elections in 2001. The judiciary is independent.

The national police have sole responsibility for internal security. The civilian authorities maintained effective control of the security forces. There were no reports that security forces committed human rights abuses.

The advanced, market-based industrial economy provided residents with a high standard of living. The population was approximately 5.4 million. Nearly one-quarter of the work force was employed in the public sector. The key industries were food processing and metalworking; a broad range of industrial goods was exported.

The Government generally respected the human rights of its citizens, and the law and judiciary provided effective means of dealing with individual instances of abuse. Trafficking in women for prostitution remained a problem, but the Government took steps to address it.

RESPECT FOR HUMAN RIGHTS

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

a. Arbitrary or Unlawful Deprivation of Life.—There were no political killings; however, a police officer was tried and acquitted on charges of misconduct in killing one person and injuring another.

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

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

Prison conditions generally met international standards. A 2002 study by the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) found that police establishments and prisons met the CPT criteria. The Committee recommended a few improvements including limiting periods of solitary confinement to shorter periods and confining women in the same area as men only when they expressly agree to the conditions and when the areas are supervised adequately. The CPT study also found no allegations of mistreatment at psychiatric hospitals, but recommended that the use of physical immobilization be reviewed.

In 2002, seven inmates died in prison, three of whom were suicides. There were no indications of wrongdoing by the Government or its officials.

Men and women were held separately except for some voluntary gender integration. Juvenile detention facilities existed; only those juvenile offenders convicted of the most violent crimes were incarcerated. The law provides that “violent” juvenile offenders between the ages of 15 and 17 may be sent to adult correctional facilities, but they were segregated from violent adult inmates. The Social Ministry began constructing new facilities for youth offenders during the year. Pretrial detainees were held in remand centers, which also held nonviolent convicted criminals serving sentences of 30 months or less.

The Government permits visits by independent human rights observers, and such visits occurred during the year.

d. Arbitrary Arrest, Detention, or Exile.—The Constitution prohibits arbitrary arrest and detention, and the Government generally observed these prohibitions. The Constitution provides persons under arrest the right to a hearing before a judge within 24 hours of arrest. A judge who decides to hold persons in detention must issue an order explaining the decision. The Constitution allows for the immediate appeal of detention orders.

The national police, under the Ministry of Justice, have sole policing authority in the country. There are 54 police districts (plus the Faroe Islands and Greenland) and a National Commissioner’s Office. The Minister of Justice, with the approval of the Parliament, appoints the police chiefs of each district and the National Commissioner. The National Commissioner is responsible for eight departments with responsibilities that include personnel, finances, vehicles, buildings, equipment, intelligence, forensics, the Crime Prevention Council, and the Police College. There were no reports of police corruption.

The Constitution prohibits forced exile, and the Government did not employ it.

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

The judicial system consists of a series of local and regional courts, with the Supreme Court as the highest court; there are no military courts or tribunals. A military criminal code exists, but enforcement is in the public judicial system.

The Constitution provides for the right to a fair trial, and an independent judiciary generally enforced this right. The law provides for defendants' right to timely consultation with an attorney, at public expense if needed. Defendants and their attorneys have access to government evidence relevant to their case. Defendants have the right to question witnesses against them and to present their own witnesses; they are presumed innocent until proven guilty; and the right of appeal encompasses both procedural matters and sentences imposed.

There were no reports of political prisoners.

f. Arbitrary Interference with Privacy, Family, Home or Correspondence.—The Constitution prohibits such actions, and the Government generally respected these prohibitions in practice. However, the 2002 tightening of the immigration law continued to be a problem, particularly in the area of family unification. According to the original legislation, for a foreign spouse to receive a residency permit, both spouses or partners must: Be over age 24, live together at the same residence in the country, and have ties to the country stronger than their combined ties to another country. The legislation was designed to improve immigrants' integration into society. However, it also made it difficult for any citizen who had resided overseas to bring a foreign spouse back to the country. As a result, in September, Parliament approved legislation that made it easier for most native citizens to get residency permits for their foreign spouses. The new law waives the requirements on ties to the country for citizens with 28 years of citizenship or 28 years of residency from childhood. The legislation also includes provisions that stop family unification for cousin marriages and lower the age limit for family unification for children from 18 to 15 years of age.

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. An independent press, an effective judiciary, and a functioning democratic political system combined to provide freedom of speech and of the press, including academic freedom.

The independent press was active and expressed a wide variety of views without government restriction. The Government owned four of the five national television networks. There were several private satellite and cable television channels, and foreign television stations' broadcasts were accessible to most citizens in Swedish, Norwegian, English, and German. There were 4 government-owned radio stations and approximately 100 local private radio stations. The Government did not exercise editorial control over its radio and television outlets.

The Government did not restrict access to the Internet.

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

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

The Constitution provides for an official state religion, the Evangelical Lutheran Church, which was subsidized by the Government. The Government does not require that religious groups be licensed; however, the State's permission is required for religious ceremonies, such as weddings, to have civil validity.

The Evangelical Lutheran faith was taught in public schools, but students may withdraw from religious classes with parental consent.

During the year, there were isolated incidents of anti-Semitic and anti-immigrant vandalism, primarily graffiti, which the Government criticized and investigated.

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

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

The law provides for the granting of asylum and refugee status to persons who meet the definition of the 1951 U.N. Convention Relating to the Status of Refugees and its 1967 Protocol. In practice, the Government provided protection against refoulement and granted refugee status or asylum. The Government provided temporary protection and in the first 7 months of the year granted it to 1,661 persons

out of a total of 2,531 applications filed (a recognition rate of 28 percent), reflecting a decline in the number of applications but stability in the recognition rate. The decrease in the total number of applications, from 12,512 in 2001 and 6,068 in 2002, may be attributed to fewer refugees and asylum seekers coming from Iraq and Afghanistan, as well as to the tightening of asylum and refugee policy. The Government's immigration legislation (the Alien Act), which took effect in July 2002, continued a trend of further restricting the standards for granting asylum and also decreased welfare for immigrants (see Section 1.f.). The Government cooperated with the U.N. High Commissioner for Refugees and other humanitarian organizations in assisting refugees.

The Alien Act provides that refugees traveling to their countries of origin on holiday will automatically have their cases reassessed (see Section 5). If they are found to no longer be persecuted in their country of origin, they will be returned after residency is revoked.

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

The Constitution provides citizens with the right to change their government peacefully, and citizens exercised this right in practice through periodic, free, and fair elections held on the basis of universal suffrage.

The 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 and national security affairs, police services, the judiciary, and monetary matters. 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 Parliament.

There were 68 women in the 179-seat Parliament, and 5 of 18 ministers in the Government were women. Women also accounted for 44 percent of the newly elected public council boards and committees. There were two Muslim Members of Parliament, who were elected in general, non-reserved districts; there were no members of minority groups in the cabinet.

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

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

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

The Constitution and the law prohibit discrimination on the basis of sex, creed, or ethnicity. The law also prohibits discrimination on the basis of race, national or ethnic origin, or faith. The Government carefully protected the rights of the country's indigenous people.

The Government's operations and extensive public services do not discriminate on the basis of any of these factors. However, according to legislation passed on July 1, individuals who have not resided legally in the country for at least 7 of the last 8 years receive lower social benefits payments than other citizens and residents. The Danish Center for Human Rights cited this policy as indirect discrimination against foreigners.

Women.—Violence against women was a problem, which the Government took steps to combat with its 2002 action plan that included: A pilot project offering violent family members therapy in the form of dialogue with their victims and health care professionals; an amendment to the Social Services Act that sets minimal living standards for shelters; increased funding for shelters; and authorization for the police to remove the violent person from the household. In November, the Government initiated a new phase of the action plan: Informative posters and signs about violence against women were hung in buses and trains, and brochures about how to get help were placed in doctors' offices, pharmacies, and other public places. An umbrella nongovernmental organization (NGO) reported that in 2002 women's crisis shelters were contacted 9,420 times, compared with 10,483 times in 2001. A total of 1,935 women stayed at shelters during 2002. There were 500 reported rapes in 2002 and 188 during the first 6 months of the year. The Institute for Public Health estimated that at least 65,000 women were exposed to domestic violence each year, and that domestic violence affected approximately 30,000 children. Rape, spousal abuse, and spousal rape are criminal offenses, and the Government effectively prosecuted those accused of such crimes. Statistics were not available regarding the

numbers of abusers who were prosecuted, convicted, and punished. The Government also took steps to combat forced marriage among immigrant groups.

Trafficking in women for the purpose of prostitution was a problem, which the Government took steps to combat (see Section 6.f.). Prostitution was legal, but pimping, coercion into prostitution, solicitation of prostitution from a minor, and trafficking were illegal.

The law requires equal pay for equal work, but, in practice, female workers earned about 14 percent less than their male counterparts. The law prohibits job discrimination on the basis of sex and provides recourse, such as access to the Equal Status Council, for those affected. Women held positions of authority throughout society, although they were underrepresented in senior business positions and as university professors. Women's rights groups lobbied the Government on matters of concern, such as wage disparities and parental leave. Only 41 percent of women from ethnic minority groups were active in the labor market, in contrast to 75 percent of other women. The Government continued to take steps to bring more women from minority groups into the labor market.

Children.—The Government was strongly committed to children's rights and welfare; it amply funded systems of public education and medical care. Education was compulsory through the ninth grade and free through the university level, and school attendance was nearly universal. The Ministries of Social Affairs, Justice, and Education oversee implementation of programs for children. According to the Organization for Economic Cooperation and Development, 96 percent of students graduated from high school and other youth education programs. Boys and girls were treated equally. Slightly more women than men completed post-secondary education.

There were some reports of child abuse, although there was no societal pattern of such abuse. The law prohibits the physical punishment of children by adults, including their parents.

Persons with Disabilities.—There was no discrimination against persons with disabilities in employment, education, or in the provision of other state services. Building regulations require special facilities for persons with disabilities in public buildings built or renovated after 1977 and in older buildings that come into public use. The Government generally enforced 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 and it provides for the use of lay persons as judges and sentences most prisoners to holding centers (rather than to prisons) where they were 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 Danish court ordered the Government to compensate Greenlanders (and their descendants) whom the Government forcefully resettled in 1953 from a village adjoining a military base. The plaintiffs appealed that decision, seeking greater compensation and the return of their former properties. In February, the Government, including the Greenland Home Rule Government, signed an international agreement that returned the village to Greenland, and in November, the Supreme Court upheld the lower court's 1999 decision in full.

National/Racial/Ethnic Minorities.—The inflow of ethnically and racially diverse refugees and immigrants (mostly Iranians, Palestinians, Pakistanis, Sri Lankans, Somalis, and refugees from the former Yugoslavia) caused some tension between citizens and immigrants, which was reflected in press reports on the failure of the immigrants to integrate and on the correlation between immigration and crime levels. In response to publicity concerning the involvement of foreigners in street crime and allegations of refugee social welfare fraud, Parliament tightened immigration laws in 1999 and passed additional comprehensive legislation (the Alien Act) in July 2002 (see Section 1.f.).

The law abolished the status of de facto refugee; only persons entitled by international convention to protection are able to obtain residency (see Section 2.d.). Family reunification became more difficult, and immigrants and refugees may no longer acquire permanent residence by living in the country for 3 years; rather, they must now reside in the country for 7 years and demonstrate that they have integrated into society and developed ties to the country.

According to the Police Intelligence Services, during the first 11 months of the year, there were 30 cases of racial discrimination or racially motivated violence reported to the authorities, compared with 63 for all of 2002. Other incidents went unreported. Reported cases involved graffiti, vandalism, refusal of service, denial of entry, racist Internet messages, distribution of racist written materials, and low levels of violence. The victims were Jews, "people of an ethnic origin other than Dan-

ish" (usually meaning Muslim or African), Germans, and, in one incident, French. Minority group members were also sometimes the perpetrators of the incidents. The Government effectively investigated and dealt with cases of racially motivated violence.

Section 6. Worker Rights

a. The Right of Association.—The law states that all workers, including military personnel and the police, may form or join unions of their choosing. Approximately 85 percent of wage earners belonged to unions that were independent of the Government and political parties.

The law prohibits anti-union discrimination by employers against union members and organizers, and the Government sponsored dispute resolution mechanisms. Employers found guilty of anti-union discrimination are required to reinstate workers fired for union activities.

Unions may affiliate freely with international organizations, and they did so actively.

b. The Right to Organize and Bargain Collectively.—The right to organize is protected by law. Workers and employers acknowledged each other's right to organize.

There were approximately 2.7 million employees during the year. In 2000, 1.5 million persons were members of unions affiliated with the Confederation of Danish Labor (LO). The LO traditionally has had a close relationship with the Social Democrat Party, although the umbrella organization decided during the year to stop giving financial support to the party and instead allowed their member unions to decide if and how they would like to support individual political parties. There were also several independent unions not affiliated with any labor federations or umbrella organizations.

Collective bargaining is protected by law and is widespread in practice. In the private sector, salaries, benefits, and working conditions are agreed upon in biennial or triennial negotiations between various employers' associations and their union counterparts. If the negotiations fail, a national conciliation board mediates, and management and labor vote on its proposal. If the proposal is rejected, the Government may impose a legislated solution on the parties (usually based upon the mediators' proposal). The agreements were used as guidelines throughout the public as well as private sectors. In the public sector, collective bargaining was conducted between the employees' unions and a government group led by the Finance Ministry.

All unions except those representing civil servants or the military have the right to strike. Workers often exercised their right to strike, and in 2002, there were 193,600 workdays lost to strikes.

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 engaged in periodic collective bargaining with employers. Disputes were settled by mediation.

There are no export processing zones.

c. Prohibition of Forced or Bonded Labor.—The law prohibits forced or bonded labor, including by children, and there were no reports that such practices occurred.

d. Status of Child Labor Practices and Minimum Age for Employment.—The minimum legal 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 was enforced by the Danish Working Environment Service (DWES), an autonomous arm of the Ministry of Labor. Export industries did not use child labor.

The law prohibits forced and bonded labor by children, and such practices were not condoned. All forms of child exploitation were investigated and prosecuted (see Section 5).

e. Acceptable Conditions of Work.—The law does not mandate a base national minimum wage, but national labor agreements effectively set a wage floor. The average net wage including pension benefits of adult workers in 2002 was \$21 (141 kroner) per hour, which is sufficient to provide a decent standard of living for a worker and family. The average gross wage, including amounts paid into pension funds and vacation funds was \$27 (179 kroner), up from \$26 (172 kroner) per hour in 2001. The law provides for 5 weeks of paid vacation per year, and labor contracts added an average of 4 extra paid holidays in 2001. Workers normally worked a 37-hour workweek, which is established by contract, not by law. The law requires at least 11 hours between the end of one work period and the start of the next.

The law also prescribes conditions of work, including safety and health; the duties of employers, supervisors, and employees; work performance; rest periods and days

off; and medical examinations. The DWES ensures compliance with labor legislation. Workers may remove themselves from hazardous situations or weapons production without jeopardizing their employment rights, and legal protections cover workers who file complaints about unsafe or unhealthy conditions.

Similar work conditions were found in Greenland and the Faroes, except that the workweek also was established by contract at 40 hours. Foreign workers with residence and work permission enjoy the same rights as citizens. Illegal foreign workers have no such labor protection.

f. Trafficking in Persons.—The law prohibits trafficking in persons; however, trafficking in women and children was a problem. In May 2002, Parliament passed a law specifically defining and criminalizing trafficking in persons. The new definition of trafficking in women includes essential components of force, fraud, or coercion. In December, after several months of investigation, the Copenhagen police arrested five men on trafficking and pimping charges; the case, the first to be brought under the 2002 trafficking law, was scheduled for trial in 2004.

The Government undertook efforts to combat trafficking in all forms, but the fact that prostitution was well-compensated and not unlawful in Denmark limited the legal tools available. The National Commissioner for Police maintained an internal task force on trafficking in persons, assisted local police constabularies with investigations, and trained its officers to recognize and investigate reports of trafficking. The Government cooperated with international investigations of trafficking and exchanged information with neighboring countries.

The country was both a destination and a transit point for women and children who were trafficked from the former Soviet Union countries, Eastern Europe, Thailand, and Africa to work as prostitutes. Victims lured by the prospect of higher wages and a better life, only to be forced into prostitution or have their passports withheld, were covered under the new law. Their traffickers were suspected to have ties to organized crime, specifically Russian and Baltic mafia, and were the subjects of ongoing police investigations and prosecutions.

The Government did not directly provide medical or legal assistance to victims; however, it funded an NGO that provides legal services to trafficking victims. The Government also funded several NGO hotlines to support victims, prevent trafficking, and gather data on the extent of the problem. Although the Government had no formal witness protection program, it provided safe surroundings with access to professional, social, medical, and psychological support to those waiting to testify in court.

An interagency working group that addresses trafficking (with members from the Ministries of Justice, Social Affairs, Gender and Equality, Employment, and Education, as well as from NGOs) met monthly to share information. In 2002, the Government allocated \$1.5 million annually (10 million kroner) for a 3-year strategy to combat human trafficking. The Ministries of Social Affairs and Gender Equality conducted an anti-trafficking advertising campaign in all major newspapers, subsidized a hotline and website, and funded an NGO program to identify trafficking victims and provide them with information on how they can get help. On October 1, the Action Plan came into full effect. New efforts included an outreach program to benefit foreign prostitutes, a new women's shelter, increased cooperation with source-country embassies, and additional data collection.

ESTONIA

Estonia is a constitutional parliamentary democracy with a unicameral legislature (State Assembly), a prime minister as head of government, and a president as head of state. Free and fair parliamentary elections were held in March, and a new coalition government comprised of the Res Publica, Reform, and People's Union Parties took office in April. The judiciary is independent.

The police and security police are subordinate to the Ministry of Internal Affairs, and corrections personnel are subordinate to the Ministry of Justice. The security service (Security Police) is subordinate to the Ministry of Internal Affairs but also reports to the Prime Minister. Police and corrections personnel continued to commit human rights abuses.

The country has a market economy and a population of approximately 1.4 million. Services, particularly financial, transit, and tourism, grew in importance compared to the historically more prominent light industry and food production. In the year's third quarter, the growth rate was 4.3 percent, compared with 5.5 percent in 2002. While wages and benefits kept up with inflation, there was a growing disparity be-

tween Tallinn (where one-third of the population resides) and the slower-growing rural southeast and industrial northeast.

The Government generally respected the human rights of its citizens and the large ethnic Russian noncitizen community; however, there were problems in some areas. There were some reports of police mistreatment of prisoners and detainees and use of excessive force. Prison conditions remained poor, although there were some improvements, including renovations in facilities nationwide. There was continued criticism of the discriminatory nature of the Citizenship and Aliens' Law due to its Estonian language requirements. Violence against women was a problem, and there were reports that women were trafficked for prostitution.

RESPECT FOR HUMAN RIGHTS

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

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

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

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.—The law prohibits such practices; however, there were some reports of police use of excessive force and verbal abuse during the arrest and questioning of suspects. Charges were brought against two police officers for use of excessive force: In one case, the officer forcefully subdued a suspect resisting arrest; in the other case, police assaulted a person who had failed to make a scheduled court appearance. Two former police officers and one current police officer charged in 2001 for use of excessive force were awaiting trial at year's end.

Prison conditions remained poor, although there were some improvements. The outdated and unsafe Central Prison was closed. In December, there were 4,579 prison inmates. Overcrowding was reported in the major prisons for men. A lack of funds and trained staff continued to be serious problems. The percentage of prisoners suffering from tuberculosis was much higher than in the general population.

In December, three pretrial detainees were charged in the killing of their cellmate.

The Government continued renovating and restructuring all of the country's prisons. A prison built in Tartu in 2002 held 900 prisoners and improved the overall conditions of prisoners. Modest gains were made in hiring new prison staff and retaining existing personnel. Work and study opportunities for prisoners continued to increase. During the year, 329 prisoners were released under the Government's early release program. Men and women were held separately; juveniles also were held in separate penal facilities. Pretrial detainees and convicted prisoners were held in the same prisons but in different sections. The Penal Code offers the possibility of replacing prison sentences with community service in some cases.

The Government permitted prison visits by independent human rights observers. In October, the Council of Europe Human Rights Commissioner visited Maardu prison.

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

The police, with an ethnically mixed police officer staff of 3,800, are under the supervision of the Ministry of Internal Affairs. There are four national police units: The Central Criminal Police, the Personal Protection Service, the Forensic Service Center and the Police School. A police reform effort aimed to increase the effectiveness of the police forces and to cut the number of regional prefectures. Corruption, mostly reported among the traffic police, was generally not a problem.

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. There is a functioning bail system. A person may be held for 48 hours without being charged formally; further detention requires a court order. Police rarely violated these limits. A person may be held in pretrial detention for 2 months; this term may be extended for a total of 12 months by court order. Lengthy pretrial detention was not a problem, and the average detention time was 3.5 months. At year's end, 1,309 of the 4,579 prisoners were awaiting trial.

The Constitution prohibits forced exile, and the Government did not employ it.

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

The judiciary operates through a three-tier court system: Rural and city courts, district courts, and the State Court (which functions as a supreme court). The district and State courts are also courts for "constitutional supervision." At the rural

and city levels, court decisions are made by a majority vote, with a judge and two lay members sitting in judgment. All judges and lay judges must be citizens. The President nominates and the State Assembly confirms the Chief Justice of the State Court. The Chief Justice nominates State Court judges who are subject to confirmation by the State Assembly. He also nominates the district, city, and rural court judges, who are appointed by the President. Judges are appointed for life.

The Constitution provides for the right to a fair trial, and an independent judiciary generally enforced this right. It also provides that court proceedings shall be public. Closed sessions may be held only for specific reasons, such as the protection of state or business secrets, and in cases concerning minors. The Constitution further provides that defendants may present witnesses and evidence as well as confront and cross-examine prosecution witnesses. Defendants have access to prosecution evidence and enjoy a presumption of innocence. If a person cannot afford an attorney, the State provides one.

There were no reports of political prisoners.

bitrary Interference with Privacy, Family, Home, or Correspondence.—The Constitution prohibits such actions, and the Government generally respected these prohibitions in practice. The law requires a search warrant for the search and seizure of property. During the investigative stage, the prosecutor issues warrants upon a showing of probable cause. Once a case has gone to court, the court issues warrants. The Constitution provides for the privacy of the mail, telegrams, telephones, and other means of communication. Police must obtain a court order to intercept communications. Illegally obtained evidence is not admissible in court.

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Speech and Press.—The Constitution provides for freedom of speech and of the press, and the Government generally respected these rights in practice.

The Law on Language prohibits the use of any foreign language on public signs, advertisements, and notices, including election posters. Translation may be provided into other languages.

The independent media were active and expressed a wide variety of views without government restriction.

There were two commercial Estonian-language television channels and a wide range of private radio stations. State (public) broadcast media, including one nationwide television channel (Estonian Television—ETV), continued to receive large government subsidies. ETV stopped broadcasting commercials in July 2002. During the year, an individual who sued a television journalist in civil court claiming that he was insulted lost his case.

In August, the Eesti Meedia group (which holds all shares of Postimees daily, the leading quality daily, and half of the shares of SL Ohtuleht, the top circulation tabloid, and is also the owner of the private television channel Kanal 2 and Tartu Raadio) bought Trio radio group. This gave Eesti Meedia group the largest share in the radio market. Eesti Meedia and rival Ekspress Group competed with one another, as well as with a number of smaller, independent media.

Some Russian-language programs, mostly produced domestically, were broadcast over state and private or commercial television channels. The Government played a large role in encouraging Russian-language programs on state television. However, in proportion to the size of the Russian-speaking minority in the country, the amount of Russian-language programming remained small, due in part to the Russian service's limited budget. Russian state television and Russian commercial channels were available widely via cable.

Internet access was available and generally unrestricted.

The Government did not restrict academic freedom.

b. Freedom of Peaceful Assembly and Association.—The Constitution provides for freedom of assembly and association, and the Government generally respected these rights in practice. Permits for all public gatherings must be obtained 3 weeks in advance. The authorities have wide discretion to prohibit such gatherings on public safety grounds but seldom did so. Noncitizens are prohibited from joining political parties, although they may form social groups.

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

The law requires all religious organizations to have at least 12 members and to be registered with the Department for Religious Affairs of the Ministry of Internal Affairs. Leaders of religious organizations must be citizens with at least 5 years' residence in the country.

Beginning in 1993, a group of ethnic Estonian and Russian parishes, preferring to remain under the authority of the Russian Orthodox Church structure, attempted

to register under names similar to the registered Estonian Apostolic Orthodox Church (EAOC), which is independent. In April 2002, the Ministry of Foreign Affairs registered the church under the name Estonian Orthodox Church, Moscow Patriarchate (EOCMP).

The majority of citizens are nominally Lutheran; relations between the various religious communities generally were amicable. The Orthodox Patriarch of Moscow and All Russia, Alexy II, visited the country in September to mark the registration of the EOCMP. Despite this step forward, differences over the disposition of Orthodox Church property continue between the EAOC and the EOCMP. Three churches and two graveyards were vandalized during the year. In April, two boys destroyed 48 plaques in an East Viru graveyard, which is under protection as a cultural-historic memorial; the boys were under the age for prosecution. In June, a set of communion service dishes was stolen from a Polva church; in July, candlesticks were stolen from a Narva church, and a painted glass window was broken in a Viljandi church; in November, a tombstone and part of a fence were broken in a Rakvere cemetery. Authorities initiated misdemeanor proceedings in the four cases.

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

d. Freedom of Movement within the Country, Foreign Travel, Emigration, and Repatriation.—The law provides for these rights, and the Government generally respected them in practice. Passports served as identification but need not be carried at all times. There were no exit visas.

The Government did 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 complained of delays in obtaining travel documents. The majority of noncitizens were ethnic Russians (see Section 5). The Government issued alien passports to resident aliens not in possession of other valid travel documents, including: Persons who are designated as stateless, foreign citizens who cannot obtain travel documents from their country of origin or from another state, persons who file for Estonian citizenship and pass the language examination if required (pending receipt of citizenship), and aliens who are departing the country permanently. The Government approved the issuance of alien passports to noncitizens intending to study abroad and agreed to issue them to former military personnel who could not or did not want to assume Russian citizenship.

The law provides for the granting of refugee status or asylum to persons who met the definition in the 1951 U.N. Convention Relating to the Status of Refugees and its 1967 Protocol. In practice, the Government provided protection against refoulement and granted refugee status or asylum. The Government cooperated with the office of the U.N. High Commissioner for Refugees and other humanitarian organizations in assisting refugees. The Citizenship and Migration Board has authority over domestic refugee issues and oversees the state registry for asylum. There was a standard procedure for processing refugee applications for persons inside the country, in addition to the procedure at the border. Temporary residence permits may be granted to persons whose applications for a residence permit were based on an international agreement.

The Citizenship and Migration Board is responsible for asylum and refugee issues. During the year, 14 persons applied for asylum, 1 was awaiting a reply from the Citizenship Board, and 2 applicants took negative decisions of the Citizenship Board to the Tallinn Administrative Court. No applicant was granted asylum. In 2000–2002, nine residence permits were granted on humanitarian grounds. The Citizenship and Migration Board turned down the remaining applications on the grounds that the applicants did not fulfill the criteria for refugee status as defined in the 1951 U.N. Convention or its 1967 Protocol. The Government deported 67 illegal aliens during the year, usually persons caught in criminal acts. In December, six illegal aliens were held as internees pending deportation or a court order granting them residence.

The Government also provided temporary (subsidiary) protection to certain individuals who did not qualify as refugees or asylees.

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

The Constitution provides citizens with the right to change their government peacefully, and citizens exercised this right in practice through periodic, free, and fair elections held on the basis of universal suffrage. Parliamentary elections, held in March, were free and fair; they led to the formation of a three-party coalition government comprised of the Res Publica, Reform, and People's Union parties that took office in April. Reform of the country's political and economic structure led to an invitation in 2002 to join the European Union (EU) in May 2004. In April, the coun-

try signed the EU Accession Treaty, and in a September referendum, 67 percent of citizens supported accession to the EU.

Only citizens may vote in parliamentary elections and be members of political parties. However, resident noncitizens and those who have lived permanently in the area for at least 5 years preceding the election may vote in local elections, although they may not run for office. Approximately 124,000 of the country's 1.1 million citizens received their citizenship through the naturalization process. There were approximately 263,200 holders of permanent or temporary residence permits, 80 percent of whom were ethnic Russians (see Section 5). Estimates of the number of illegal residents, primarily ethnic Russians, ranged from 10,000 to 30,000; they were not included in the census figures.

There were 18 women in the 101-seat legislature. One of the 13 cabinet ministers was a woman.

Ethnic Russians, who made up 28 percent of the population, held 6 of the 101 seats in the State Assembly.

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

A number of domestic and international human rights groups generally operated without government restriction, investigating and publishing their findings on human rights cases. Government officials were usually cooperative and responsive to their views. A nongovernmental legal information center in Tallinn provided free legal assistance to individuals—citizen and noncitizen alike—seeking advice on human rights-related issues.

The Government's Human Rights Institute monitored human rights and provided information to the international community. It investigated reports of human rights violations, such as allegations of police abuse and the inhumane treatment of detainees. The Institute operated an information center in Jõhvi, in the northeastern part of the country where the Russian speaking community is in the majority.

A presidentially established roundtable composed of representatives of the State Assembly, the Union of Estonian National Minorities, and the Russian-speaking population's Representative Assembly discussed and made recommendations on social integration issues, as did an analogous but independent roundtable that met monthly in the county of East Virumaa. The chancellor-ombudsman, who also operated a branch office in the heavily ethnic Russian northeastern town of Narva, handled complaints by private citizens against state institutions.

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

The Constitution prohibits discrimination for any reason; however, reports of discrimination against ethnic Russian residents continued.

Women.—Violence against women, including spousal abuse, reportedly was common and continued to be the subject of discussion and media coverage. Neither domestic violence nor marital rape is criminalized, although they could be prosecuted under existing law. Rape and attempted rape occurred infrequently. In the first 9 months of the year, there were reports of 73 rapes and 18 attempted rapes, compared with 67 rapes and 10 attempted rapes for all of 2002. However, studies showed that 40 percent of crime, including domestic violence, went unreported. Even when the police were called, the abused spouse often declined to press charges due to societal pressure.

There were reports that women were trafficked for prostitution (see Section 6 f.).

Sexual harassment existed but was not reported officially. Although sexual harassment is not specifically mentioned in the penal code, it is possible to prosecute such cases under Code provisions on "Violation of Gender Equality." Although women have the same legal rights as men under the law and are entitled in theory to equal pay for equal work, this was not the case in practice. While women's average educational level was higher than that of men, their average pay in general was lower, and there continued to be female- and male-dominated professions. Women constituted slightly less than half of the work force; they also carried most major household responsibilities.

The Estonian Women's Studies and Resource Centre, Civil Training Center, Round Table of Harju County Women, and other nongovernmental organizations (NGOs) worked to promote women's rights.

Children.—The Government was strongly committed to education and gave a high priority to building and refurbishing schools. Education is free and mandatory for 9 years. Approximately 97 percent of those eligible attended school, with attendance in proportion to the breakdown by gender in the population. The Government provided free medical care for children and subsidized school meals.

A Tartu University study published during the year reported that a significant proportion of children experienced at least occasional violence at home, in schools, or in youth gangs, although there was no societal pattern of child abuse. The Ministry of Education and Research, which identified the fight against school violence as one of its priorities, organized a seminar and published a handbook for teachers on how to recognize violence at school and at home and what to do about it. In the first 11 months of the year, there were reports of 28 rapes and 3 attempted rapes committed against minors. The police registered 56 cases of sexual abuse committed against persons less than 18 years of age. Eight cases were registered involving victims of sexual abuse below the age of 14.

There were reports that children engaged in prostitution. Trafficking of children for prostitution was a problem (see Section 6.f.). There was also evidence that children were involved in drug trafficking and that there was a connection between drug use and children engaged in prostitution.

Persons with Disabilities.—While the Constitution provides for the protection of persons with disabilities against discrimination, and both the Government and some private organizations provided them with financial assistance, little has been done to enable persons with disabilities to participate normally in public life. There is no public access law, but some effort was made to accommodate persons with disabilities; for example, ramps were installed at curbs on new sidewalk construction, and public transportation firms acquired some vehicles that are accessible, as have some taxi companies. The law allows for persons with serious sight, hearing, or speech impediments to become naturalized citizens without having to pass an examination on the Constitution and language.

National/Racial/Ethnic Minorities.—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 the country to work as laborers and administrators. These immigrants and their descendants made up approximately one-third of the total population, about 40 percent of whom were born in the country.

Investigations in two cases of discrimination against minorities resulted in prosecution: In June, three skinheads were sentenced to conditional imprisonment for activities that publicly incited hatred on the basis of national origin and race; a second court case was pending at year's end.

The Law on Cultural Autonomy provides for the protection of cultures of citizens belonging to minority groups. Some noncitizens alleged that the law is discriminatory, because it restricts cultural autonomy only to citizens; however, noncitizens may participate fully in ethnic organizations, and the law includes subsidies for cultural organizations. In districts where more than one-half of the population speak a language other than Estonian, the law entitles inhabitants to receive official information in that language.

All residents, whether or not they were citizens, could complain directly to the State Court about alleged violations of human or constitutional rights. The State Court justices review each case. All decisions are issued in Estonian, but if a complaint is received in a language other than Estonian (usually Russian), the court provides a translation.

Some noncitizen residents, particularly ethnic Russians, continued to allege job, salary, and housing discrimination because of Estonian language requirements. For naturalization, the Citizenship Law includes a residency requirement of 5 years and requires knowledge of the Constitution and the Citizenship Law, as well as Estonian language capability. The law allows the Government to waive the language and civic knowledge requirements for applicants who have Estonian-language elementary or higher education, or who have performed valuable service to the country. The Citizenship Law grants citizenship to stateless children born to legally resident stateless parents after February 26, 1992 (upon the parents' or guardians' application). During the year, parents submitted 1,331 such applications of which 1,211 were approved; since July 1999, 3,237 of the 3,536 such applications have been approved.

Although the Organization for Security and Cooperation in Europe and other international organizations, such as the Finnish Helsinki Committee, have found the Citizenship Law to be satisfactory, the Russian Government and members of the local ethnic Russian community continued to criticize it as discriminatory, notably for its Estonian language requirements. In September, a visiting NATO Parliamentary Assembly delegation concluded that the country had no major problems in treatment of its Russian minority.

The Citizenship Law makes ineligible for naturalization persons who have acted against the State and its security; who work or have worked in the intelligence or

security services of a foreign state; or who served as career soldiers in the armed forces of a foreign state, including those discharged into the reserves or retired. The latter category includes spouses who came to the country in connection with the service member's assignment, the reserves, or retirement. A provision of the law allows for the granting of citizenship to a foreign military retiree who has been married to a native citizen for 5 years. During the year, 3,706 persons received citizenship by naturalization. As of December, 211,668 persons held permanent residence permits, and 51,569 held temporary residence permits. Bureaucratic delays also were cited as disincentives for securing citizenship.

The Law on Aliens provides that the annual immigration quota does not apply to non-Estonian spouses and close relatives of citizens or resident aliens if the application for the issue of a residence permit is justified.

Other than for land ownership, the law does not distinguish between citizens and noncitizens for purposes of business or property ownership, and land ownership by foreigners is restricted only in certain strategic areas. All legal residents of the country may participate equally in the privatization of state-owned housing.

The Language Law requires that all public servants and public sector employees, service personnel, medical professionals, and sole proprietors must use the Estonian language, with actual proficiency 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. Seven prison officials were fired for noncompliance with the language requirement. The Language Law conforms with 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 law establishes a requirement of Estonian language proficiency if it is in the public interest.

The language office liberally granted extensions to persons who could explain their failure to meet the requisite competence level. The Government established language training centers; however, they lack qualified teachers, financial resources, and training materials. There were allegations that the examination process, which 75 to 90 percent of persons pass, was arbitrary. Some ethnic Russians asked for free language training. In December, the Citizen Act was amended to provide for government reimbursement to successful examinees of up to 50 percent of the costs connected with the language and citizenship examinations; the EU stated that it would reimburse the other 50 percent. The reimbursement program was scheduled to continue through 2005.

The President's roundtable continued to seek practical solutions to the problems of noncitizens. The Government continued implementing an integration program for the years 2000–2007 aimed at fostering the integration of the non-Estonian-speaking population into society. At least 10 NGOs developed and implemented local programs to assist the integration of non-Estonians into society.

Section 6. Worker Rights

a. The Right of Association.—The Constitution provides for the right for workers to form and join a union or employee association, and they exercised this right in practice. The largest trade union is the Central Organization of Estonian Trade Unions (EAKL); it was wholly voluntary and had approximately 50,000 members. Another trade union, the Organization of Employee Unions, split from the EAKL and had approximately 35,000 members. A third central union represented food processing and rural workers. Approximately one-third of the country's labor force belonged to one of the three labor federations. Unions were independent of the Government and political parties.

The Labor Code prohibits antiunion discrimination, and employees may go to court to enforce their rights. The law provides for collective bargaining, collective dispute resolution, and shop stewards.

Unions could join federations freely and affiliate internationally.

b. The Right to Organize and Bargain Collectively.—While workers have the legal right to bargain collectively, collective bargaining has not developed fully. According to EAKL leaders, few collective bargaining agreements have been concluded between the management and workers of a specific enterprise. However, the EAKL has concluded framework agreements with producer associations, which provide the basis for specific labor agreements, including the setting of the minimum wage (see Section 6.e.). The EAKL also was involved with developing the Labor Code, which covers employment contracts, vacation, and occupational safety.

The law provides for the right to strike, and the Constitution and statutes prohibit retribution against strikers. The country's first major strike since regaining independence took place in December. Approximately 20,000 employees participated in the 1-day strike organized by the Organization of Employee Unions. Strikers de-

manded higher salaries for teachers and cultural workers and binding of their salaries to average monthly wages. Railway workers supported the strike with a 1-hour warning strike.

There are no export processing zones.

c. Prohibition of Forced or Bonded Labor.—The Constitution prohibits forced or bonded labor, including by children; however, trafficking of persons was a problem (see Section 6.f.).

d. Status of Child Labor Practices and Minimum Age for Employment.—The Employment Contract Act sets the minimum age for employment at 18 years, although children 15 to 17 years of age may work with the consent of a parent or guardian, and children 13 to 15 years old may work with the consent of a parent or guardian and a labor inspector. Children under age 18 may not perform hazardous or dangerous work. The Working and Rest Time Act limits the hours that children under age 18 can work and prohibits overtime or night work. The Occupational Health and Safety Act gives enforcement responsibilities for labor laws to the Labor Inspector Service. The Government adopted a Regulation appointing competent authorities for the supervision of the worst forms of child labor as defined by ILO Convention 182. No cases of child labor violations were submitted to the courts.

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 was approximately \$155 (EEK 2,160). The national minimum wage was received by 5 to 6 percent of the workforce and was not sufficient to provide a decent standard of living for a worker and family. The average monthly wage in the third quarter was approximately \$461 (EEK 6,431).

The standard workweek is 40 hours, and there is a mandatory 24-hour rest period per week. According to EAKL sources, legal occupational health and safety standards are satisfactory in theory; however, they were extremely difficult to achieve in practice. The National Labor Inspection Board is responsible for enforcement of these standards, but it has not been very effective. The labor unions also had occupational health and safety experts who assisted workers to bring employers into compliance with legal standards. Workers have the right to remove themselves from dangerous work situations without jeopardizing their continued employment.

f. Trafficking in Persons.—The law prohibits trafficking in persons; however, women were trafficked from the country, and there were reports of victims of trafficking younger than 18 years old.

Articles 133 and 134 of the Penal Code criminalize enslaving and abduction and enable prosecution for trafficking. The maximum penalty for trafficking is 12 years' imprisonment. As of December, one trafficking case was pending in court. Another 5 cases involving 15 individuals were under investigation.

Women were trafficked from the country to Nordic countries and Western Europe. Some NGOs speculated that there were 500 trafficking victims per year, although there were no reliable statistics available on the extent of the problem. Reportedly job advertisements placed in local newspapers to recruit women were in some cases associated with international prostitution rings. The International Organization for Migration and local NGOs believed that girls were trafficked to Nordic countries and Western Europe.

The Government established a national roundtable headed by the Ministry of Internal Affairs to draft a national action plan and to report the Government's action to combat trafficking. The Government continuously participated in the work of an Expert Group on Trafficking in Women of the Task Force on Organized Crime in the Baltic Sea Region.

The Ministry of Social Affairs in cooperation with the Nordic Council of Ministers initiated a large-scale anti-trafficking campaign, mostly geared towards prevention. The campaign drew public attention to the issue of trafficking in persons and promoted international cooperation to address the problem. International organizations and NGOs carried out several anti-trafficking projects in collaboration with the Government.

FINLAND

Finland is a constitutional republic with a directly elected head of state (President), a Parliament, a head of government (Prime Minister), and an independent judiciary.

The Government maintained effective control of the police, all security organizations, and the armed forces. There were no reports that security forces committed human rights abuses.

The economy was primarily market-based, and it provided citizens with a high standard of living. The population was approximately 5.2 million, and economic growth was estimated at 1.4 percent.

The Government generally respected the human rights of its citizens, and the law and judiciary provided effective means of dealing with individual instances of abuse. Societal violence against women was a problem, which the Government took steps to address. There were reports of trafficking in persons for prostitution.

RESPECT FOR HUMAN RIGHTS

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

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

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

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

Some persons reported incidents of police discrimination (see Section 5).

Prison conditions generally met international standards. Male and female prisoners were held separately. Juveniles were held separately from adults, and pretrial detainees were held separately from convicted prisoners.

The Government permits visits by independent human rights observers.

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

The police force is a national force under the Interior Ministry. It effectively carried out its responsibilities for law enforcement and maintenance of order, although its effectiveness, for instance, in compiling reliable statistics, was somewhat compromised by chronic underfunding.

Warrants are required for arrest. If an individual is arrested while committing a crime, a warrant must be obtained within 3 days. Once arrested the accused must be given a court hearing within 3 days. There was no system of bail except for very serious crimes. Preventive detention was permitted only during a declared state of war for narrowly defined offenses, such as treason, mutiny, and arms trafficking.

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

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

The judiciary consists of the Supreme Court, the Supreme Administrative Court, and the lower courts. The President appoints Supreme Court justices, who in turn appoint the lower court judges. Supreme Court justices may serve until their retirement, which usually is at age 63, although justices may serve until age 67.

The law provides for the right to a fair public trial, and an independent judiciary generally enforced 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, and the Government generally respected these prohibitions in practice.

Section 2. Respect for Civil Liberties, Including:

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

The independent media was active and expressed a wide variety of views without government restriction. Internet access was available and unrestricted.

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

c. Freedom of Religion.—The Constitution provides for freedom of religion, and the Government generally respected this right in practice. There are two state churches:

The Evangelical Lutheran Church and the Orthodox Church. Nontraditional religious groups practiced their religion freely.

All citizens who belong to one of the two state churches pay, as part of their income tax, a church tax. Those who do not want to pay the tax must inform the applicable state church that they are leaving that church. Nontraditional religious groups were eligible for some tax relief, provided they were registered with, and recognized by, the Government as religious communities.

The Religious Freedom Act, enacted in February, includes regulations on registered religious communities. Their autonomy is increased, and the law on associations is now extensively applied to them. As under the old law, a minimum of 20 members is required for a religious community to be officially recognized. The new law also no longer prevents a person from being a member of several religious communities simultaneously.

Instruction in the tenets of the state religions is incorporated into the curriculum of all public schools; however, students who are not members of the state churches may substitute general classes on religion and philosophy.

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

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

The law provides for the granting of refugee and asylum status to persons who meet the definition in the 1951 U.N. Convention Relating to the Status of Refugees and its 1967 Protocol. In practice, the Government provided protection against refoulement and granted refugee status or asylum. The Government cooperated with the U.N. High Commissioner for Refugees and other humanitarian organizations in assisting refugees. Approved refugees and asylum seekers were processed directly for residence. The law promotes the integration of immigrants who have been granted asylum. The Government also provides temporary protection to certain individuals who do not qualify as refugees or asylees.

A total of 1,870 applications for asylum were submitted by July 31, compared with 3,129 in all of 2002. There were 275 applications by Bulgarian Roma, 266 by persons from the former Federal Republic of Yugoslavia, 117 by Iranians, 189 by Russians, 130 by Turks, and smaller numbers by other foreign nationals. By July 31, the Government had processed 1,870 applications; it granted asylum to 6 persons and residence permits to 247, of whom 71 received asylum on the basis of need for protection. The authorities refused 1,353 applications. Following an initial asylum examination by the police (which can take several months), asylum applications must be heard within 7 days, and applicants have 8 days to appeal a decision.

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

The Constitution provides citizens with the right to change their Government peacefully, and citizens exercised this right in practice through periodic, free, and fair elections held on the basis of universal suffrage. Elections to the 200-seat Parliament were held on March 16 and led to the formation of a new coalition Government.

Women were well represented at all levels of government. There were 74 women in the 200-member Parliament and 8 in the 18-member Cabinet. The President was a woman. A woman was elected Prime Minister in the March parliamentary elections but resigned in June due to a political scandal. The law requires a minimum of 40 percent membership from each sex on all state committees, commissions, and appointed municipal bodies.

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

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

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

The Constitution prohibits discrimination based on sex, age, origin, language, conviction, opinion, or disability, and the Government effectively enforced these prohibitions.

Women.—Violence against women continued to be a problem. Although police statistics annually report around 3,000 cases of domestic violence (with one-fifth of the victims being men), research indicated the actual incidence may be significantly

higher. The law criminalizes rape, spousal rape, and domestic abuse, and in recent years courts slightly increased sentences for rape. Unconditional sentences have been lengthened by 6 months: Up from 18 months to an average of 2 years.

The number of calls to the police concerned with domestic violence was not compiled centrally, but it was estimated at 10,000 to 12,000 annually, an estimate that shelter officials believed understated by one-half the number of actual incidents. The Union of Shelter Homes, as well as the municipalities, maintained 23 shelter homes for female, male, adult, and child victims of violence. Officials also established shelter homes for minors, primarily 15- to 18-year-olds. Most persons seeking shelter were women between 25 and 35 years of age, either married or in a common-law relationship, and nearly one-third were immigrants.

The number of reported rapes was estimated to be approximately 550. The true number of rapes remained unknown since some victims were reluctant to come forward, particularly if the victim knew the perpetrator, and three of every four rapes were committed by a known assailant.

An Interior Ministry investigation into reports of "prostitution camps" determined that the activity involved prostitutes renting facilities at tourist campsites in which to meet clients. Russian crime syndicates apparently organized this activity.

Trafficking in women for the purposes of sexual exploitation was a problem (see Section 6.f.).

Administration of equality issues was divided between two units in the Ministry of Social Affairs and Health: The Office of the Ombudsman for Equality and the Gender Equality Unit. The Ombudsman for Equality continued to operate within the Ministry of Social Affairs and Health as an independent authority monitoring compliance with the Equality Act. The Gender Equality Unit had responsibility to prepare and develop the Government's equality policy in cooperation with the other ministries, to help mainstream gender equality, and to handle tasks related to the European Union's (EU) equality law and policy and international activities. The Government's Council for Equality coordinated and sponsored legislation to meet the needs of women as workers, mothers, widows, or retirees.

The Constitution calls for the promotion of gender equality in social activities and working life—the latter particularly in the determination of remuneration—and the country has a comprehensive equal rights law; however, in practice, comparable worth has not been implemented because of the difficulty of establishing criteria. Women's average earnings were 82 percent of those of men, and women tended to be employed in lower paying occupations. While women individually have attained leadership positions in the private and public sectors, there were disproportionately fewer women in top management jobs. Industry and finance, the labor movement, and some government ministries remained male dominated. More than half of the country's physicians and over 65 percent of the medical students were women. Women served in the armed forces. Of the 79 complaints processed by the government's Equality Ombudsman between January 1 and September 25, 16 were judged to be violations of the law. In such cases, the law provides for correction of the situation as well as compensation for the complainant.

Children.—The Government was strongly committed to children's rights and welfare; it amply funded systems of public education and medical care. Education is free and compulsory for children age 7 to 16. More than 99 percent of children between these ages attended school, and girls and boys were treated equally in the education system.

There were a few reports of abuse of children, although there was no societal pattern of such abuse, and the law reflects the national consensus supporting children's rights.

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

Persons with Disabilities.—There was no discrimination against persons with disabilities in employment, education, or in the provision of other state services. The deaf and the mute were provided 120 to 240 hours of interpretation services annually. The Government provided subsidized public housing to persons with severe disabilities.

Although the law requires that new public buildings be accessible to persons with physical disabilities, many older buildings remained inaccessible. No such law applies to public transportation, but municipalities subsidized measures to improve accessibility to public vehicles. Local governments maintained a free transport service that provided a minimum of 18 free trips per month for each person with disabilities.

Indigenous People.—Sami (Lapps), who constituted less than 0.1 percent of the population, benefited from legal provisions that provide for the protection of minority rights and customs. The Constitution provides for the protection of Sami lan-

guage and culture, and the Government financially supported Sami culture. Sami received subsidies to enable them to continue their traditional lifestyle, which revolves around reindeer herding. Sami have political and civil rights, and they were able to participate in decisions affecting their economic and cultural interests. The use of the Sami language, a minority language that was used regionally, is permitted with administrative and judicial authorities, and in schools, the media, economic and commercial life, and cultural activities.

National/Racial/Ethnic Minorities.—At the end of 2002, the number of immigrants was 103,700 or 2 percent of the population. There were occasional reports of fights between youngsters of different ethnic groups. Small skinhead groups were most likely to be involved in such fights. Somalis and Muslim immigrants appeared to be most at risk. There were also reports of fights between rival immigrant youth groups. The Government continued to take steps to deal with this issue.

An academic study on racism in the country showed that nearly one-third of the interviewed 3,595 immigrants claimed to have experienced racism in the 12 months preceding the study. The respondents represented the seven chief ethnic-immigrant groups: Arabs, Kosovar Albanians, Somalis, Vietnamese, Russians, Estonians, and Ingrians (ethnic Finns from Russia). Most of the reported incidents (59 percent) were minor, e.g., hearing racial epithets in public places, while 10 percent were more serious, including some assaults. Approximately 70 percent of those who claimed to have experienced racism had not reported it to the police, explaining that they had experienced police discrimination. All government ministries included anti-racism provisions in their educational, information, and personnel policy programs and included relevant measures in those programs. Ministries must lower the threshold for intervention in cases of racism and promote appropriate administrative practices. In addition, the Government monitored police, border guard officers, and teachers in their treatment of immigrant groups.

Section 6. Worker Rights

a. The Right of Association.—The Constitution provides for the rights of trade unions to organize and assemble peacefully. Approximately 79 percent of the work force was organized. All unions were independent of the Government and political parties.

The law protects workers against anti-union discrimination. Collective bargaining agreements as well as labor law, both of which were enforced, govern complaint resolution.

Trade unions freely affiliated 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 were based on income policy agreements between employee and employer central organizations and the Government.

The law grants public sector employees the right to strike, with some exceptions for employees who provide essential services. A strike is legal when an employment contract is not in effect and the action is directed against the contract, but a strike would be illegal after a contract agreed to by labor, employers, and the Government is in effect. Fines were imposed for illegal striking. In the first 6 months of the year, there were 53 strikes, only 2 of which were legal. Nurses in the Aland Islands went on strike at the beginning of June and did not return to work until late September. The conflict concerned pay, and was not resolved to the full satisfaction of the strikers.

There are no export processing zones.

c. Prohibition of Forced or Bonded Labor.—The Constitution prohibits forced or bonded labor, including by children; however, there were reports that persons were trafficked for prostitution (see Section 6.f.).

d. Status of Child Labor Practices and Minimum Age for Employment.—The law prohibits youths under 16 years of age from working more than 6 hours a day or at night. The Labor Ministry enforces child labor regulations; there were virtually no complaints of the exploitation of children in the work force.

e. Acceptable Conditions of Work.—There is no legislated minimum wage, but the law requires all employers, including nonunionized ones, to meet the minimum wages agreed to in collective bargaining agreements in each industrial sector. These minimum wages generally provided a decent standard of living for a worker and family.

The legal workweek consists of 5 days not exceeding 40 hours. Employees working shifts or during the weekend are entitled to a 24-hour rest period during the week. The law was enforced effectively as a minimum, and many workers enjoyed stronger benefits through effectively enforced collective bargaining agreements.

The Government sets occupational health and safety standards, and the Labor Ministry effectively enforced them. Workers may refuse dangerous work situations without risk of penalty.

f. Trafficking in Persons.—The criminal law does not contain specific provisions against trafficking in persons, although the activity is covered by other legislation; however, there were reports that persons were trafficked for prostitution.

Provisions in the Criminal Code that may be used against traffickers include deprivation of liberty, aggravated deprivation of liberty, and kidnapping, provisions on the purchase of sexual services from a young person, and the provisions on procurement. There were some investigations of alleged prostitution rings; however, there were no prosecutions.

An inter-ministerial working group appointed by the Justice Ministry completed drafting new anti-trafficking legislation. The draft contains tougher sentencing guidelines that will enable prosecutors and law enforcement to use electronic surveillance methods to investigate traffickers, not possible under the legal system's strong privacy provisions and emphasis on protection of civil liberties.

There were reports that persons were trafficked to and through the country. Most trafficking involved women and girls from Russia and Estonia. Police estimated that 4,000 to 6,000 citizens of those states entered the country for prostitution each year; ages of most of the women ranged between 21 to 30, but minors were also among the victims. Many foreign women working as prostitutes were trafficked into the country by Russian organized crime syndicates. Although some of the women may have expected to work in such jobs as domestic servants or waitresses, most were aware that they would work as prostitutes. Economic coercion and exploitation of poor women seemed to play a larger role in trafficking than physical coercion or deception. The Schengen Treaty, which allows travelers already within EU borders to travel to any other EU country without inspection, facilitated the use of the country as a transit point for persons trafficked from Russia and the Baltics.

The Government and nongovernmental organizations (NGOs) increased efforts to combat trafficking. The Government's working group on illegal immigration also focuses on trafficking; it consists of Interior Ministry, police, border control, and immigration authorities. Trafficking victims may seek help from shelters operated by NGOs for battered women; however, space was limited, and NGOs with concerns about security may have been reluctant to accommodate them.

The Government also established a National Action Plan to combat trafficking and announced that it will create an office of Special Advocate to ensure trafficking victims receive material assistance and legal counseling. The plan emphasizes a multilateral and regional approach to anti-trafficking efforts, involving projects such as a program to identify at-risk women and girls in Russia's border areas and provide them with economic alternatives to prostitution.

In June, the Government co-sponsored a conference, "Stop Child Trafficking: Modern-Day Slavery," which brought together more than 150 participants from 19 nations in Helsinki to share experiences and best practices in combating trafficking in children. Attendees included government officials, law enforcement officers, journalists, and NGOs. President Halonen addressed the conference and publicly declared trafficking a top priority for her administration.

FRANCE

France is a constitutional democracy in which citizens elect the President and the Legislature in periodic, free, and fair elections. The most recent elections took place in May and June 2002. The judiciary is independent.

The law enforcement and internal security apparatus consist of the Gendarmerie, the national police, and municipal police forces. Civilian authorities maintained effective control of the security forces. Some members of the police forces committed human rights abuses.

The country's population was approximately 60 million. The highly developed, diversified, and primarily market-based economy provided residents with a high standard of living.

The Government generally respected the human rights of its citizens, although there were a few problems in some areas; the law and judiciary provided effective means of dealing with cases of individual abuse. There were instances of the abuse of detainees, particularly foreigners, and reports of the use of excessive force by law enforcement officers. Long delays in bringing cases to trial and lengthy pretrial detention were problems. Societal violence against women and children were problems, which the Government took steps to address. Anti-Semitic attacks were a problem,

but decreased in number; the Government continued to take steps to prevent and prosecute such incidents. There were instances of violence and discrimination against immigrants and religious minorities. Trafficking in women and children was a problem, which the Government took steps to address.

RESPECT FOR HUMAN RIGHTS

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

a. Arbitrary or Unlawful Deprivation of Life.—There were no reports of political killings by the Government or its agents; however, the Ministry of Interior reported 10 cases of deaths due to police brutality during the year. There was no evidence of a pattern of abuse. The Government investigated these deaths to determine whether they constituted cases of the use of excessive force.

At year's end, the court of Nanterre continued an investigation into allegations that the police used excessive force against Georges Mondesir, who died in custody in 2002.

In March, in a suburb of Nimes, gendarmes shot a 17-year-old boy while in pursuit of suspects fleeing an attempted robbery in a stolen car. His accomplices later took him to the hospital, where he died of his wounds. The killing sparked riots, car burnings, and looting in the boy's housing project. The Nimes court investigated the killing; results had not been released at year's end.

In March, police in Lyon shot and killed a 23-year-old man as he fled in a stolen car. The Inspector General of the Police was tasked with examining the case. His conclusions had not been made public at year's end.

In March, a gendarme in the Loire killed a 24-year-old man, Aurelien, suspected of attempted burglary. The police brigade of Feurs investigated and deemed it an accidental killing. After detaining Aurelien, gendarmes had returned with him to his vehicle, which could not be impounded until two Doberman pinscher dogs in it were removed. One of the dogs reportedly startled a gendarme, whose weapon discharged, and a bullet ricocheted, killing the suspect.

In January, Mariame Getu Hagos, a Somali woman, became ill and died during a deportation flight from Charles de Gaulle airport. Two other deportees were also ill. Some observers criticized the Government's apparent failure to recognize the seriousness of Hagos' illness, and the decision to handcuff her during the deportation, which may have made breathing difficult and contributed to her death.

The Inspector General of Police Services' investigation into the death of Jerome H., who jumped to his death in 2002 during a police interrogation, remained ongoing at year's end.

The investigation into the 2000 lethal bombing of a restaurant near Dinan remained ongoing. The eight Breton separatist militants charged with the crime unsuccessfully appealed for a dismissal in July 2002 and remained in jail pending trial. In the case of the 1998 assassination of Corsican Prefect Claude Erignac, eight Corsican nationalists were convicted in late June. Four of the conspirators were sentenced to life in prison, and the remaining four were given lesser sentences. After a 5-year manhunt, the alleged shooter, Yvan Colonna, was arrested in southern Corsica in early July; he awaited trial at year's end.

The Government appealed a lower court's decision to release former Vichy official Maurice Papon from prison to the Court of Cassation. In February, the high court ruled that a 2002 law that frees mortally ill and elderly prisoners had been correctly applied in his case.

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

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.—The law prohibits such practices; however, there were reports that law enforcement officers used excessive force. According to press reports, the Ministry of Interior recorded and investigated 611 complaints of police brutality during the year; 87 of those cases involved serious injuries. There was no evidence of a pattern of abuse, although some observers criticized police forces because the number of reported incidents of abuse has increased.

On January 1, in the town of Gonesse, police officers reportedly assaulted a Turkish man, Yucel Yildiz, who was in the middle of a crowd of persons fleeing police officers. He suffered a punctured eardrum. The mayor of Gonesse acknowledged that the incident gave a bad image to the police, but there was no further investigation.

Some observers, including Amnesty International (AI), have expressed concern with the use of rubber "flash balls" by law enforcement officers. AI reported that the weapon's rubber projectiles can cause extreme injury and death if fired from a close range; however, according to the Ministry of Interior there have been no documented cases of such problems.

Several nongovernmental organizations (NGOs) have criticized detention zones for aliens at Roissy-Charles de Gaulle Airport because of overcrowding and violence. The Minister of Interior visited the detention centers and stated that they were within international norms. A December law reforming immigration policy called for the expansion of detention facilities and a December law on asylum and refugee policy established procedures to expedite asylum hearings to reduce overcrowding (see Section 2.d.).

In March, the Government of the Ivory Coast expressed its concern with the treatment of African deportees during a March 3 flight to Abidjan, Ivory Coast, and Dakar, Senegal. The International Federation of Human Rights and the League of Human Rights also criticized the treatment of deportees during chartered deportation flights. The Government maintained that police have acted appropriately on all charter flights. The Government now films all flights using mounted on-board cameras. Two members of the Red Cross are present at boarding, and a doctor is present throughout the flight.

After the public prosecutor of Paris opened an inquiry into the case of reported police abuse of Karim Latifi in 2002, the case was closed in July 2002 when the prosecutor found insufficient grounds "to sufficiently distinguish the nature of the offense." In 2002, Latifi pursued a private prosecution, which continued at year's end.

In April, the Movement Against Racism and for Community Friendship (MRAP) reported that police brutalized and insulted suspects with racist comments. MRAP demanded that the Ministries of Interior and Justice punish the guilty parties in such incidents.

Separatist-related violence in Corsica continued to concern the Government, which took steps to address the problem (see Section 3). According to police statistics reported in the press, 199 bombings or attempted bombings took place in Corsica from January to August, up from 127 during the same period the prior year.

Prison conditions generally met international standards; however, public debate continued on the adequacy of prison conditions. Credible NGOs have reported overcrowding and unacceptable hygiene conditions in some prisons. The Government continued implementation of the 2002 prison reform bill to replace old prisons and construct new space. According to the Ministry of Justice, there were 59,741 persons in custody as of December. Of those, 22,300 were pretrial detainees.

There was no evidence of deaths in prison due to mistreatment during the year. The country does not keep official statistics on causes of deaths of prisoners other than suicide. The Ministry of Justice reported 120 suicides during the year. The rate of suicide in prison was 22.8 per 10,000 prisoners in 2002. In January, the Ministry of Health created a Mission of Reflection on Suicide in Prisons, which worked with psychiatrists to develop a program for suicide prevention.

Men and women were held separately, juveniles were held separately from adults, and convicted criminals were held separately from pretrial detainees and those serving sentences of less than 1 year.

The Government permits prison visits by independent human rights observers. The Council of Europe's Committee for the Prevention of Torture (CPT) visited in June and in 2002. Although its final report had not been made public, to allow the Government an opportunity to respond, press reports indicated that the CPT criticized prisons for being overcrowded and offering insufficient programs to prepare inmates for social reintegration.

d. Arbitrary Arrest, Detention, or Exile.—The law prohibits arbitrary arrest and detention, and the Government generally observed these prohibitions; however, credible sources have criticized the judicial system for its inability to process suspects quickly. Authorities investigated allegations of abuse by officials and punished those responsible when the allegations were substantiated.

The civilian force of 118,000 national police and the military force of 90,000 national gendarmes ensure internal security, under the direction of the Minister of Interior. During the year, these services registered a total of 3,974,694 crimes and misdemeanors and collected sufficient evidence to make charges in 28.83 percent of the recorded offenses. Police efficiency since 2002 increased as more investigations were completed and more persons prosecuted.

Impunity was not a problem; the Inspector General of the National Police and the Office of Judicial Police investigated and prosecuted allegations of police brutality. The independent National Commission on the Conduct of Police and Security Forces investigated and reported to the Prime Minister and Parliament on cases of misconduct by national and municipal police, gendarmes, and private security forces. The National Consultative Commission on Human Rights also monitored police conduct. Corruption was generally not a problem. The Government actively investigated

and prosecuted allegations of police corruption. The courts were particularly severe where corruption was concerned, particularly within the police force.

The Inspector General of the National Police received 592 registered complaints about illegitimate police violence in 2002, 566 such complaints in 2001, and 548 in 2000. The majority of these complaints were registered in the Paris region. In Paris, 32 officers were disciplined for violence on duty in 2002; 23 officers were disciplined for violence on duty in 2001; 27 officers were disciplined in 2000. The Ministry of Interior attributed the upward trend to a combination of increased crime, increased police vigilance, and the reinstatement of police patrols in the most dangerous neighborhoods. Police training emphasized minimizing the use of force.

Police are required by law to obtain warrants prior to taking persons into custody. Detainees have access to lawyers. Suspects must have access to a lawyer within 1 hour of being detained. Pretrial detention is generally only allowed if there is a possibility that the suspect would be sentenced to more than 3 years in prison for crimes against persons and to more than 5 years in prison for crimes against property. There is a system of bail.

Some suspects spend many years in prison before a trial, which government officials have acknowledged is due in part to insufficient government resources to expedite the investigation and trial process. According to the Ministry of Justice Prison Administration, as of September, 21,278 of the 57,440 persons held in jails and prisons were awaiting trial.

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

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

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. Prospective magistrates compete for entry into the National School for Judges; upon completion of their course of study and rigorous exams, magistrates are placed according to their class ranking.

Observers have criticized the judicial system for its inability to process suspects quickly (see Section 1.d.). In cases of serious crimes, investigating judges detain suspects for questioning and direct the criminal investigation that occurs before a case is tried. The *chambre d'accusation* reviews the investigating judge's investigation to determine whether the charge established by the investigating judge was appropriate. The Court of Assises investigates and decides cases involving serious criminal offenses.

In October 2002, without further consultation with the Government, the European Court of Human Rights (ECHR) dismissed Abdelhamid Hakkar's suit charging that the Government violated Article 5 of the European Convention on Human Rights by keeping him in provisional detention for 5 years. In February, Hakkar was convicted of the murder of a police officer in 1984 and sentenced to life in prison with possibility of parole in 18 years.

There were no reports of political prisoners.

f. Arbitrary Interference with Privacy, Family, Home or Correspondence.—The law prohibits such actions, and the Government generally respected these prohibitions in practice. Violations were subject to effective legal sanction.

Wiretapping is recognized as a legal right of the Government. The judge investigating a number of wiretapping cases from 1999 deemed inappropriate by the National Commission for the Regulation of Wiretapping (CNCIS) presented his findings to the Paris public prosecutor's office in 2000. In March, the Paris Court of Appeals sent these cases back to the Paris Criminal Court; a judgment is expected in 2004. According to the report of the CNCIS, the number of requests for administrative wiretaps was 3,138 in 2002, of which 3,082 were granted. The vast majority of wiretaps were requested in connection with investigations for terrorism or organized crime.

Some religious minorities have experienced problems with bans regarding the wearing of special religious clothing (see Section 2.c.).

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Speech and Press.—The law provides for freedom of speech and of the press, and the Government generally respected these rights in practice. An independent press, an effective judiciary, and a functioning democratic political system combined to ensure freedom of speech and of the press, including academic freedom. However, an 1881 press law that may be used to restrict freedom of expression by prohibiting speech that insults heads of state remained in force, despite criticism from the ECHR.

The independent media was active and competitive and expressed a wide variety of views without government restriction. Internet access was widely available and unrestricted.

In September, the publication of a book containing conversations between the Minister-delegate for scholarly instruction, Xavier Darcos and educator Philip Meirieu was suspended. According to some reports, the Government pressured Darcos to suspend publication because the book's revelation of his views on pedagogy could affect the Government's efforts to reform the education system. The book's publication was postponed until early 2004, after the conclusion of the "national debate on education" launched by the Prime Minister in mid-September.

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

c. Freedom of Religion.—The Constitution provides for freedom of religion, and the Government generally respected this right in practice. The 1905 law on the separation of church and state prohibits discrimination on the basis of faith and establishes France as a strictly secular republic. Minority religious groups continued to be concerned about the possible impact of legislation passed in 2001.

In order to receive tax-exempt status, religious groups must apply with the local prefecture to be recognized as an association of worship and disclose certain management and financial information.

The State subsidizes private schools, including church-affiliated schools. Central or local governments own and provide upkeep for religious buildings constructed before the 1905 law separating church and state; buildings constructed after that belong to the respective religious organization.

The Government has encouraged public caution toward some minority religious groups that it considers to be cults. A 1996 parliamentary commission report identified as so-called cults 173 groups, including Jehovah's Witnesses, the Theological Institute of Nimes (an evangelical Christian Bible college), and the Church of Scientology. Members of some of the groups included in the list have alleged instances of intolerance due to the ensuing publicity. In 2002, the Government announced the formation of the Inter-ministerial Monitoring Mission Against Sectarian Abuses (MIVILUDES), charged with observing and analyzing sect/cult movements that constitute a threat to public order or that violate French law, coordinating the appropriate response, informing the public about potential risks, and helping victims to receive aid.

Some observers remained concerned about the June 2001 About-Picard law, which tightens restrictions on associations and provides for the dissolution of groups, including religious groups, under certain conditions. In 2002, the Council of Europe passed a resolution critical of the law and invited the Government to reconsider it. By year's end, the law remained in force; however, its provisions for the dissolution of groups had never been applied.

Some observers were concerned about the tax authorities' scrutiny of the financial records of some religious groups. The Jehovah's Witnesses, some branches of which are not recognized as tax-exempt religious organizations, appealed to the Court of Cassation a 2002 ruling that they must pay \$57.1 million (45.7 million euros) in back taxes.

In December, the ECHR condemned the Government for discrimination against a member of Jehovah's Witness who was denied custody of her children by the Appellate Court of Nimes, which cited concerns about her religious affiliation in its decision. The ECHR awarded the plaintiff \$12,500 (10,000 euros) damages and \$740 (590 euros) for expenses; she is able to appeal the custody decision in domestic courts.

Representatives of the Church of Scientology continued to report cases of societal discrimination, frivolous lawsuits, and prosecution for allegedly fraudulent activity. Church of Scientology representatives reported that a case filed by a parent whose child attended an "Applied Scholastics"-based school remained ongoing.

Foreign missionaries from countries not exempted from visa requirements to enter the country must obtain a 3-month tourist visa before leaving their own country. All missionaries who wish to remain in the country longer than 90 days must obtain visas before entering the country. Upon arrival, they must apply with the local prefecture for a *carte de sejour* (a document that allows a foreigner to remain in the country for a given period of time) and must provide the prefecture a letter from their sponsoring religious organization.

The Government has stated its intention to introduce legislation in 2004 that prohibits the wearing of Muslim headscarves and other religious symbols by students while at public schools and by government employees at their places of work. In the

past, various courts and government bodies have considered whether denying Muslim girls and women the right to wear headscarves in public schools constitutes a violation of the right to religious freedom on a case-by-case basis. In July, the President created a commission to study secularism, integration, and the place of religion in society; the commission's report, issued in December, recommended several measures to address perceived problems with integration in the country. Among the recommendations endorsed by the Government was the introduction of a law that prohibits the wearing of "conspicuous" religious symbols in schools and other public buildings; such symbols would include Muslim headscarves, Jewish skullcaps, and large crosses. In a December 17 speech, President Chirac said, "secularism is not negotiable" and promised to introduce legislation in early 2004 to address this issue. Some Christian, Jewish, and Muslim leaders, human rights groups, and foreign governments voiced concerns about the proposal. Those who support the proposal generally have expressed the belief that, in a secular country, the laws of the State supersede religious practice in certain public spheres, such as the public school system and government offices. Those who are opposed argue that the Government should not restrict or interfere in the practice of religion.

In September, a court in Lyon ruled in favor of a young woman who sought reinstatement and \$6,250 (5,000 euros) in damages and interest after she was fired by the telemarketing firm where she worked for refusing to wear her headscarf in a manner deemed appropriate by her employer, who stated her opposition to headscarves. The telemarketing firm appealed, and the next hearing is scheduled to take place in 2004.

There were several cases where school authorities took action to prevent women and girls from wearing Muslim headscarves in public schools. In October, a school disciplinary board in Aubervilliers voted to expel two female students for wearing the Islamic headscarf in school. In a separate case in November, a school disciplinary board in Haute-Rhine expelled a female student for the same reason. In December, a disciplinary board in Paris suspended a teacher's aide for wearing a headscarf while working in a public school.

During the year, some religious minorities experienced problems. According to the Ministry of Interior, police recorded 463 anti-Semitic threats and 125 anti-Semitic attacks during the year, and 737 threats and 195 attacks in 2002. Authorities condemned anti-Semitic attacks, maintained heightened security at Jewish institutions, investigated the attacks, made arrests, and pursued prosecutions. The Government reported that during the year, police had sufficient evidence to question 91 suspects; arrest 69 suspects, and bring to trial 43 suspects. There were seven convictions for anti-Semitic attacks committed during the year and 15 convictions for attacks committed in 2002; punishments ranged from fines to 4 years' imprisonment.

The National Consultative Commission on Human Rights (NCCHR) released an extensive analysis of anti-Semitic incidents reported by the police in 2002. Such incidents ranged from graffiti and desecration (518) and verbal or written harassment (166) to the diffusion of written tracts (28) and bomb threats (19). There have been no reported deaths due to anti-Semitic violence since 1995, but 17 people were injured in anti-Semitic attacks in 2002. Based on investigations of the attacks, the NCCHR stated its conclusions that disaffected French-North African youths were responsible for many of the incidents, which French officials linked to tensions in Israel and the Palestinian territories. A small number of incidents were also attributed to extreme-right and extreme-left organizations.

The Representative Council of Jewish Institutions in France (CRIF) operated a hotline to register allegations of threats; from January to November 2002, it received 465 reported threats and attacks, all of which were verified. According to the CRIF's website, 320 anti-Semitic incidents were reported during the year. The CRIF stated in the NCCHR report that its figures do not always correspond to those of the Government, as victims do not always report their attacks to both the police and the CRIF.

In March, during anti-war protest marches, two Jewish youths wearing skullcaps were violently attacked. Press reports indicated that their alleged attackers were French-North African youths shouting anti-Semitic slogans. Investigations into the attacks continued at year's end. In a Parisian suburb in October, a rabbi on his way to his synagogue was attacked; two men were arrested and charged in the case. Also in October, an NGO stated its intent to pursue legal action against the website *Islamiya* for publishing anti-Semitic material on the Internet, specifically an incitement to racial violence and an illegal call to boycott Israeli products.

In November, after an arson attack destroyed a Jewish school in Gagny, President Chirac stated "an attack on a Jew is an attack on France" and ordered the formation of an inter-ministerial committee charged with leading a crackdown on anti-Semitism. At the committee's first meeting in December, the Prime Minister re-

affirmed the Government's "total determination" to fight all forms of anti-Semitism and racism and announced plans to improve the means of tracking statistics on attacks, improve the systematic pursuit and prosecution of those responsible, and to improve education and prevention.

Members of the Arab/Muslim community experienced incidents of harassment and vandalism. According to the NCCHR, 62 percent of racist attacks in 2002 were directed at the North African (largely Muslim) population. At least six mosques were attacked by an extreme-right group in late 2002 and early 2003; the attacks were linked to incitements to hate on a website called "SOS-Garbage." The Government is investigating at least 26 other islamophobic websites for links to anti-Muslim attacks.

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

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

The law provides for the granting of refugee and asylee status to those persons who meet the definition of the 1951 U.N. Convention Relating to the Status of Refugees and its 1967 Protocol. In practice, the Government provided protection against refoulement and granted refugee status or asylum. The Government cooperated with the U.N. High Commissioner for Refugees and other humanitarian organizations in assisting refugees. According to the French Office of Protection for Refugees and Stateless Persons, in 2002 the Government received 51,087 requests for asylum and 23,000 applications for territorial asylum (akin to the concept of first asylum, but renewable) or applications for minors. The Government considered 50,206 cases and issued 8,495 refugee certificates (a document issued to successful asylum applicants). According to press reports, in the first 10 months of the year, the Government received 50,288 new applications for asylum and over 30,000 applications for territorial asylum. Of the 50,000 estimated decisions during that period, 17 percent of asylum applicants were granted.

In December, legislation entered into force that reforms the Government's asylum policies and harmonizes them with proposed European Union (EU) policy. The reforms centralize and streamline the application review process. The new law also recognizes "subsidiary protection," which includes protection for persons who fear persecution by nonstate actors. Under the new law, in accordance with developments in EU asylum policy, the Government will establish a list of "safe countries of origin;" applicants from these "safe countries" will be fast-tracked for processing, and those who are found unqualified will be quickly repatriated. In addition, asylum-seekers deemed able to find safety in different regions of their home countries will not be granted asylum. These measures were criticized by NGOs and refugee organizations.

During the year, there were some reports of illegal immigrants inhabiting makeshift camps and shelters and occupying private and public lands. Police intervened in some cases where squatters presented a threat to public order or health. Under the law, illegal immigrants who are eligible to apply for asylum are allowed to do so.

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

The Constitution provides citizens with the right to change their government peacefully, and citizens exercised this right in practice through periodic, free, and fair elections held on the basis of universal suffrage. The most recent national legislative elections took place in June 2002; the President was elected in May 2002.

There were 101 women in the two bodies of the 898-seat legislature and 10 women ministers in the 38-member Cabinet. Of the 190 members of the Court of Cassation, 74 were women. Of the 87 elected representatives to the EU Parliament, 35 were women. Women represented 33 percent of all municipal counselors and 10.9 percent of mayors. The constitutional amendment requiring parties to have equal numbers of women and men on their list of candidates or face fines remained in force. 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 Constitution prohibits the Government from collecting information about the racial or ethnic background of its citizens; no statistics on minority participation in the Government were available.

In a July 6 referendum, Corsican voters rejected the Government's decentralization plan that was meant to give the region more autonomy. In the aftermath, separatists intensified their attacks against government targets (see Section 1.c.). In

September, several Corsican separatist political parties held talks in an effort to prepare a unified list of candidates in advance of regional elections, scheduled for March 2004. In mid-November, Corsica's principal clandestine separatist group, the Corsican National Liberation Front/Union of Combatants, publicly declared an immediate, unconditional truce in advance of the Corsican regional elections, scheduled for March 2004.

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, along with the overseas departments, they elected deputies and senators to the French Parliament.

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

A wide variety of domestic and international human rights organizations generally operated without government restrictions, investigating and publishing their findings on human rights cases. Government officials were cooperative and responsive to their views. The NCCHR—an independent body in the Office of the Prime Minister, which has nongovernmental as well as governmental members—also monitored complaints and advised the Government on policies and legislation.

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

Statutes ban discrimination based on race, sex, ethnic background, or political opinion.

Women.—The Penal Code prohibits rape and spousal abuse, and in general these laws were enforced; however, violence against women remained a problem. The Ministry of Interior reported that there were 10,408 rapes and 15,394 instances of other criminal sexual assault during the year. In 2002, there were 10,460 rapes and 15,743 instances of other criminal sexual assault; in 2001 there were 1,610 (including both genders and minors) convictions for rape. The penalties for domestic violence vary according to the type of crime and range from 3 years' imprisonment and a fine of approximately \$56,250 (45,000 euros) 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 sponsored and funded programs for women who were victims of violence, including shelters, counseling, and hot lines. Numerous private associations also assisted abused women.

In August, the death of a French actress abroad from an apparent domestic dispute brought publicity to the problem of domestic violence in France. In July, the Government released a 2000 study by the Ministry of Social Affairs on domestic violence that found that 1 adult woman in 10 is the victim of domestic violence, and that 6 women die each month at the hands of their partners.

Press reports and NGOs reported that a "repressive atmosphere" existed in some suburbs of Paris dominated by immigrants from North African countries, causing women in these neighborhoods to feel intimidated. Some men in these suburbs reportedly intimidated women whom they perceived as violating social norms. This abuse ranged from verbal abuse to physical assault and rape. After the killing of 17-year-old Sohane, burned alive by an ex-boyfriend in a suburb of Paris in 2002, a women's rights movement emerged among inhabitants of these "difficult neighborhoods" around Paris. In March Sohane's sister and other young women led a 30,000-person march through 23 cities in France to raise public awareness of the situation for women in these neighborhoods. Representatives of the Government have met with members of this women's movement and supported the march. The man who killed Sohane confessed to the killing but claimed it was "involuntary;" his trial began in October and remained ongoing at year's end.

In September, the High Council on Integration (HCI), a government body, published a report that approximately 70,000 girls in France between 10 and 18 years old, primarily from North Africa, sub-Saharan Africa, and Turkey, were threatened with forced marriages. Women and girls may seek refuge at shelters if they are threatened with forced marriages, and parents can be prosecuted for forcing their children into marriage. The Government offers some education programs to inform young women of their rights, and the HCI said it is important to distinguish between arranged and forced marriages. The age of consent for marriage is 18 for males and 15 for females; however, many of these marriages take place overseas and are often designed to facilitate immigration. French consulates abroad attempted to prevent forced marriages for immigration by requiring proof that marriages took place with the consensual presence of both spouses before issuing visas.

In September, the High Council on Integration also published a report indicating that the country is home to 35,000 women who are victims of female genital mutila-

tion (FGM), the majority of whom are immigrants from Africa, Asia, and the Middle East. The practice is illegal and may be punished by up to 20 years imprisonment; however, in most cases the FGM was believed to take place outside of France. Cases were seldom reported to the authorities, and most were discovered in routine school medical examinations. Several NGOs exist to prevent FGM and worked with the Government to educate women about their rights.

Prostitution is legal; acting as a pimp is illegal. Trafficking in women for the purpose of sexual exploitation was a problem (see Section 6.f.). 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. The Social Modernization Law of 2003 prohibits harassment by colleagues as well as supervisors, places on the employer the burden of proof that discrimination did not take place, and creates a mediation process to help workplaces address problems with harassment.

The law requires that women receive equal pay for equal work; however, this standard often was not met in practice. Reports by various governmental organizations and NGOs have indicated that men continued to earn more than women, and that unemployment rates continued to be higher for women than for men. The National Institute of Statistics and Economic Studies reported that the unemployment rate for women was approximately 2 percent higher than the unemployment rate for men. From January to October, the unemployment rate for women remained between 10.5 and 10.7 percent.

Children.—The Government was strongly committed to children's rights and welfare; it amply funded systems of public education and medical care. The Ministry for Family Affairs oversees implementation of the Government's programs for children.

Public schooling is provided through the age of 18 and education is compulsory for citizens and non-citizens between the ages of 6–16. Although not compulsory, pre-school and kindergarten for children under age 6 is free and widely available. According to INSEE, the French statistical agency, during the school year 2000–2001, the percentage of school age children who attended school was 100 percent for ages 6–13; but the percentage dropped to 99.6, 98.7 and 96.8 for ages 14, 15 and 16, respectively.

The Government provides equal health care for all employed persons, pensioners, and the unemployed through the Social Security system.

There are strict laws against child abuse, particularly when committed by a parent or guardian, and the Government effectively prosecuted abusers. In 2002, there were approximately 18,500 reported cases of mistreatment (physical violence, sexual abuse, mental cruelty, or severe negligence) of children, compared with 18,000 in 2001. Approximately 5,900 of these cases involved reports of sexual abuse. Special sections of the national police and judiciary are charged with handling these cases. In 2002, there were 427 convictions for rape of minors under the age of 15 and 4,003 convictions for cases of sexual assault against minors. In 2002, there were 7,821 convictions for cases of violence, mistreatment, and abandonment of minors. The Government provided counseling, financial aid, foster homes, and orphanages for victims, depending on the extent of the problem. Various associations also helped minors seek justice in cases of mistreatment by parents.

Trafficking in girls was a problem, which the Government took steps to address (see Section 6.f.). In March, a report by a rapporteur for the United Nations Commission on Human Rights criticized the Government for "continuing to deny the existence and the scale of sexual cruelty against children" with regard to trafficked children and called for the NCCHR to further investigate the situation. The report was particularly critical of the justice system and a government-chartered doctors' group over their handling of child sex abuse.

Persons with Disabilities.—The law prohibits discrimination against persons with disabilities in employment, education, or in the provision of other state services.

The law requires new public buildings to be accessible to persons with disabilities; however, many older buildings and public transportation were not accessible. During the year, three cases alleging discrimination or problems with accessibility for persons with disabilities were brought before the courts, and NGOs reported that there were at least 50 more cases that they intend to pursue. One court case charged a cinema with lacking access for persons with disabilities, but no decision was rendered at year's end. A second case, which remained ongoing at year's end, charged the Ministry of Justice with noncompliance with the law on accessibility, since several courts were not accessible to persons with disabilities. In a third case, three train passengers who use wheelchairs sued the French National Rail Service

after an employee placed them in an unlit, un-air conditioned bicycle transport car during their train voyage, rather than a normal compartment outfitted to accommodate wheelchairs. The court ruled that the train company could not be held responsible for its employee's actions.

One in four persons with disabilities was unemployed. The law requires employers at companies of more than 20 employees to hire persons with disabilities or pay fines to an association that assists persons with disabilities in finding work. In December, the Government announced that it would introduce measures to encourage companies to hire more persons with disabilities.

National/Racial/Ethnic Minorities.—Anti-immigrant sentiments led to some incidents of violence and discrimination, including occasional attacks on members of the large Arab/Muslim and black African communities. In 2002, there was a considerable increase in violence and racial threats, as documented by the NCCHR. The annual NCCHR report noted an increase in the number of reported incidents of racist threats—261 in 2002, compared with 166 in 2001; there were 120 incidents of racist violence in 2002, compared with 38 in 2001. According to the report, there was one death due to racist violence in 2002 and 21 people were injured. Of the 261 racist threats reported, 169 were directed at immigrants of North African origin.

In November, a new law on immigration took effect. The majority of the law's provisions aim to restrict illegal immigration and to ensure illegal immigrants are deported. Its major reforms include: Improving conditions in detention centers; allowing immigrants convicted of crimes in France who have strong family ties to the country to remain in France after serving their sentences; collecting biometric data from visa applicants; extending the period during which the government can detain an illegal immigrant before determining if they are qualified to remain in France; and establishing more stringent requirements for receiving 10-year residence permits. Immigrant advocacy groups criticized the law's measures for being too harsh and encouraging discrimination against foreigners.

During the year, Joel Damman confessed to killing a 17-year-old man and injuring three people during a drive-by shooting in 2002, which he said was motivated by racism. Damman was in jail awaiting trial at year's end.

The Government has strongly criticized such actions and attacks and has strict antidefamation laws. Government programs attempted to combat racism and anti-Semitism by promoting public awareness and bringing together local officials, police, and citizen groups. There also were antiracist educational programs in some public school systems.

In February, a new law to toughen penalties for crimes of a "racist, anti-Semitic, or xenophobic" nature entered into force. The law calls for harsher sentences for perpetrators of "physical or material violence committed because of the victim's membership or non-membership, real or supposed, in an ethnic group, nationality, race, or specific religion"; it doubles prison sentences and increases fines for racist violence.

In February, the Minister of Education announced a plan to combat racism and anti-Semitism in schools. He held a meeting with educators in March to advance the project, and a national commission was charged with piloting the program.

In March, the Minister of Justice circulated an instruction to judicial authorities that enlarged the list of infractions for which racist motivation could be considered an aggravating factor, increased the penalties for discrimination by officials acting in an official capacity, and lengthened the statute of limitations on prosecuting racist acts.

The Ministry of Labor and the NGO Group for Study and Combat of Discrimination offer a free hotline to report discrimination.

Some NGOs alleged that racist hiring practices prevented minorities from Africa, North Africa, the Middle East, and Asia from equal access to the workplace and worked to sensitize the public to this problem. The NGO SOS-Racism made telephone inquiries about advertised jobs to determine whether employers discriminate against applicants on the basis of race. In January, SOS-Racism sued an employer for refusing interviews to persons with "Maghrebin-sounding first names;" the judge in Lyon ruled that discrimination could not be proved because no clear conclusion about a person's ethnicity or race could be drawn from a first name alone. In a separate instance, after allegations of racist hiring practices, a private consulting firm worked with SOS-Racism to create a charter of good conduct and to educate employees and employers.

In October, the penal court of Paris sentenced the director of a school of cosmetology to 2 months suspended imprisonment and a \$6,250 (5,000 euro) fine for refusing to hire a black candidate.

Section 6. Worker Rights

a. The Right of Association.—The Constitution provides for freedom of association for all workers, and workers exercised this right. Trade unions exercised significant economic and political influence, although less than 10 percent of the work force was unionized. Unions have legally mandated roles (as do employers) in the administration of social institutions, including social security (health care and most retirement systems), the unemployment insurance system, labor courts, and the Economic and Social Council, a constitutionally mandated consultative body. Unions and labor federations were independent of the Government, and most were not aligned with any political party.

The law strictly prohibits antiunion discrimination; employers found guilty of such activity are required to correct it, including reinstatement of workers fired for union activities.

Unions were permitted to join federations and confederations, including international bodies, and many did so.

b. The Right to Organize and Bargain Collectively.—Workers have the right to organize and bargain collectively, and workers exercised this right. The law requires at least annual bargaining in the public and private sector on wages, hours, and working conditions at both plant and industry levels but does not require that negotiations result in a signed contract. In case of an impasse, Government mediators may impose solutions that are binding unless formally rejected by either side within a week. If no new agreement can be reached, the contract from the previous year remains valid. Over 90 percent of the private sector work force was 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, were available to resolve complaints.

The law requires businesses with more than 50 employees to establish a workers' council, through which workers are consulted on training, working conditions, profit sharing, and similar issues. Work councils, which are open to both union and non-union employees, are elected every 2 years.

Workers, including civil servants, have the right to strike except when a strike threatens public safety. One-fourth of all salaried employees worked for the Government; however, the Ministry of Social Affairs has not published the number of workdays lost to strike action in the public sector. The number of workdays lost to strike action in the private sector in 2002 decreased by 40 percent, and the number of strikes fell by 37 percent.

A number of strikes occurred in the public sector during the year as the Government moved forward with its decentralization and pension reform plans. The law prohibits retaliation against strikers, strike leaders, and union members, and in general the Government effectively enforced this provision.

In January, teachers went on strike for 1 day, as they judged the Government's offer to hire 30,000 teachers for the 2004–2005 school year to be insufficient. Demanding higher pay, Air France pilots went on strike for 4 days in February, causing considerable disruption to the air transportation system. Teachers again went on strike for 1 day in mid-March after the Government announced plans to transfer certain administrative jobs to local governments. For the first time, the Government decided not to pay those teachers who struck for the days they were on strike.

Public sector employee unions participated in a series of general strikes during May and June to protest the Government's plan to raise the retirement age. The reform also eliminated the 2½-year advantage public workers enjoyed over private sector workers in qualifying for full pension benefits. A majority of the strikers were railroad workers, teachers, bureaucrats and air traffic controllers, but most private sector unions chose not to participate. In July, the Government passed its pension reform package, with few modifications.

During July and August, a series of strikes called by seasonal and temporary theater workers resulted in the cancellation of several summer festivals throughout France. In September, teachers again participated in a 1-day strike to continue the protest against pension reform, but there were fewer participants than organizers predicted and the strike was considered a failure.

The Constitution's provisions for trade union rights extend to the country's overseas departments and territories.

Teachers and other public sector workers on the island of Reunion went on strike beginning in April to protest the Government's decentralization and pension reform plans. In mid-June, police broke through a picket line surrounding a school so that

students could take their graduation exams. Seven strikers were arrested and an unknown number of protesters received minor injuries.

There are three export processing zones.

c. Prohibition of Forced or Bonded Labor.—The law prohibits forced or bonded labor, including by children; however, there were reports that such practices occurred (see Section 6.f.).

d. Status of Child Labor Practices and Minimum Age for Employment.—With a few exceptions for those enrolled in certain apprenticeship programs or working in the entertainment industry, children under the age of 16 may not be employed. In general, work considered arduous, or work between the hours of 10 p.m. and 5 a.m., may not be performed by minors under age 18. Laws prohibiting child employment were enforced effectively through periodic checks by labor inspectors, who have the authority to take employers to court for noncompliance with the law.

e. Acceptable Conditions of Work.—The administratively determined minimum wage is revised whenever the cost-of-living index rises 2 percentage points. This year it was \$8.98 (7.19 euros) per hour. This wage represented the maximum rate of a multi-step minimum wage scale, which was created to reduce the burden of the 35-hour workweek for small and medium-sized companies. The minimum wage provided a decent standard of living for a worker and family.

The Government raised the annual overtime ceiling from 130 to a maximum of 180 hours (depending on the employment sector); the plan allowed a de facto return to the 39-hour workweek from the 35-hour workweek that had been in effect since 2001.

The Ministry of Social Affairs, Labor, and Solidarity has overall responsibility for policing occupational health and safety laws. Standards were high and effectively enforced. The law requires each enterprise with 50 or more employees to establish an occupational health and safety committee. Over 75 percent of all enterprises, covering more than 75 percent of all employees, have fully functioning health and safety committees. Workers have the right to remove themselves from dangerous work situations.

f. Trafficking in Persons.—The law prohibits the trafficking of persons; however, trafficking in women and children for prostitution, domestic slavery, and thievery was a problem.

In February, the Government enacted a law to eliminate human trafficking and slavery and to improve victim assistance. The law creates a specific infraction in the penal code focused on trafficking in persons, which is punishable with 7 years in prison and a fine of \$187,500 (150,000 euros). The law also establishes a specific infraction for persons organizing a begging network, but does not target the child-beggars themselves. Persons convicted of organizing a criminal network that exploits children and forces them to beg face a prison sentence of 3–10 years and a fine of \$56,250 to \$5.6 million (45,000 to 4.5 million euros). This law provides the Government with the means to arrest and prosecute child-traffickers.

In September, police arrested 67 adults in a Roma encampment outside Paris and charged them with organizing sexual enslavement of Roma children who were kidnapped from Romania, brought to France, raped to make them obey, and sent out on the streets of Paris and its suburbs to steal and prostitute themselves. According to press reports, the children were forced to earn \$250 (200 euros) a day or face severe physical punishment. The child-traffickers remained in jail awaiting trial at year's end.

Prostitution is legal; however, the law prohibits pimping, including aiding, assisting, maintaining, or profiting from the prostitution of another. The public solicitation of another person for the purpose of inciting sexual relations also is illegal. Pimps and traffickers usually were 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 \$175,000 (140,000 euros). Penalties increase to a maximum of 10 years in prison and approximately \$1.75 million (1.4 million euros) 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 \$3.5 million (2.8 million euros). The use of "torture" or "barbarous acts" in the course of pimping is punishable by up to life imprisonment and up to \$5.25 million (4.2 million euros) in fines. These laws were enforced to various degrees; there also are strict laws combating trafficking in persons as it relates to domestic slavery. Slavery is punishable by up to 2 years' imprisonment and a fine of \$88,750 (71,000 euros). When the crime applies to more than one victim, punishments increase to 5 years' imprisonment and \$175,000 (140,000 euros) in fines.

Several law enforcement agencies were involved in the effort to combat trafficking. OCRTEH was under the authority of the central criminal investigation directorate of the police judiciaire, which handled organized crime. OCRTEH centralized information and coordinated operations to counter trafficking and maintained contacts with the police, the Gendarmerie, the border police, foreign and international law enforcement authorities, and NGOs. In September, OCRTEH obtained additional government funds, which enabled it to double in size to 50 police officers specializing in prostitution and trafficking networks. Regional services of the police also combat trafficking, and there are police brigades to combat pimping in Paris and Marseille. Local police forces also addressed problems of prostitution and pimping.

The Government regularly cooperated on a bilateral basis or with international institutions such as Europol to investigate, track, and dismantle trafficking rings. In April, a call girl service run by a British man was dismantled and its organizer charged with "aggravated pimping" for employing forty individuals. No trial date was set.

In July, police, in cooperation with Bulgarian authorities, arrested a 19-year-old Bulgarian national accused of collecting money from prostitutes in France and sending it back to the network organizer in Bulgaria. Later that month, a 24-year-old Eastern European, was arrested by local police for pimping three young women, one of whom was a minor.

Also in September, domestic courts opened a case against a woman arrested in May 2002 for operating a high-class escort service advertised in a widely read international newspaper. She was convicted of pimping as many as 250 women, and was sentenced to 4 years in jail and fined \$187,500 (150,000 euros).

The country was a destination and a transit point for trafficked victims, primarily women and children from Eastern Europe, West Africa, Latin America and the Caribbean. Most were between 15 and 18 years old; however, some were as young as 10 years old. The majority of these victims were brought in illegally and exploited by crime networks. In general, victims were trafficked into sexual exploitation or domestic slavery. Government efforts to prevent and monitor such criminal activity were made difficult by the open borders under the Schengen Accords.

The country was also a destination for trafficked Romanian children, many of Romani descent. These children have traditionally have widely been used by their handlers as beggars and thieves throughout the country. Many of these child thieves/beggars increasingly turned to or were forced into prostitution. Charter planes continued to transport back to their country of origin Romanian children and adults who had been trafficked into the country and were being repatriated on a voluntary basis under the terms of a government agreement with Romania. Some NGOs and grassroots organizations have criticized the voluntary repatriation program because the Government's participation is limited to providing transport to Romania and \$191.25 (153 euros) for resettlement.

Police estimated that of the 12,000 to 15,000 women prostitutes who worked in France, as many as 90 percent were forced into the trade by trafficking networks. Traffickers used methods ranging from the confiscation of the victim's identification papers to cultural isolation to physical or psychological abuse. Some victims came as a result of fraud or force, while others had worked as prostitutes in their home countries and were willing to continue the practice to pay for their immigration papers. Some women and girls were kidnapped or "bought" and sold at auction to prostitution networks in the Balkans before being smuggled into the country.

The Government set up a protection program for trafficking victims that choose to cooperate with police and judicial authorities. In exchange for testimony against their traffickers, they are granted a temporary residence card. If the testimony leads to a firm conviction, they are granted full residency. Trafficking victims may be granted temporary residency while they apply for asylum. Victims were encouraged to take legal action against traffickers. Victims who declined to cooperate with the authorities were processed as illegal immigrants and were sometimes detained or jailed. The Committee Against Modern Slavery brought cases of domestic and modern slavery to the authorities for prosecution.

The Ministry of Interior reported that prostitution in Paris decreased by 40 percent since 2002. According to the Government, police arrested 279 pimps, an increase of 82 percent from 2002. Of the foreign prostitutes arrested, 100 agreed to cooperate with police and were granted residence in France; 126 foreign prostitutes were repatriated.

Social Aid to Children (ASE), the national social services branch for childcare, was responsible for caring for and assisting victims under the age of 22. The ASE provides social workers to help victims gain access to social care, legal counsel and asy-

lum assistance. ASE worked closely with the Office for the Protection of Refugees and Stateless Persons.

The Government worked closely with other countries and NGOs to combat trafficking, funding programs in Central and Eastern Europe as well as West Africa. With its EU partners, the Government supported trafficking prevention programs, including information and media campaigns, seminars, and a trafficking prevention project in West Africa.

Numerous NGOs dealt with trafficking in persons and prostitution. The Parada Association worked toward integrating Romanian child beggars and prostitutes into society. The Scelles Foundation, which had a center for international research and documentation of sexual exploitation, provided information to the media on the issue and supported other associations in the country and around the world. The NGO Friends of the Nest worked directly with prostitutes and helped those who wanted to leave prostitution. Many NGOs had "field educators" who routinely met with prostitutes, served as intermediaries between police and prostitutes, offered psychological support, and tried to educate prostitutes about safe sex as well as their rights under the law. One of the best-known NGOs who help prostitutes, Women's Bus (Le Bus de Femmes), gave health advice, distributed condoms, and provided psychological support as well as warm meals.

In the fall, Bordeaux Mayor Alain Juppe launched an initiative called the House of Prostitutes. Jointly run with an NGO association, this program provided prostitutes with a safe place to meet with doctors, legal advisors, and social workers as well as psychologists.

In April, national carrier Air France in conjunction with the NGO End Child Prostitution Tourism in Asia (ECPAT), launched an anti-trafficking/anti-sexual tourism campaign. This initiative entailed prime time television advertisements in France as well as an in-flight video showing a 45-second clip of a sexual offender in jail. Air France also distributed posters in all of its travel agencies.

GEORGIA

Georgia is a republic with a Constitution that provides for a strong executive branch that reports to the President. The President appoints ministers with the consent of Parliament. Eduard Shevardnadze was reelected to a second term as President in a 2000 election with serious irregularities that was criticized by international observers. Parliamentary elections held on November 2 were marred by serious irregularities. Two major opposition parties organized peaceful street protests, and on November 23 President Shevardnadze resigned and Parliamentary Speaker Nino Burjanadze assumed the interim Presidency until an early presidential election scheduled for January 4, 2004. The Supreme Court annulled the results of the proportional parliamentary contests, but by year's end the date for the repeat of these elections had not been set. A civil war and separatist wars in the early 1990s ended central government authority in Abkhazia and South Ossetia and weakened central authority in the autonomous republic of Ajara and elsewhere in the country. The Constitution provides for an independent judiciary; however, the judiciary was subject to executive pressure and corruption.

The Ministry of Internal Affairs (MIA) and the Prosecutor General's Office have primary responsibility for law enforcement, and the Ministry of State Security plays a significant role in internal security. In times of internal disorder, the Government may call on the MIA or the military. While civilian authorities generally maintained effective control of the security forces, there were some instances in which elements of the security forces acted independently of government authority. Some members of the security forces committed a number of serious human rights abuses.

Government efforts to develop a market-based economy were stifled by widespread corruption and mismanagement. The country had a total population of approximately 4.4 million, which represented a steep decline in population since the 1990 census. Agriculture represented approximately 19 percent of gross domestic product (GDP), and GDP during the first 6 months of the year increased 8.6 percent to \$1.8 billion. Official data indicated that more than 50 percent of the population lived below the poverty level. Government salaries, pensions, and payments to internally displaced persons (IDPs) remained in arrears. Wages failed to keep pace with inflation.

The Government's human rights record remained poor; although there were some improvements in a few areas, serious problems remained. Numerous serious irregularities in the November and previous elections limited citizens' right to change their government. Domestic and international observers criticized the November

parliamentary election, citing inaccurate voter registration lists, manipulation of the results by election commissions, and the dramatic difference between the official election results and those reported in a parallel vote count and in exit polls. Numerous nongovernmental organizations (NGOs) blamed several deaths in custody on physical abuse, torture, or inhumane and life threatening prison conditions. NGOs reported that police brutality continued. Security forces continued to torture, beat, and otherwise abuse detainees. Corruption in law enforcement agencies remained pervasive. Arbitrary arrest and detention remained problems, as did lack of accountability. Reforms to create a more independent judiciary and ensure due process were undermined by failure to pay judges in a timely manner. There were lengthy delays in trials and prolonged pretrial detention remained a problem.

Law enforcement agencies and other government bodies occasionally interfered with citizens' right to privacy. The press generally was free; however, occasionally security forces and other authorities intimidated and used violence against journalists. Journalists practiced self-censorship. Security forces refrained from violently dispersing demonstrations in November. Government officials infringed upon freedom of religion and continued to tolerate discrimination, harassment, and violence against some religious minorities. In the trial of Orthodox extremist ex-priest Basili Mkalavishvili, his followers routinely threatened and harassed plaintiffs, as well as international observers. Violence against women was a problem. Trafficking for the purpose of forced labor and prostitution was a problem.

Internal conflicts in Abkhazia and South Ossetia remained unresolved. Ceasefires were in effect in both areas, although sporadic incidents of violence occurred in Abkhazia. These conflicts and the problems associated with approximately 270,000 IDPs from Abkhazia, 60,000 from South Ossetia, and 3,900 refugees from Chechnya posed a continued threat to national stability.

RESPECT FOR HUMAN RIGHTS

Section 1. Respect for the Integrity of the Person

a. Arbitrary or Unlawful Deprivation of Life.—There were no reports of political killings. However, there were 37 deaths in custody, and security force abuses reportedly contributed to several deaths. NGOs blamed several deaths in custody on physical abuse, including torture, electric shock, and beatings, which sometimes led to suicide.

On December 20, Giorgi Inasaridze was found hung in his pretrial detention cell a day after police detained him. Human rights groups considered the circumstances surrounding his alleged suicide suspicious and appealed to the MIA to open an investigation; however, the Government took no action.

Killings were committed by elements on both sides of the separatist conflict in Abkhazia, including partisan groups and forces of the Abkhaz separatist regime. Killings and other abuses on both sides of the conflict were not investigated, prosecuted, or punished adequately. During the year, the Government criticized these partisan groups but took no concrete action to curtail their activities, particularly those of Davit Shengelia, the leader of the partisan organization Forest Brothers.

Both government and Abkhaz forces laid tens of thousands of landmines during the 1992–93 fighting. There was a reduction in landmine casualties to seven during the year due to migration out of the area and to the activities of landmine clearing organizations such as the Halo Trust.

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

Partisan groups active in Abkhazia engaged in criminal activity and frequently took hostages to exchange for captured compatriots. Government and Abkhaz officials agreed on joint law enforcement efforts to prosecute kidnappers and other criminals that could threaten to destabilize the ceasefire. During the year, there were also many instances of kidnapping for ransom elsewhere in the country, which included both local and foreign citizens. The MIA reported 28 cases of kidnapping in the first half of the year and stated that investigations had resulted in charges in 8 of these cases. There was widespread speculation that corrupt law enforcement officials were involved in some of these kidnappings. Many citizens, including some Members of Parliament (M.P.s), alleged publicly that senior law enforcement officials were involved in kidnappings for ransom. Kidnapping of foreigners continued.

On February 12, Chechen refugee Adam Talalov disappeared after leaving his home in the Pankisi Gorge. His whereabouts remained unknown at year's end.

On June 5, unknown persons kidnapped three U.N. Military Observers and one translator serving with the U.N. Observer Mission in Georgia while they were patrolling in the Kodori valley. They were released on June 10. An investigation into the incident was ongoing at year's end.

The Minister of State Security publicly announced that the identities of the kidnapppers of Peter Shaw, a British citizen kidnapped in early 2002 who later escaped, were known to authorities and alleged that Interior Ministry officials were involved in the abduction. The State Minister also publicly confirmed the possible involvement of government officials in the kidnapping. In July, the Government announced that it had detained four suspects; however, the investigation into the kidnapping was officially closed in October due to lack of a suspect. Foreign observers criticized the Government's investigation and alleged that political motivations prevented the Government from prosecuting the kidnapppers.

The whereabouts of Chechen refugee Hussein Yusupov, who disappeared in 2002 after allegedly being released from a detention facility, remained unknown, and there were no developments in the case.

Government and Abkhaz commissions on missing persons reported that more than 1,000 Georgians and several hundred Abkhaz remained missing as a result of the 1992–94 war in Abkhazia (see Section 1.g.). Officials agreed to joint efforts to determine their location and repatriate the remains of the dead. The International Committee of the Red Cross (ICRC) assisted this effort.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.—The Constitution prohibits such practices; however, members of the security forces continued to torture, beat, and otherwise abuse prisoners and detainees, usually to extract money or confessions. Serious abuses and police misconduct, such as the fabrication or planting of evidence, remained problems. During the year, there were several cases of police officers brought to trial, dismissed, or demoted for abuses; however, impunity remained a problem, particularly in outlying regions (see Section 1.d.). According to human rights observers, many police continued to believe that they would not be held accountable for such actions.

Human rights advocates reported that allegations of the use of torture, such as electric shock, to extract money or confessions continued during the year. During the year, the Public Defender's office (Ombudsman) reported that mistreatment and physical abuse of detainees was a major problem. However, some observers noted that when the Ministry of State Security (as opposed to the MIA) managed an investigation, allegations of physical abuses were rare.

On February 28, police detained Gocha Bregadze and Revaz Purtskhvanidze in Kutaisi and, their attorney alleged, subjected them to electric shock. No investigation was carried out.

There were allegations that, on June 16, police arrested and subjected Irakli Tushishvili to electric shock in MIA custody. After the Ombudsman's office intervened, he was transferred to a pretrial facility. An investigation was ongoing at year's end.

The most serious incidents of abuse occurred during pretrial detention when police interrogated suspects. Human rights observers and lawyers noted that abuses occurred more frequently at the time of arrest and in police stations, rather than in pretrial detention facilities, and noted that a growing number of confessions were made in police stations. According to human rights observers, those who suffered such abuse were held routinely for lengthy periods in pretrial detention to give their injuries time to heal (see Section 1.e.). Police often claimed that injuries were sustained during or before arrest. Police agents within the prison population also allegedly committed abuses in pretrial detention facilities. Guards frequently abused children in the Isolator detention facility that held street children in Gldani.

In the first 6 months of the year, 462 prisoners with bodily injuries were transferred from temporary MIA detention facilities to the penitentiary department, 117 cases were referred for investigation, and 12 criminal cases were opened; there were no convictions in 2002 or during the year.

Local human rights observers alleged that security forces continued to abuse detainees in two pretrial detention facilities: Isolator Five in Tbilisi and the pretrial facility in Kutaisi. Detainees suspected of serious crimes or whose cases had political overtones were incarcerated in Isolator Five, located in the basement of the MIA. As a condition of membership in the Council of Europe, Isolator Five was officially closed in 2000; however, domestic human rights organizations claimed the facility remained open and served the same function, only under a different name. According to local human rights observers, many detainees in Isolator Five reported beatings and abuse despite calls for investigators to show restraint; often the threat of incarceration in this facility was reportedly sufficient to induce confession or the payment of money.

Foreign and local members of nontraditional religious groups continued to report harassment by police and other authorities.

Government officials acknowledged that MIA personnel in the past routinely beat and abused prisoners and detainees, and the Government took some steps to ad-

dress these problems. Government officials cited a lack of proper training, poor supervision of investigators and guards, and a lack of equipment as contributing to the continuation of these practices in law enforcement facilities.

To counter incidents of torture and abuse by police officials, the Ombudsman instituted a rapid reaction group in January 2002 with the support of the Organization for Security and Cooperation in Europe (OSCE). This pilot project had the mandate to provide immediate response to all claims of human rights violations during the most critical phase, the first 72 hours of a person's detention. The Ombudsman reported that the Rapid Reaction Group registered 47 cases of human rights violations in the first 6 months of the year. The Rapid Reaction Group essentially ceased to function following the appointment of the Ombudsman to the Central Election Commission (CEC) in August.

The Government dismissed three police officers of the Didube-Chugureti police station in Tbilisi who severely beat and threatened to rape Vakhtang Mamuliani, a minor, in January 2002.

In January 2002, police beat and mistreated Aleksander Lichelli, causing extensive scarring and wounds including the pulling out of four fingernails. During the year, an official report found that the injuries were sustained during the arrest. The Government took no disciplinary action and closed the case.

Criminal proceedings against two police officers for extortion of 15-year-old D. Asaturov and his family remained pending at year's end. The police officers occasionally beat Asaturov and systematically extorted money from him and his family while periodically detaining him over a 2-year period. No criminal charges were opened for the mistreatment, after which a medical examination documented a concussion to the brain, bruises to the ear, and loss of consciousness.

A criminal case against police officers from the Didube-Chugureti police department in Tbilisi, who allegedly beat Giga Bitsadze to the point of hospitalization in June 2002, remained pending in the prosecutor's office at year's end.

An investigation of a police officer who shot and wounded a 12-year-old boy in July 2002 during a dispute with a vendor at an open-air market in Tbilisi remained pending at year's end.

The Ministry of Justice (MOJ) was responsible for overall administration of the prison system; however, the law permits MIA personnel to continue to staff the facilities. The MIA maintained several of its own cells in various prisons. Legislation permits the MIA to conduct investigations among inmates without judicial approval to gather evidence for trials.

Prison conditions continued to be inhumane and life threatening, according to the U.N. and many NGOs, including Human Rights Watch (HRW). Abuse and extortion of prisoners and detainees by prison staff continued. Prison facilities remained unsanitary, overcrowded, and understaffed and were in desperate need of repair. Most prison facilities lacked proper ventilation, plumbing, lighting, waste disposal, or sanitary medical facilities. Regional penitentiaries and pretrial detention facilities were without electricity for months. Guards and prison staff were not paid in a timely manner, if at all. Overcrowding remained a problem. Tbilisi facilities typically had 16 or more persons to a cell designed for 10 to 12 persons. During the first 8 months of the year, 85 persons were pardoned and more than 300 cases were under review by the pardoning commission.

The April 2002 U.N. Human Rights Commission review of the country's compliance with the International Covenant on Civil and Political Rights cited systemic problems with the criminal justice and prison systems and continued widespread use of torture and arbitrary detention by police. In issuing recommendations for improving the country's treatment of detainees and prisoners, the Committee requested that the Government report on progress in addressing its specific concerns within 12 months rather than waiting for its third periodic report scheduled for 2006; no report was issued by year's end.

Observers reported an increase in violence among prisoners, sometimes resulting in deaths. The increase was attributed to the insufficient and demoralized guard staff. One observer stated that the failure to pay guard staff and the loss of promotion possibilities due to the penitentiary reform created a staffing problem. Some human rights groups claimed that rape by inmates or prison guards was common.

On January 25, a riot in the Tbilisi prison resulted in injuries to 70 prisoners and 10 guards. On September 10, 129 prisoners escaped from the Rustavi prison, resulting in injuries for 7 guards. Nugzar Mestopashvili, who escaped from the Rustavi penitentiary in August 2002 and decried inhumane treatment at the prison in a live broadcast on the Rustavi-2 television station, was serving out his sentence in another prison.

Attempted suicides and self-mutilation occurred in prisons as protests against declining prison conditions or human rights violations. There were also sporadic hun-

ger strikes by prisoners to protest poor conditions, visitor limitations, and the perceived arbitrary parole policy of the Government.

In February, prisoner Shota Kvelashvili went on a hunger strike and sewed his mouth shut to protest the investigation into his case by the State Prosecutor's Office. Although prison doctors removed the sutures the same day, the strike lasted a week.

In July, prisoners Givi Rukhaia and Zaal Chikhladze, who were arrested for mugging a taxi driver, protested the allegedly false charges through 1 day of self-mutilation. Rukhaia mutilated himself with nails and Chikhladze sewed his mouth shut. An independent investigation by the Ombudsman supported the prisoner's contention and noted that police had extorted money and gold from Rukhaia. An investigation into the case was ongoing at year's end.

Men and women were held separately, and a new facility for women opened in August. Juveniles were held separately in a specially constructed facility that opened in 2002; however, juveniles were frequently not separated from other inmates in MIA temporary detention facilities. Pretrial detainees were often kept with convicted prisoners due to overcrowding.

The prison mortality rate reportedly improved; however, human rights NGOs claimed that authorities kept the official rates artificially low by releasing prisoners who were terminally ill or by sending prisoners to the hospital when they were dying. Observers claimed deaths of prisoners without families usually went unreported. During the year, there were 37 registered deaths in prison, 3 of which were attributed to tuberculosis; the others were attributed to suicide or other diseases. According to the ICRC, tuberculosis was widespread in the prison system; in cooperation with the MOJ, the ICRC has treated nearly 2,200 infected prisoners since 1998.

The ICRC had full access to detention facilities, including those in Abkhazia, and access included private meetings with detainees and regular visits. The OSCE reported bureaucratic delays but no serious problems in obtaining access to prisoners or detainees; however, local human rights groups reported sporadic difficulty in visiting detainees, particularly in cases with political overtones. A new human rights unit in the Prosecutor General's Office had unhindered access to detention facilities and prisons; it conducted regular visits to monitor conditions.

d. Arbitrary Arrest, Detention, or Exile.—The Constitution prohibits arbitrary arrest and detention; however, authorities frequently disregarded these provisions.

The MIA and Prosecutor General's Office have primary responsibility for law enforcement. The MIA controls both the police and the internal troops, which have heavy weapons and are responsible for maintaining domestic order in cases of emergency. The police are divided into functional departments, such as Traffic, corresponding to their responsibility. According to the MIA, it had 29,204 officials from various departments, including 6,400 Internal troops, 1,850 police academy (1,360 students), and 665 in the passport and visa department. There were 1,749 civilians among them, in addition to 14,592 officers and 12,863 privates. A separate police protection department, with 9,700 officers and an independent budget and source of income, provides security and protection of private businesses. In general, the police have been only marginally effective in performing their duties due to the high incidence of corruption and extremely low salaries.

Human rights observers expressed concern that corruption was related to the large number of police officers nationwide; NGOs estimated there were close to 38,000 police officers. The Government has not consistently paid the salaries of police officers. Police solicited bribes from the general population, particularly motorists, and from suspects detained on suspicion of criminal activity.

The existence of a culture of impunity remained a problem. Despite this, some police officers were arrested or administratively disciplined in high-profile cases of physical abuse or deaths in custody. The MOJ maintained a system to provide for medical examinations of prisoners transferred from police stations to pretrial detention facilities in order to document injuries that may have occurred in police custody and to establish baseline medical condition information for each prisoner that could be used in cases where abuse in prison is alleged. Injuries consistent with abuse were documented and reported to the MOJ authorities, who in turn reported this to the MIA for investigation.

In general, officers were held accountable for abuses only in extreme cases and changes to the Criminal Procedures Code weakened a detainee's ability to substantiate claims of such abuses (see Section 1.e.). In the first 8 months of the year, 182 cases against MIA employees were sent to the Prosecutor General's Office for investigation, which resulted in the opening of criminal cases against 18 persons. All of these cases were pending at year's end. Many observers claimed that prosecutors frequently were reluctant to open a criminal case against police or they closed a case

for lack of evidence. During the year, the MIA fired 97 police officers, lowered the ranks of 27 officers, and ordered a variety of types of administrative and criminal punishments for 281 officers. Human rights NGOs also believed that many instances of abuses went unreported by victims due to fear of reprisals or lack of confidence in the system.

Under the amended provisions, a defendant may file a complaint of abuse only with the Prosecutor General's Office. The Prosecutor General's decision cannot be appealed to the courts. NGOs claimed that this regulation hindered their ability to substantiate police misconduct because of the close ties between the Prosecutor General's Office and the police. The Criminal Procedure Code provides for the right of a witness to be accompanied by a lawyer when being questioned by the police. Police can hold a witness for 12 hours without being charged. Police frequently charged witnesses as suspects at the end of this period. Human rights observers continued to allege that police often called a detainee's lawyer as a witness, thereby denying him access to his client.

Ethical Standards for the police entered into force during 2002. Human rights groups welcomed the initiative but noted that a culture of corruption could undermine the ability of officers to observe the stipulations of the draft document. Police training on ethics, the rights of prisoners, standards of behavior for police, and information on how to report abuses of human rights were credited with improving police awareness of human rights. Following the change in Government in November, the new Acting Minister of Internal Affairs announced a comprehensive reform program to eradicate corruption and improve professionalism.

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, many claimants failed to follow through after filing, allegedly due to fear. The Committee noted that since the presidential election in 2000, claims shifted from requests for economic assistance to complaints about mistreatment and violations by the police and the prosecutor's office and the failure of the prosecutor's office to pursue criminal investigations of alleged violators.

Judges issue warrants and detention orders and, by law, suspects must be charged within 3 days. Judges may extend pretrial detention by 3-month intervals up to 9 months. NGOs stated that the amendments to the old Soviet Code (maximum 18 months detention) made the pretrial detention period less arbitrary; however, international and domestic observers noted that such detention usually was longer—sometimes up to 2 years—because this protection routinely was interpreted to include only the prosecutor's investigative period, not the defense's investigative period. Police frequently detained persons without warrants. There was no bail system available to detainees. At year's end, 6,046 persons were in custody, of which 3,662 were convicted and 2,384 were in pretrial detention.

On November 2, authorities in the autonomous region of Ajara arrested Giorgi Mshvenieradze, an election observer for the Georgian Young Lawyers' Association who reported fraud at a polling station. He was sentenced to 3 months' imprisonment on what appeared to some NGOs to be politically motivated charges; he was released on December 7.

Detainees had difficulty obtaining objective medical examinations in a timely manner. If a medical examination was not conducted within 3 to 4 days of an incident, it was difficult to establish the cause of injuries. Only a state-employed forensic medical examiner, which in most cases was an employee of the Ministry of Health's Judicial Medical Expert Center, could testify about injuries. Human rights advocates routinely criticized the state forensic examiners as biased in favor of the Prosecutor General and stated that permission for an independent forensic medical examination was rarely granted.

Police often failed to inform detainees of their rights and denied them access to family members and lawyers. Some observers charged that police also conducted interrogations in apartments outside police stations to avoid registering detainees. While officially suspects were charged within 3 days of registration, observers claimed that police frequently delayed registering detainees for long periods in order to seek bribes. According to international and domestic observers, at times, the police attempted to extort money from suspects in exchange for not registering an arrest. Police reportedly approached suspects' families and offered to drop charges in exchange for a bribe. Correct legal procedures were observed more often once a detainee was charged and registered formally.

In an effort to address torture, amendments to the Criminal Procedure Code granting witnesses the right to legal counsel were implemented in 2002; however, this right was only occasionally observed in practice. It was common police practice to label detained suspects as "witnesses" in order to deny them access to a lawyer.

The Constitution provides for a 9-month maximum period of pretrial detention, mandates court approval of detention after 72 hours, and imposes restrictions on the role of the prosecutor (see Section 1.e.). These provisions generally were observed; however, prosecutors continued to exert undue influence over criminal procedures.

The Criminal Procedure Code calls for detainees to be charged within 72 hours. However, MOJ figures for the first 6 months of the year showed that for the Tbilisi pretrial detention center, 38 detainees were registered in violation of the 72-hour deadline. The most serious incidents of police abuse occurred in the investigative phase of pretrial detention when police interrogated suspects (see Section 1.c.). Authorities often held for lengthy periods prisoners who were tortured and abused in police stations and pretrial detention in order to give their injuries time to heal (see Sections 1.c. and 1.e.).

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

e. Denial of Fair Public Trial.—The Constitution provides for an independent judiciary; however, in practice, the judiciary often did not exercise full independence, and judicial impartiality was limited. There were reports that judicial authorities continued to experience pressure from the executive branch and powerful outside interests. Several observers have questioned the sustainability of a reformed judiciary without reform of law enforcement institutions. Human rights organizations, including HRW, alleged that investigators sometimes planted or fabricated evidence and extorted confessions in direct violation of the Constitution. Judges were reluctant to exclude evidence obtained illegally if the Prosecutor General objected. Courts continued to convict on the strength of confessions that may have been extracted under torture. The state continued to prevent defendants from obtaining and presenting forensic evidence of torture to the courts through procedural restrictions and by not licensing nongovernmental forensic doctors.

Judicial incompetence and corruption, including the payment of bribes to judges, remained problems. Observers commented that judges were hindered by lack of practical experience, particularly in case law. Due to the Government's fiscal crisis, at times judges' salaries went unpaid for up to 6 months, creating an incentive for corruption. Pressure from family and political and economic interest groups was extensive, and bribery was common.

The Council of Justice administered the court system. The Council has 12 members, 4 selected from within each branch of government. To reduce incompetence and corruption, the law has established a three-part testing procedure for working and prospective judges administered by the Council. All judges, except for three recognized legal scholars, are required to take the exams, which are given twice annually. At the district level—particularly in extremely rural or mountainous regions—it was difficult to find candidates who had passed the exam and who were willing to fill judge positions. Supreme Court judges are required to take the examination.

The law establishes a three-tier court system. At the lowest level are district courts, which hear routine criminal and civil cases. At the next level are regional (city) courts of appeal, which serve as appellate courts for district courts. The regional courts also try major criminal and civil cases, review cases, and either confirm verdicts or return cases to the lower courts for retrial. The Supreme Court acts as a higher appellate court but is the court of first instance for capital crimes and appeals from the CEC. The courts follow a judicial code of ethics; however, some observers alleged that the Supreme Court's decisions were subject to political and other undue influences. Regional managing judges continued to monitor the performance of lower courts throughout the country.

A separate Constitutional Court arbitrates constitutional disputes between branches of government and rules on individual claims of human rights violations. The Court has interpreted this latter function narrowly, agreeing to rule only in cases in which the complainant alleged that the violation was sanctioned by law. The Court only considered one case at a time. The Court's rulings demonstrated judicial independence.

During the year, seminars continued on the practical use of the European Human Rights Convention in the judicial system for regional and district judicial staff, covering the protection of rights and limitations of human rights, the role of courts in the implementation of the Human Rights Convention, Article 8 of the Convention, and related court procedures.

Aside from the judicial system, law enforcement as a whole has not undergone significant reform. During the year, reforms continued that included additional training and testing for prosecutor's office personnel and periodic internal reviews. Payment of bribes to police and prosecutor's office officials reportedly was common (see Section 1.c.). The Constitution identifies the Prosecutor General's Office as part of the judicial system, and there were calls from legislators and others to move the

Prosecutor General's Office into the executive branch. Court orders were rarely enforced.

According to the Constitution, a detainee is presumed innocent and has the right to a public trial. A detainee has the right to demand immediate access to a lawyer and the right to refuse to make a statement in the absence of counsel. Officers must inform detainees of their rights and notify their families of their location as soon as possible. However, these rights were not observed fully in practice. Authorities frequently did not permit detainees to notify their families of their location, and local police authorities limited lawyers' access to detainees. Defense attorneys and family members often had difficulty obtaining permission to visit detainees. Investigators seldom informed individuals of their rights. Lengthy trial delays were common. Defense counsel is not required to be present at pretrial hearings, and defendants and their attorneys regularly complained that they were not notified of scheduled hearings. The Criminal Procedures Code does not require the police to allow a lawyer to enter a police station unless hired by a detainee.

The Criminal Procedure Code significantly weakens many constitutional protections designed to circumscribe the powers of the Prosecutor General, increase the rights of defense attorneys, and enhance the independence of the judiciary. Prosecutors continued to direct investigations, supervise some judicial functions, and represent the state in trials. They also continued to exert disproportionate influence over judicial decisions. The Criminal Procedure Code prohibits the same judge who signed a warrant from hearing the case; however, this rule frequently was disregarded outside of Tbilisi since few regions had more than one judge.

In instances where defendants were unable to afford legal counsel, attorneys were assigned to a case upon the recommendation of the prosecutor's office by the Office of Legal Assistance, a part of the state-controlled Bar Association. In certain cases, defendants were pressured or coerced by prosecutors to accept a state-appointed attorney or other attorneys who did not vigorously defend their interests. However, in general individuals who could afford to pay were able to obtain the attorney of their choice in both criminal and civil cases. The prosecutor's office not only had control over state-appointed lawyers; it also determined whether to grant a defendant's request to change lawyers. Several NGOs provided free legal services for those whose human rights were violated in Tbilisi. The quality of attorneys varied significantly. In addition, the licensing of forensic medical examiners did not ensure competence.

There was disagreement among NGOs over who should be counted as a political prisoner; most international and local human rights organizations estimated that there were 20 to 25 political prisoners in the country. The Parliamentary Human Rights Committee considered there to be only 3 to 5 political prisoners, while the Ombudsman claimed that there were no official political prisoners in the country; however, many individuals, including members of the former paramilitary Mkhedrioni, so-called Zviadists (followers of the deceased former president Gamsakhurdia), and some former state security personnel, considered themselves political prisoners. According to human rights observers, some Zviadist prisoners never took up arms and should be considered political prisoners, although members of the Mkhedrioni participated in paramilitary actions. Some Zviadists were convicted on poorly substantiated charges of treason, banditry, and illegal possession of weapons and were serving sentences of from 7 to 12 years. In December, the Interim President appointed Former Gamsakhurdia Minister of Finance Guram Absandze as Deputy State Minister charged with reviewing all cases against Zviadists, with the aim of releasing them.

In November, the European Court of Human Rights in Strasbourg began reviewing the case of Tengiz Asanidze, who was pardoned by President Shevardnadze.

The Government permitted international human rights and domestic organizations to visit political prisoners, and some organizations did so during the year.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence.—The Constitution prohibits such actions 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 security police and tax authorities entered homes and workplaces without prior legal sanction in emergency cases as permitted by the Criminal Procedures Code. Traffic Police often stopped and searched vehicles without probable cause to extort bribes (see Section 1.d.).

g. Use of Excessive Force and Violations of Humanitarian Law in Internal Conflicts.—Internal conflicts in Abkhazia and South Ossetia remained unresolved. Ceasefires were in effect, and Commonwealth of Independent States (CIS) and joint peacekeeping forces, respectively, were present in both areas, although sporadic inci-

dents of violence occurred in Abkhazia. These conflicts and the problems associated with approximately 270,000 IDPs from Abkhazia, 60,000 from South Ossetia, and 3,900 refugees from Chechnya posed a continued threat to national stability. In 1993, Abkhaz separatists won control of Abkhazia, and most ethnic Georgians were expelled from or fled the region. A Russian peacekeeping force has also been in South Ossetia since 1992 as part of a joint peacekeeping force with Ossetians and Georgians. The Government had no effective control over Abkhazia or South Ossetia during the year.

There was limited information on the human rights situation in Abkhazia and South Ossetia due to limited access to these regions. The U.N. Human Rights Committee (UNHRC) Office in Abkhazia reported continuing modest improvements in the human rights situation. However, systemic problems in the criminal justice system, in particular the failure to conduct impartial investigations and to bring alleged perpetrators to trial, sustained a climate of impunity. Limited access to qualified legal counsel aggravated the situation. The Parliament Human Rights Office remained concerned at the length of pretrial detentions and violations of due process in individual cases. Since 2002, an independent legal aid office in the Gali district of Abkhazia provided free legal advice to the population.

The Ministry of Education of the separatist government of Abkhazia prohibited instruction in Georgian in schools in Abkhaz-controlled territory, including in the district of Gali inhabited by returned IDPs. The Public Defender's Office (Ombudsman) expressed indignation with the decision based on international legislative norms and the U.N. conventions on discrimination in the field of education.

A Human Rights Commission established by the non-recognized government of South Ossetia continued to operate. The South Ossetian Human Rights Commission worked in close collaboration with the Commission for Human Rights in the Autonomous Republic of North Ossetia in the Russian Federation and the representative of the President of the Russian Federation for Human Rights.

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Speech and Press.—The Constitution and the law provide for freedom of speech and of the press; however, although the independent press was generally free, there were several instances of intimidation of journalists. According to journalists and NGOs, security and other authorities on occasion attempted to intimidate the press through public comments, private admonitions, court cases, and violence. Nevertheless, during the year, journalists were able to publish wide-ranging and extremely critical views of officials and their conduct. Some journalists practiced self-censorship.

There were approximately 200 independent newspapers in circulation. The press frequently criticized senior government officials; however, few newspapers were editorially independent and commercially viable. Typically newspapers were subsidized by and subject to the influence of their patrons in politics and business. The Government financed and controlled one newspaper that was published in Russian-, Azeri-, and Armenian-language versions; the newspaper reflected official viewpoints. The highest-circulation independent daily newspaper, *Alia*, had a national circulation nearly 20 percent higher than the government-controlled daily; however, independent newspapers continued to struggle in the regions, due largely to the population's poverty. High printing costs, a lack of advertising, and general poverty limited the circulation of many newspapers. Several newspapers were reputable sources of information, although lack of financial resources hindered overall journalistic development and standards. State tax authorities continued to harass independent newspapers. Journalists stated that they were vulnerable to pressure from authorities, as well as from business and societal elements.

Most persons received their news from television and radio. The Government financed and controlled the main radio and television network with a national audience; network broadcasts reflected official viewpoints. *Rustavi-2*, a member of the independent television network TNG, was considered the only station other than the state-run channel with a national audience, although *Imedi* and *Mze* were gaining popularity and market share.

In addition to *Rustavi-2*, there were seven independent television stations in Tbilisi. An international NGO estimated that there were more than 45 regional television stations, 17 of which offered daily news. While these stations ostensibly were independent, a lack of advertising revenue often forced them to depend on local government officials for support. Some regions, such as *Samtskhe-Javakheti* and *Kutaisi*, had relatively independent media. *Rustavi-2* had a network of 15 stations, 5 of which broadcast *Rustavi-2's* evening news program daily. State tax authorities continued to harass independent television stations, including after the interim authorities assumed power on November 23.

Channel 25 was the only independent television station broadcasting in the autonomous region of Ajara. A lawsuit brought by the four owners of Channel 25 against Mikhail Gagoshidze, chairman of Ajaran Television and Radio, remained in the appeal process at year's end.

State media showed a bias toward pro-government candidates during the election campaign, but did provide the required free airtime for all candidates. On November 19, the Director of the State Television and Radio resigned following criticism by President Shevardnadze that the station was not sufficiently pro-government in its reporting. All stations broadcast the Parallel Vote Tabulation (PVT) and exit poll results, and there were no reports that stations were harassed for doing so (see Section 3).

Some local media outlets and journalists outside Tbilisi were attacked or harassed during the campaign for the November parliamentary election. On September 4, an Ajara TV journalist was beaten at the Chancellery, and in October, two Rustavi journalists were beaten in Batumi during a National Movement rally.

Following the change in government in November, the new authorities threatened several smaller newspapers and television stations due to their political reporting. For example, authorities closed Caucasus TV for minor tax arrears and began investigating the Georgian Times media group because they considered the group to be politically motivated. In December, both State Television and Rustavi-2 were attacked with explosive devices. Unknown persons fired gunshots at the apartment of an Iberia Television journalist, critical of the new government, in an apparently politically motivated attack.

In September 2002, more than 20 police officers allegedly entered the local Zugdidi television station, which provided footage for an expose on police involvement in smuggling gasoline to the neighboring separatist region of Abkhazia, and beat employees and destroyed equipment. Following an internal police investigation, the deputy police chief was dismissed, and the station continued to broadcast at year's end.

In July, former policeman Grogol Khurtsilava was found guilty of the 2001 killing of independent television journalist Giorgi Sanaia and sentenced to 13 years in prison. According to the Committee to Protect Journalists, Sanaia's wife alleged that he was killed in connection with his investigation into ties between senior government officials and Chechen separatists in the Pankisi Gorge; his colleagues shared her concerns.

The investigation into the 2000 death of Italian reporter Antonio Russo remained suspended due to lack of a suspect.

In August, authorities in the autonomous region of Ajara closed the only independent newspaper, Batumelebi, on trademark infringement charges. It remained closed at year's end.

Libel laws inhibited 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.

In July, Head of the Georgian Railway Akaki Chkhaidze won a libel suit against independent television station Rustavi-2 for information on a program linking him to bribery scandals. The station was ordered to pay \$480,000 (1 million GEL) in moral damages. The station's appeal was pending at year's end.

Stations desiring benefits and better working relations with authorities practiced self-censorship.

The lack of an active journalists' association limited the effectiveness of media advocacy. Media observers noted that few journalists and government officials, particularly in the regions, understood the legal protections afforded journalists; and few journalists had the resources to hire a lawyer. Some enlisted the assistance of the NGO community.

The Administrative Code contains a freedom of information section that provides for public access to government meetings and documents; however, few journalists employed it. The adoption of a freedom of information act and judicial enforcement of this law made agencies more willing to provide information; however, the Government often failed to register freedom of information act requests, as required by the administrative code. Although the law states that a public agency shall release public information immediately, or no later than 10 days, the release of requested information could be delayed indefinitely. A requesting party has no grounds for appeal.

The Government did not limit access to the Internet; however, poor infrastructure and poverty limited access outside of the major cities.

The Government did not restrict academic freedom.

b. Freedom of Peaceful Assembly and Association.—The Constitution provides for freedom of assembly without permission from the authorities; however, both the national Government and local authorities restricted this right in practice. Nonethe-

less, authorities did not interfere or attempt to disperse forcibly several large unauthorized peaceful demonstrations following the November parliamentary election, which led to the President's resignation.

The law requires political parties and other organizations to give prior notice and obtain permission from local authorities to assemble on a public thoroughfare. Members of the NGO community argued that the law violates the Constitution and sought to have it overturned by the Constitutional Court; however, the Court refused to hear the case, on the grounds that a test case must be brought before it to consider the challenge and an individual must prove there was personal injury from the law. Most permits for assemblies were granted without arbitrary restriction or discrimination; however, this was not uniformly the case for Zviadists (supporters of former President Gamsakhurdia). Extreme Zviadists never accepted any successor to the Gamsakhurdia government as legitimate following the civil war and Gamsakhurdia's removal from power. Zviadists regularly held demonstrations in front of parliament demanding that the present Government resign. The Government viewed public rallies of the Zviadists as a threat because of the publicity that they generated for themselves and against the Government.

On June 12, police broke up a student protest against the Government at the MIA and arrested several students on charges of hooliganism. On August 6, police broke up a peaceful student rally opposing an energy deal with Russia; two students were injured.

Following the seriously flawed November 2 parliamentary elections, almost daily peaceful demonstrations were held both protesting against the election fraud and in support of the Government. Despite the tension surrounding these demonstrations, there were no incidents of harassment or violence and the police made no effort to disperse forcibly or otherwise interfere with the demonstrations.

On June 12, "Kmara" activists were detained for painting "Kmara" on the walls of the MIA. Police detained several activists for 8 hours; one of them alleged police verbally threatened him.

Orthodox extremists, with the tacit approval or active cooperation of law enforcement authorities, repeatedly broke up private meetings and public gatherings of religious minority groups, often with extreme violence (see Section 2.c.). The Government did not take effective action against the perpetrators of such attacks.

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, two organizations affiliated with Jehovah's Witnesses were unable to register on the grounds that there was no law regulating the registration of religious organizations (see Section 2.c.).

Political parties may register with the CEC by providing documents on the party's organization and structure and evidence of membership. There were no government restrictions on the formation of political parties beyond the registration requirements.

c. Freedom of Religion.—The Constitution provides for freedom of religion, and the Government generally respected this right in practice; however, local authorities sometimes restricted the rights of members of nontraditional religious minority groups. Local police and security officials failed to protect nontraditional religious minority groups and were complicit in several attacks against members of such groups. Police often failed to respond to continued attacks by Orthodox extremists, largely followers of Mkalavishvili (Basilists), against members of Jehovah's Witnesses and other nontraditional religious minorities.

The Constitution recognizes the special role of the Georgian Orthodox Church in the country's history but stipulates the independence of the Church from the State. The tax code grants tax exemptions only for the Orthodox Church. A constitutional agreement (Concordat) signed by the President and the Georgian Orthodox Patriarch defines church-state relations, which provoked widespread concern among minority religious groups. The Concordat states that, with the consent of the Church, the Government can issue permits or licenses for the use of official symbols and terminology of the Church, as well as for the production, import, and distribution of worship articles. Some nationalist politicians continued to use the issue of the supremacy of the Georgian Orthodox Church in their platforms and criticized some Protestant groups, particularly evangelical groups, as subversive. Jehovah's Witnesses in particular were the targets of attacks from such politicians.

There are no laws regarding the registration of religious organizations; however, in November 2002, the Government proposed to Parliament a draft bill that would provide for registration of all religious groups in the country. Under the proposed law, religious groups that perform humanitarian services may be registered as char-

itable organizations, although organizations that were not registered could not conduct religious services, rent office space or import literature, among other activities.

Many local law enforcement officials continued to interpret a 2001 Supreme Court ruling that revoked the Jehovah's Witnesses legal registration as a ban and used it as a justification not to protect members of Jehovah's Witnesses from attacks by religious extremists.

While most citizens practiced their religion without restriction, threats, intimidation, and the use of force by ultra-conservative extremists, whom the Government failed to control, restricted the worship of some, particularly members of nontraditional faiths. At times, local police and security officials harassed several non-Orthodox religious groups, particularly local and foreign missionaries, including members of Jehovah's Witnesses, Baptists, Evangelicals, Pentecostals, and Hare Krishnas.

On occasion, local police and security officials continued to harass or deny protection to nontraditional religious minority groups, particularly members of Jehovah's Witnesses. The police only sporadically intervened to protect such minorities from attacks by Orthodox extremists. Police participation or facilitation of attacks diminished during the year; however, the MIA (including the police) and Prosecutor General's Office generally failed to pursue criminal cases against Orthodox extremists for their attacks against religious minorities. On the few occasions in which there were investigations into such attacks, they proceeded very slowly.

During the year, the Catholic Church faced difficulties in attempting to build churches in the towns of Kutaisi and Akhaltsikhe.

In March and April, Customs officials impounded religious literature of the Watch Tower Bible and Tract Society on the grounds that the organization was unregistered and could not import literature. The literature was released several months later to an individual rather than the organization.

The Roman Catholic Church and the Armenian Apostolic Church were unable to secure the return of churches closed during the Soviet period, many of which Soviet authorities gave to the Georgian Orthodox Church. A prominent Armenian church in Tbilisi remained closed, and the Armenian Apostolic Church, the Catholic Church, and Protestant denominations had difficulty obtaining permission to construct new churches as a result of pressure from the Georgian Orthodox Church.

The Jewish community also experienced delays in the return of property confiscated during Soviet rule. By year's end, a theater group still had not vacated the central hall of a former synagogue that the Government rented to it, despite a 2001 Supreme Court ruling instructing it to do so.

Regular and reliable information about separatist-controlled Abkhazia was difficult to obtain. An Abkhaz presidential decree bans Jehovah's Witnesses. A number of members of Jehovah's Witnesses have been detained in the last few years; however, according to a representative of Jehovah's Witnesses, none were in detention at year's end.

Since 2000, the Government continued to prosecute a criminal case against Father Basili Mkalavishvili, whose followers engaged in a number of violent attacks on nontraditional religious minorities; however, the investigation has proceeded very slowly. While the criminal case prevented Mkalavishvili from making personal appearances at most attacks during the year, his followers continued their violence in his absence.

In April, during the trial of Mkalavishvili, his followers physically assaulted an OSCE observer and threatened other international observers in the courtroom with the acquiescence of MIA security forces. The Basilists also threatened plaintiffs and brought weapons into the courtroom. On June 6, a Tbilisi District Court ordered Mkalavishvili taken into custody. Police claimed they were unable to locate him to serve the warrant. He has reportedly fled the country.

Despite a general tolerance toward minority religious groups traditional to the country—including Catholics, Armenian Apostolic Christians, Jews, and Muslims—citizens remained very apprehensive about Protestants and other nontraditional religions, which were seen as taking advantage of the populace's economic hardships by gaining membership through the distribution of economic assistance to converts. Some members of the Georgian Orthodox Church and the public viewed non-Orthodox religious groups, particularly nontraditional groups or sects, as a threat to the national Church and the country's cultural values and argued that foreign Christian missionaries should confine their activities to non-Christian areas. Foreign and local members of nontraditional religious groups continued to report harassment by extremist Orthodox groups, police, and other authorities.

Basilists engaged in a number of violent attacks on nontraditional religious minorities, including Baptists, Seventh-day Adventists, and particularly members of Jehovah's Witnesses. During the attacks, Basilists burned religious literature, broke up religious gatherings, and beat parishioners, in some cases with nail-studded

sticks and clubs. Although law enforcement authorities were present at some attacks, they failed in most instances to intervene, leading to a widespread belief in police complicity in the activities of the Basileists. Representative cases included the following incidents:

An investigation into a 2001 incident in Marneuli, where police and followers of Mkalavishvili attacked and harassed members of Jehovah's Witnesses, continued at year's end.

On January 24, a group of Basileists led by Mkalavishvili blocked the Baptist Cathedral in Tbilisi to prevent an ecumenical prayer service. The mob damaged the building, seized and destroyed literature, and assaulted several participants. The police intervened after being alerted by a foreign embassy, but did nothing to protect the property or allow the congregation to enter.

On May 4, a mob led by ultra-nationalist M.P. Guram Sharadze blocked the road to Gori and prevented a planned meeting of Jehovah's Witnesses there. Police had previously urged the Jehovah's Witnesses to cancel the meeting and did not intervene to provide freedom of movement.

On June 8, an ultra-Orthodox mob blocked the streets in front of a Pentecostal minister's house where services were being conducted and refused to let parishioners through. Church members were threatened with violence. Police were present but did not allow the parishioners to enter the street.

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

d. Freedom of Movement within the Country, Foreign Travel, Emigration, and Repatriation.—The Constitution provides for these rights, and the Government generally respected them in practice. Neither registration of an individual's residence nor internal passports were required. Soviet passports bearing a propiska (proof of legal residence in a particular locality) were accepted as proof of identity because passports and identity cards were expensive to purchase and difficult to obtain, particularly in poor and remote areas.

The Soviet Union relocated approximately 275,000 so-called Akhiskha or Meskhetian Turks from southern Georgia to Central Asia in the 1940s. Many of the Meskhetians were expelled a second time from Central Asia when the Soviet Union collapsed, and a number remained stateless in Russia. A 1999 presidential decree established the State Commission on Repatriation and Rehabilitation of the Population Deported from Southern Georgia, and the Government undertook to begin the repatriation process within 3 years. However, there has been no legislation to allow for repatriation of Meskhetian Turks to Georgia, and there was some official and public opposition to their repatriation. There were 643 Meskhetians living in the country, most of whom had citizenship.

The 1994 agreement between Russia, Georgia, Abkhazia, and the UNHCR on repatriation in Abkhazia called for the free, safe, and dignified return of IDPs and refugees. The Abkhaz separatist regime prevented such repatriation and unilaterally abrogated the agreement. In 1999, the Abkhaz separatist regime unilaterally invited IDPs to return to Gali starting in 1999 but did not adequately ensure their safety. The move did not affect significantly the return to Gali of IDPs, who continued to travel back and forth to the area to tend their property. As many as 40,000 persons were estimated to be living in Gali on a more or less permanent basis, depending on the security situation.

The 1992 ethnic conflict in South Ossetia also created tens of thousands of IDPs and refugees. In 1997, the UNHCR began a program to return IDPs and refugees; however, both sides created obstacles that slowed the return. During the year, the South Ossetian separatists continued to obstruct the repatriation of ethnic Georgians to South Ossetia, although some families returned. Meanwhile, South Ossetia continued to press for the return of all Ossetian refugees to South Ossetia rather than to their original homes in other regions of the country. The Government publicly has recognized the right of Ossetian refugees to return to their homes in the country but was unable to take facilitative action, since it had little authority in South Ossetia. Government opposition to the return of illegally occupied homes has prevented the return of Ossetian refugees to Georgia proper.

The Government inconsistently paid stipends to IDPs of approximately \$7 (14 GEL) per person per month. It paid them more frequently in Tbilisi than elsewhere in the country. The Government subsidized some electricity every month for each IDP. IDPs also were not afforded the right to vote in local elections (see Section 3).

The law did not provide for the granting of refugee status or asylum to those persons who meet the definition in the 1951 U.N. Convention Relating to the Status of Refugees and its 1967 Protocol. In practice, the Government provided some protection against refoulement, and there were no reports of the forced return of persons to a country where they feared persecution during the year. According to the

UNHCR, the Government processed no asylum cases and did not provide temporary protection to persons fleeing another country during the year. The Ministry for Refugees and Accommodation (MRA) was responsible for the screening and registration of refugees and new arrivals. Since the outbreak of hostilities in Chechnya, the Government has admitted what was estimated to be 4,000 to 5,000 refugees from the conflict. Chechen refugees settled in the Pankisi Valley in the eastern part of the country. Both local and international NGOs provided sporadic assistance to refugees living in the Pankisi Valley; however, after the kidnapping in 2000 of three ICRC staff members, international humanitarian organizations had only periodic access to the Pankisi Valley.

In April 2002, the MRA reregistered Chechen refugees with the assistance of the UNHCR. At year's end, approximately 3,800 Chechen refugees were living in the Pankisi Valley and 76 in Tbilisi. This significant reduction in the number of refugees was due to the separation of local Kist (ethnic Chechen citizens) from Chechen refugees in official statistics, as well as departures of refugees for Azerbaijan and other countries. The majority of the Chechen refugees lived with the local Kist population; only 15 percent were sheltered in communal centers.

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, and citizens exercised this right through periodic elections. However, numerous serious irregularities marred the November parliamentary election, June 2002 local and municipal elections, and the 2000 presidential election, and the Government limited this right in practice. International observers criticized all of these elections, citing poor organization by authorities, inaccurate voter registers, and lack of transparency in vote counting and tabulation. However, in July, President Shevardnadze and opposition leaders agreed to a series of measures aimed at ensuring that the November 2 Parliamentary election was as free and fair as possible. While these measures were only partially implemented, they established a parallel vote tally and election monitoring that allowed opposition activists to uncover massive election fraud. This fraud led to mass peaceful protests, which in turn resulted in President Shevardnadze's resignation on November 23, and the assumption of the post of Interim President by Parliament Speaker Nino Burjanadze. The Supreme Court subsequently annulled the results of the November 2 proportional parliamentary contests. In accordance with the Constitution, a presidential election was scheduled for January 4, 2004. A date for repeat proportional parliamentary elections was not set by year's end.

Serious irregularities marred the Parliamentary election held on November 2. The OSCE's Office for Democratic Institutions and Human Rights (ODIHR) reported "widespread and systemic election fraud" in its final election report. Pro-government parties dominated the election commissions at all levels. ODIHR cited delays and last-minute "haphazard" decisions by the CEC. New voter registers released in early October revealed serious flaws, such as duplicate entries and the exclusion of entire city blocks. As a result, handwritten voter registers were in use on election day, resulting in both the possible disenfranchisement of significant numbers of voters and increased opportunities for fraud. Unfair campaign conditions, two acts of serious violence, and intimidation of voters marred the pre-election period (see Section 2.a.).

Numerous irregularities marred the voting process, which was disorganized and witnessed multiple voting, undue influence on voters, ballot stuffing, and the destruction of ballot boxes. ODIHR also reported large numbers of voters being turned away, the deployment of security forces in four districts, and several unauthorized persons in polling stations creating the appearance of interference in the voting process. There was widespread fraud and manipulation by commission members and local authorities in the vote tabulation process, particularly at the district and polling station levels. The final results that the CEC released did not reflect those reported by the PVT or exit polls. The discrepancy between the official results and the PVT sometimes exceeded 10 percent: the CEC reported that the Union of Democratic Revival won almost 19 percent of votes, while the PVT showed it had won 8 percent. The CEC reported 100 percent turn-out in 195 polling stations. One domestic observer was beaten and arrested (see Section 1.d.). ODIHR also noted some improvements, including the new Unified Electoral Code, greater transparency in the voting process, and the role of domestic observers.

Irregularities that prevented some eligible voters from participating marred local and municipal elections held in June 2002, which had been postponed since 2001 due to financial and technical reasons. Lengthy recounts prevented the Tbilisi city council from convening until November 2002. The elections were marked by poor preparation to meet basic conditions and irregularities: Violations were noted in al-

most every voting district; some regional elections were cancelled due to theft or absence of ballots; armed police officers were observed at polling stations; and there were reports of multiple voting by persons in different districts. In Tbilisi, the state of voter registration lists was so poor that there were instances where several hundred citizens, often residents of the same block of apartment buildings, could not vote. While observers did not report massive or organized fraud, they criticized the elections due to overall poor organization. Shortly after the elections, Parliament formed a commission to investigate reports of irregularities. The commission published findings and recommended reforms in the CEC and in the administrative process. Many of these changes were implemented in August when new legislation governing the CEC and election administration was passed.

Elections were held periodically by the separatist governments of Abkhazia and South Ossetia, which were outside government control. International observers determined that these elections were illegitimate. International organizations, including the U.N. and the OSCE, declared presidential elections held in Abkhazia in 1999 to be illegal. Government authorities also called the election illegitimate, as they had the Abkhaz local elections of 1998, on the basis that a majority of the population had been expelled from the region. In 2001, Parliament stated that any further polls held before a settlement to the conflict was reached and displaced persons were returned to their homes would be considered illegal. In 2001, the unrecognized separatist government held presidential elections in South Ossetia, resulting in the defeat of the incumbent and a peaceful transfer of power.

There were no government restrictions on the formation of political parties beyond the registration requirements; there were 178 registered political organizations (see Section 2.b.). Organizations must register to take part in elections by a set date prior to Election Day.

On February 3, approximately 30 armed men invaded the headquarters of the New Rightist Party, damaging the office and threatening the party's co-chair, David Gamkrelidze, at gunpoint. Gamkrelidze alleged that the Government orchestrated the attack, which was carried out in a well-planned and military-like fashion. Following the disruption of the Parliament session on November 22, supporters of the National Movement destroyed the Parliamentary offices of the Revival and New Rights parties. Unknown persons also placed explosive devices in the offices of the Labor Party and Revival in the immediate aftermath of the change in government.

Following President Shevardnadze's resignation, the interim authorities began wholesale replacement of regional and local officials with supporters of the National Movement and Burjadandze-Democrats. This policy resulted in several public demonstrations in support of the previous officials, which in some cases resulted in their reappointment.

There were 16 women in the 235-seat Parliament. A woman who was the Speaker of Parliament became the Interim President in November, and several women held important committee chairmanships. Two women held ministerial posts. Although women were active in the November demonstrations, there were no female candidates in 42 of the 75 election districts and only 20 percent of the District Election Commission (DEC) chairs were women.

There were 16 members of minority groups (7 Azeris, 6 Armenians, 2 Abkhaz, and 1 Greek) in the 235-seat Parliament. There were credible reports of intimidation of Azeris in the November election by local authorities and police in Kvemo Kartli, where many violations were reported on election day. Although a project funded by the OSCE High Commissioner on National Minorities produced election materials in Azeri, Armenian, and Russian languages, the poor proficiency in Georgian of many members of national minorities created a barrier in their full participation in the work of election commissions and limited their access to campaign materials.

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

A number of domestic and international human rights groups generally operated without government restriction, investigating and publishing their findings on human rights cases.

There were a number of credible local organizations that monitored human rights, most of them in Tbilisi. Other local human rights groups were extensions of partisan political groups and these had little influence. NGOs were permitted to bring suits to courts of the first instance on behalf of persons whose rights were abused.

A member of an NGO was arrested while observing the November election (see Section 1.d.).

The 2002 attack on the Liberty Institute, the country's leading human rights organization, remained under investigation at year's end.

The law provides for the Ministry of Finance to access the funding records of international NGOs, alarming some in the NGO community.

The UNHRC and the OSCE Mission's joint human rights office in Sukhumi, Abkhazia has operated sporadically because of security conditions but has provided periodic findings, reports, and recommendations. During the year, the office registered relatively few complaints of abuse by de facto police and judicial authorities operating in the region.

NGOs continued to view the Parliamentary Committee on Human Rights as the most objective of the Government's human rights bodies. The Constitutionally mandated office of the Public Defender, or Ombudsman, monitored human rights conditions and investigated allegations of abuses. The National Security Council's human rights advisor, who has a mandate to investigate claims of abuse, and the Public Defender were active in several individual cases involving police misconduct (see Section 1.d.). The Prosecutor General's Office established a new human rights unit focused on curbing pretrial detention abuses and attacks against religious minorities. While government representatives were effective in individual cases, neither they nor NGOs successfully effected systemic reform.

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

The Constitution recognizes the equality of all citizens without regard to race, language, sex, skin color, political views, national, ethnic, or social affiliation, origin, social status, land ownership, or place of residence; however, in practice, discrimination against women was a problem. The Constitution stipulates that Georgian is the state language. Ethnic Armenians, Azeris, Greeks, Abkhaz, Ossetians, and Russians usually communicated in their native languages or in Russian. Both Georgian and Russian were used for interethnic communication.

Women.—Societal violence against women was a problem. There are no laws that specifically criminalize spousal abuse or violence against women, although the Criminal Code classifies marital rape and sexual coercion as crimes. During the year, 795 crimes were registered against women, compared with 867 in 2002. Crimes included 18 murders, 24 attempted murders, 52 rapes, and 41 attempted rapes; the remainder consisted of battery, assault and lesser crimes. Spousal abuse was reportedly one of the leading causes of divorce but was rarely reported or punished because of social taboos against raising the problem outside of the family. Domestic violence continued to rise as economic conditions became more difficult. Police did not always investigate reports of rape. A local NGO operated a shelter for abused women, and the Government operated a hotline for abused women but did not provide other services. There were anonymous telephone services that assisted rape victims, but no shelters, specialized services, or other mechanisms to protect or assist them.

The kidnapping of women for marriage continued to occur, particularly in rural areas, although the practice continued to decline. Such kidnappings often were arranged elopements; however, at times these abductions occurred against the will of the intended bride and sometimes involved rape. Police rarely took actions in such cases even though such kidnappings are a crime according to the Criminal Code.

Prostitution is not a criminal offense, and trafficking in women for the purpose of prostitution was a problem (see Section 6.f.). In the past, police officers reportedly beat and raped prostitutes; there were no such confirmed reports this year.

Sexual harassment and violence against women in the workplace was a problem, particularly as economic conditions worsened, according to a U.N. Development Program (UNDP) report. Sexual harassment in the workplace rarely, if ever, was investigated.

The Constitution provides for the equality of men and women; however, discrimination against women was a problem. The Civil Code gives women and men equal inheritance rights. Divorce is legal and can be initiated by either a husband or wife. Younger women reported that the economic balance had shifted in their favor because many traditionally male jobs had disappeared due to the depressed economy. Women's access to the labor market had improved but remained primarily confined, particularly for older women, to low-paying and low-skilled positions, often without regard to high professional and academic qualifications. As a result, many women sought employment abroad. Salaries for women continued to lag behind those of men. Reportedly men were given preference in promotions. Of the more than 150,000 registered unemployed persons throughout the country, 48 percent were women. Women sometimes, but not often, filled leadership positions. According to the UNDP, employers frequently withheld benefits connected to pregnancy and childbirth.

A number of NGOs promoted women's rights, including the women's group of the Georgian Young Lawyers' Association, the Women's Center, and Women for Democ-

racy. Women's NGOs took an active role in the 1999 parliamentary election, the 2001 by-elections, and the 2002 local and municipal elections, engaging candidates in discussions about issues of concern. Posters urging women to vote were a prominent part of the publicity campaign.

Children.—The law provides for the protection of children's rights and welfare, and in 2002, the Government introduced a plan to emphasize children's issues; however, funding shortages limited its implementation and government services for children were extremely limited. While education was officially free through high school, many parents were unable to afford books and school supplies, and most parents were forced to pay some form of tuition or teachers' salaries. Bribery was endemic in the education system. Most children of school age attended school; however, in some places schools did not function or functioned sporadically because teachers were not paid and facilities were inadequate, particularly in winter when some schools could not afford to heat buildings. Many schools lacked libraries or even blackboards. Free health care was available only for children over the age of 3.

There were some reports of abuse of children, particularly street children, although there was no societal pattern of such abuse. Difficult economic conditions broke up some families and increased the number of street children.

The Criminal Code states that child prostitution and pornography are punishable by imprisonment for up to 3 years.

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

A local NGO estimated that there were approximately 1,500 street children in the country, with 1,200 concentrated in Tbilisi, due to the inability of orphanages and the Government to provide support. The private voluntary organization Child and Environment and the Ministry of Education each operated a shelter; however, the two shelters could accommodate only a small number of street children. No facilities existed outside of Tbilisi. Street children often survived by turning to criminal activity, narcotics, and prostitution. The Government took little other action to assist street children.

The lack of resources affected orphanages as well. Children received inadequate food, clothing, education, and medical care; facilities lacked heat, water, and electricity. The staff was paid poorly, and wages were many months in arrears. Staff members often diverted money and supplies provided to the orphanages for personal use. Orphaned children in government institutions were not eligible for foreign adoption.

The Isolator detention facility for street children in Gldani was overcrowded, and other children and guards frequently abused juvenile detainees (see Section 1.c.). There were no confirmed reports of police violence against street children this year.

Persons with Disabilities.—There is no legislated or otherwise mandated provision requiring access for persons with disabilities; however, the law mandates that the State ensure appropriate conditions for persons with disabilities to use freely the social infrastructure and to ensure proper protection and support. The law includes a provision of special discounts and favorable social policies for persons with disabilities, particularly veterans; however, many facilities remained closed due to lack of funding. Most persons with disabilities were supported by family members or by international humanitarian donations. Societal discrimination against persons with disabilities existed.

National/Racial/Ethnic Minorities.—The Government generally respected the rights of members of ethnic minorities in non-conflict areas but limited self-government and played a weaker role in ethnic Armenian and Azeri areas (see Section 3). School instruction in non-Georgian languages was permitted. A draft language law that would make knowledge of Georgian compulsory for persons employed by state institutions remained under discussion in Parliament at year's end.

The State Language Chamber was tasked with organizing free language courses for government employees in regions inhabited by ethnic minorities. During the year, most of the planned language courses were cancelled due to lack of funding, although several took place in Kvemo Kartli. The OSCE continued a project to support government programs to teach the Georgian language to ethnic minorities. Armenians, on occasion, complained that they were being forced to learn Georgian.

Section 6. Worker Rights

a. The Right of Association.—The Constitution and the law provide for the right of citizens to form and join trade unions, and workers exercised this right.

The principal trade union confederation was the Amalgamated Trade Unions of Georgia (ATUG), which was the successor to the official union that existed during the Soviet period. The ATUG consisted of 31 sectoral unions. The organization offi-

cially claimed 600,000 members, but acknowledged that the number of active, dues-paying members was lower. The union had no affiliation with the Government and received no government funding (except for support to send 200 children each year to summer camp). There were two trade unions in addition to the ATUG: The Free Trade Union of Teachers of Georgia Solidarity (FTUTGS) based in Kutaisi; and the Independent Trade Union of Metropolitan Employees.

The law prohibits discrimination by employers against union members, and employers may be prosecuted for anti-union discrimination and forced to reinstate employees and pay back wages; however, the ATUG and its national unions reported frequent cases of management warning staff not to organize trade unions. Some workers, including teachers in the Imereti region, employees of various mining, winemaking, pipeline, and port facilities and the Tbilisi municipal government reportedly complained of being intimidated or threatened by employers for union organizing activity. Observers also claimed that employers failed to transfer compulsory union dues, deducted from wages, to union bank accounts. The Ministry of Labor investigated some complaints but took no action against any employers.

There are no legal prohibitions against affiliation and participation in international organizations. The ATUG was a full member of the International Confederation of Free Trade Unions (ICFTU).

b. The Right to Organize and Bargain Collectively.—The Constitution and the law allow workers to organize and bargain collectively, and some workers exercised this right; however, the practice of collective bargaining was not widespread.

There are some restrictions on the right to strike; however, some strikes took place during the year. For example, the ATUG supported public sector strikes by teachers, medical service employees, and energy sector workers, most of which were wildcat actions. During the year, teachers went on strike for unpaid wages. Energy workers went on strike to demand unpaid wages and increased salaries.

There are no export processing zones.

c. Prohibition of Forced or Bonded Labor.—The Constitution prohibits forced or bonded labor, including by children, and provides for sanctions against violators; however, there were reports that such practices occurred (see Section 6.f.).

d. Status of Child Labor Practices and Minimum Age for Employment.—According to the law, the minimum age for employment of children is 16 years; however, in exceptional cases, the minimum age can be 14 years. The Ministry of Health, Social Service, and Labor enforces these laws and generally they were respected.

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

e. Acceptable Conditions of Work.—The state minimum wage was \$10.80 (20 GEL) a month. There was no state-mandated minimum wage for private sector workers. The minimum wage was not sufficient to provide a decent standard of living for a worker and family. In general, salaries and pensions were insufficient to meet basic minimum needs for a worker and family.

Average wages in private enterprises were \$75 to \$100 (150 to 200 GEL) monthly; in state enterprises, \$15 to \$30 (30 to 60 GEL). Unreported trade activities, assistance from family and friend networks, and the sale of personally grown agricultural products often supplemented salaries.

The old Soviet Labor Code, still in effect with some amendments, provides for a 41-hour workweek and for a weekly 24-hour rest period. 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; however, in practice these protections were rarely, if ever, enforced.

f. Trafficking in Persons.—The law prohibits trafficking in persons; however, the country was both a source and transit country for trafficked persons. There were unconfirmed reports that government customs and border officials were involved in the trafficking of persons.

Parliament passed amendments to the Criminal Code in June criminalizing trafficking in persons. The Government has initiated two cases under this article in the Criminal Code, but they were not brought to trial by year's end. The Government initiated several cases against some traffickers using fraud statutes. In January, the Government announced its Action Plan for Combating the Trafficking of Persons. A National Security Council official designated to lead the campaign held government wide meetings in June and assigned Ministry representatives with the specific tasks outlined in the Action Plan.

In 2002, the MIA created a seven-person unit specifically to combat trafficking. The unit received support from the American Bar Association's Central and Eastern European Law Initiative, the International Organization for Migration (IOM), and

other organizations. Local NGOs worked closely with the Public Defender's office, the body primarily responsible for referring victims to prosecuting authorities.

Women were trafficked from the country to Turkey, Greece, Israel, and Western Europe to work in bars, restaurants, or as domestic help. Many worked in the adult entertainment sector or as prostitutes. There also was evidence that Russian and Ukrainian women were trafficked through the country to Turkey, sometimes using fraudulently obtained passports. There were reports of Russian and Ukrainian women being sent to beach resorts in the summer months to work as prostitutes; however, the country was generally not a destination for trafficked persons. There were some unconfirmed reports of trafficking of children. Some of the latest IOM reporting suggests men may be trafficked in higher numbers than women. A small scale study conducted in the eastern region provided details on men trafficked for laborers to southern Russia, including Chechnya. Others traveled to Greece as agricultural laborers; yet the Government's consular officials reported the trafficked victims still refused to return home, because their substandard wages and working conditions still surpassed conditions there.

Jobs abroad offered through tourism firms or employment agencies often lured trafficked persons. Many of the women working in the adult entertainment sector as prostitutes were informed, or led to believe, that they would be employed as waitresses in bars and restaurants or as domestic help.

There were no government programs to help victims; however, there were several NGOs involved in aiding victims. One internationally funded NGO opened a hotline offering psychological support and assistance to victims. The Government initiated some anti-trafficking training for police in the regions and created a working group with the NGO community and funded by the OSCE to draft additional legislation including protections for victims' rights. The Government also operated a hotline that is directly connected to the Ministry of Interior's Anti-Trafficking Unit. These officers have also received anti-trafficking training, yet few victims began to call the police and report these crimes.

GERMANY

The Federal Republic of Germany is a constitutional parliamentary democracy; citizens periodically choose their representatives in free and fair multiparty elections. The last national election was held in September 2002 and resulted in a continuation of the coalition government of the Social Democratic Party (SPD) and Green Party. The head of the Federal Government, the Chancellor, is elected by the Bundestag, the only directly democratically legitimized legislative body. The second legislative body is the Bundesrat, which represents the 16 states at the federal level and is comprised of members of the state governments. The powers of the Chancellor and of the Parliament are set forth in the Basic Law (Constitution). The 16 states represented in the Bundesrat enjoy significant autonomy, particularly regarding law enforcement and the courts, education, the environment, and social assistance. The judiciary is independent.

Civilian authorities maintained effective control of the security forces. State governments are primarily responsible for law enforcement, and the police are organized at the state level. There have been instances in which police committed human rights abuses.

A well-developed industrial economy provided citizens with a high standard of living. The population was approximately 82 million.

The Government generally respected the human rights of its citizens; although there were problems in some areas, the law and judiciary provided effective means of addressing individual instances of abuse. There were at least two reports of alleged police mistreatment or use of excessive force against detainees, which the Government investigated. There were some limits on freedom of assembly and association. There was some government and societal discrimination against minority religious groups. Instances of societal violence and harassment directed at minority groups and foreign residents continued, and the Government at times did not provide adequate protection. Women continued to face some wage discrimination in the private sector, as did minorities and foreigners. Trafficking in persons, particularly women and girls, was a problem, which the state and federal governments took steps to address.

RESPECT FOR HUMAN RIGHTS

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

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

By year's end, there was no court decision on the 2002 appeal by three Federal Border Police Officers who were indicted for the 1999 death of Amor Ageeb, a Sudanese asylum seeker, during a deportation flight.

In July, a court in Cologne found six police officers guilty of the beating death of a man who had been arrested in 2002. The court gave the men sentences ranging from 12 to 15 months in jail; the officers appealed the decision.

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

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.—The Constitution prohibits such practices; however, there were at least two reports of alleged police mistreatment or use of excessive force. Amnesty International (AI) reported that there was a persistent pattern of alleged ill-treatment and excessive use of force by police. The Government investigated abuses and prosecuted police who mistreated persons in custody (see Section 1.d.).

In February, in a detention center in Cologne, a prison official beat a detainee who was allegedly verbally abusive. Authorities reassigned the official to another position and began an investigation, which remained pending at year's end. In April, three police officers in Frankfurt am Main were charged with assault for beating Andre Heech after arresting him in February for failing to return from a prison work release program in January (Heech had been serving a 4-year sentence for fraud). Heech, an amputee, alleged that one of the officers struck the remaining part of his leg with a metal pipe, and that he was not provided medical assistance. The case remained pending at year's end.

Four Chinese nationals facing deportation from Rhine-Palatinate brought charges against the police in Trier for failing to protect them against abuse by Chinese police officers in June. They claimed that in June, German police left several Chinese police officers in a locked room alone with them; however, the plaintiffs claim that there were no German police present during the incident. Rhine-Palatinate Interior Minister Walter Zuber defended the procedure, claiming that it is common practice to have deportees interviewed by home-country authorities.

There were a number of violent attacks by rightwing groups on minority groups and foreigners (see Section 5).

Prison conditions generally met international standards. Men were held separately from women, juveniles were held separately from adults, and pretrial detainees were held separately from convicted criminals.

The Government permits visits by independent human rights monitors, although there were no reports that such visits were requested during the year.

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

The police force is organized at the state level. The jurisdiction of the Federal Criminal Office is limited to counterterrorism, international organized crime, particularly narcotics trafficking, weapons smuggling, and currency counterfeiting. Police forces in general were well trained to a high professional level, disciplined, and mindful of citizens' rights. The Government investigated abuses and prosecuted police who mistreated persons in custody (see Sections 1.a. and 1.c.). Allegations of corruption were very rare.

A person can be arrested only on the basis of an arrest warrant issued by a competent judicial authority, unless the person is caught in the act of committing a crime or the police have strong reason to believe that the person intends to commit a crime. If there is evidence that a suspect might flee the country, police may detain that person for up to 24 hours pending a formal charge. Anyone 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 their release.

Police at times detained known or suspected radicals for brief periods when they believed such individuals intended to participate in illegal or unauthorized demonstrations (see Section 2.b). The rules governing this type of detention are different in each state, with authorized periods of detention ranging from 1 to 14 days, provided judicial concurrence is given within 24 hours of initial apprehension. There were no reports of such detention during the year.

Detainees have access to lawyers. Only judges may decide on the validity of any deprivation of liberty. Bail exists but seldom is employed; the usual practice is to release detainees unless there is clear danger of flight outside the country. In these

cases, a person may be detained for the duration of the investigation and subsequent trial. Such decisions are subject to regular judicial review, and time spent in investigative custody applies toward the sentence. In cases of acquittal, the Government must compensate the individual.

The Basic Law prohibits forced exile, and the Government did not employ it.

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

Ordinary courts have jurisdiction in criminal and civil matters. There are four levels of such courts (local courts, regional courts, higher regional courts, and the Federal Court of Justice), with appeals possible from lower to higher levels. In addition to the ordinary courts, there are four types of specialized courts: Administrative, labor, social, and fiscal. These courts also have different levels, and appeals may be made to the next higher level.

In addition, there is the Federal Constitutional Court, which is the supreme court. Among other responsibilities, it reviews laws to ensure their compatibility with the Basic Law 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 provided citizens with a fair and efficient judicial process, although court proceedings at times were delayed because of 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, provided the accused has a defense counsel and execution of the punishment is suspended on probation.

There were no reports of political prisoners.

f. Arbitrary Interference with Privacy, Family, Home or Correspondence.—The Basic Law and statutory laws prohibit such actions, and government authorities generally respected these prohibitions in practice; violations were subject to effective legal sanction.

Several hundred organizations were under observation by the federal and state Offices for the Protection of the Constitution (OPC). The OPCs were charged with examining possible threats to the constitutional democratic system; they had no law enforcement powers, and OPC monitoring by law could not interfere with the continued activities of any organization. However, because the OPCs published a list of organizations being monitored, being on the list could have a negative influence on an organization's reputation, thus disturbing its normal activities. In observing an organization, OPC officials sought to collect information, mostly from written materials and first-hand accounts, to assess whether a threat existed. At times, more intrusive methods, such as the use of undercover agents, but they were subject to legal checks (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 generally respected this right in practice. An independent press, an effective judiciary, and a functioning democratic political system combined to ensure freedom of the press and of speech, including academic freedom. However, there were some limits on freedom of speech. Distribution of the propaganda of proscribed organizations, statements inciting racial hatred and endorsing Nazism, and denying the Holocaust, are illegal, and the authorities sought to block what they considered dangerous material on the Internet.

The independent media were active and expressed a wide variety of views without government restriction.

There were approximately 120 Internet service providers. The law bans access to prohibited material (for example, child pornography and Nazi propaganda) on the Internet, and the Government explored ways to expand bilateral and multilateral cooperation in countering Internet crime. German officials estimated that there were approximately 800 Internet sites with what they considered objectionable or dangerous rightwing extremist content. The Federal Court of Justice held that the country's laws against Nazi incitement may apply to individuals who post Nazi material on Internet sites available to users in the country, even if the site resides on a foreign server.

b. Freedom of Peaceful Assembly and Association.—The law provides for freedom of assembly, and the Government generally respected this right in practice; however, outlawed organizations were not permitted to hold public assemblies. Permits must be obtained for open-air public rallies and marches, and state and local officials have the authority to deny such permits when public safety concerns arise or when outlawed organizations attempt to hold public assemblies. For example, in Au-

gust rallies and marches by neo-Nazis and rightwing extremists commemorating the death of Nazi official Rudolf Hess were prohibited by a court in Bavaria, but the Federal Constitutional Court upheld the extremists' right to assemble and advised police to ensure that the assembly did not endanger public safety.

The law provides for freedom of association, and the Government generally respected this right in practice; however, the Basic Law and the Association Law permit the banning of organizations whose activities were found to be illegal or opposed to the constitutional democratic order as established by the Basic Law. The Federal Constitutional Court is the only body that can outlaw political parties on these grounds. Federal or state governments may ban other organizations on these grounds, but legal recourse against such decisions is available. Such banned organizations included a number of groups that authorities generally classified as rightwing or leftwing, foreign extremist, or criminal in nature. Several hundred organizations were under observation by the federal and state OPCs (see Section 1.f.).

On October 28, more than 300 police officers raided homes and meeting places of suspected neo-Nazi groups in Schleswig-Holstein. Police found weapons and arrested several people suspected of "forming a politically motivated criminal organization." The suspects were associated with the international neo-Nazi group Combat 18.

A commission of experts examined whether evidence against the rightwing extremist National Democratic Party (NPD) met the threshold to support a legal ban, which was widely demanded after a surge of rightwing extremist activity in 2000. In March, the Court dismissed separate petitions by the Bundestag and Bundesrat for the banning of the NPD because of flaws in the Government's case. In January, Interior Minister Otto Schily used his executive authority to ban the Islamic extremist organization, Hizb ut-Tahrir.

In October, the Federal Constitutional Court rejected the appeal and upheld the ban on the Islamic extremist organization "Caliphate State," exhausting the organization's legal remedies. The "Caliphate State" had appealed the Interior Minister's 2001 ruling banning the organization. Metin Kaplan, former head of the "Caliphate State," was released from prison in May after serving a 4-year sentence for calling for the killing of an opponent. Authorities have denied Turkey's extradition request for Kaplan, who was wanted in Turkey for terrorism-related charges, on the grounds of uncertainty that a fair trial would take place in Turkey. The Higher Regional Administrative Court in Muenster was deciding an appeal on whether Kaplan could be granted asylum, or be deported to Turkey at year's end. Kaplan was not allowed to travel outside of Cologne and was required to report regularly to police.

c. Freedom of Religion.—The Basic Law provides for the freedom of religion, and the Government generally respected this right in practice; however, discrimination against minority religious groups remained an issue.

Church and state are separate, although historically a special relationship existed between the State and those religious communities that had the status of a "corporation under public law." If they fulfill certain requirements, organizations may request that they be granted "public law corporation" status, which, among other things, entitles them to levy taxes on their members, which the State collects for them. The decision to grant public law corporation status is made at the state level.

Religious organizations are not required to register, although most were registered and are treated as nonprofit associations and therefore enjoyed tax-exempt status.

Within the federal system, the states showed large differences with respect to their treatment of the Church of Scientology. Two states, Schleswig-Holstein and Mecklenburg-Vorpommern, did not monitor Scientology. The city-state of Berlin dropped OPC observation of Scientology in September, and the state of Hesse did not mention Scientology in its 2002 OPC report. Bavaria, on the other hand, announced in November 2002 that it might seek to ban Scientology and indicated that it would ask the Federal Interior Ministry to consider a federal ban. In March, Bavaria found no support among other states, except for Hamburg, for such a ban. Scientology was the only religious community under OPC observation, and Scientologists contended that inclusion in a list of totalitarian and terrorist groups was detrimental to the Church's reputation.

In December, a court in Baden-Wuerttemberg found that the Church of Scientology in the state was entitled to tax-exempt status as a religious community. State officials had maintained for several years that the Church of Scientology was a commercial enterprise, not a religious community, and had refused to grant it tax-exempt status.

The Lutheran Church employed "sect commissioners" to warn the public about supposed dangers posed by Scientology, as well as by the Unification Church, Bhagwan-Osho, and Transcendental Meditation. The Church of Jesus Christ of Latter-day Saints (Mormons), the Jehovah's Witnesses, the Church of Christ, Christian

Scientists, the New Apostolic Church, and the Johannish Church were characterized in less negative terms but nevertheless were singled out as “sects.”

Private sector firms that screen for Scientology affiliations frequently cited OPC observation of Scientology as a justification for discrimination. The Federal Property Office barred the sale of some real estate to Scientologists, noting that the Finance Ministry had urged that such sales be avoided if possible. Since 1996, employment offices throughout the country have implemented an Economics and Labor Ministry administrative order directing them to enter an “S” notation next to the names of firms suspected of employing Scientologists. Employment counselors are supposed to warn their clients that they might encounter Scientologists in these workplaces. Scientologists claimed that the “S” notations violate their right to privacy and interfere with their livelihood.

The Unification Church has sought legal remedies against the Government’s refusal to grant an entry visa to the founder of the Unification Church, Reverend Sun Myung Moon, and his wife, Hak Ja Har Moon through 2004. Federal courts ruled that the exclusion does not infringe upon church members’ freedom to practice their religion. At year’s end, an appeal by the Unification Church was pending.

On October 22, the Federal Constitutional Court overturned a lower court’s 2002 decision that without the appropriate state legislation, a school in Baden-Wuerttemberg could prohibit a Muslim teacher from wearing a headscarf to work. The ruling does not affect states’ ability to establish a legal basis for banning headscarves in schools. After the ruling, several states indicated their intention to enact laws prohibiting Muslim public servants from wearing headscarves on duty. Several states have submitted draft laws prohibiting Muslim teachers from wearing headscarves on duty in public schools. Legislative approval was pending at year’s end.

Leading politicians from all major parties stated that neo-Nazi groups posed a serious threat to public order and called for continuing vigilance by law enforcement agencies. Following a rise in the incidence of anti-Semitic crimes and an increase in public criticism of the Israeli Government’s actions in the Middle East, Jewish community leaders expressed disappointment in the leaders of other religious communities, as well as in some local and national politicians, for not speaking out more forcefully against anti-Semitism. In October, the public remarks of Martin Hohmann, a Christian Democratic Union (CDU) Member of Parliament, comparing the actions of Jews during the Russian Revolution to those of the Nazis during the Holocaust, led to the opening of an inquiry following a criminal complaint alleging incitement and slander. The CDU subsequently expelled Hohmann from its parliamentary caucus.

Arab youths appeared to be increasingly behind attacks on and harassment of the country’s Jews. In May, an American orthodox Jew in Berlin was attacked by a group of teenagers who appeared to be of Arab origin. The attack was the fourth in a series of similar incidents that took place during the year.

During the year, Jewish cemeteries were desecrated in Kassel and Beeskow. Dozens of gravestones were pushed over or painted with pro-Nazi graffiti. In September, police arrested several people for suspected involvement in a plot to bomb a Jewish institution in Munich.

All branches of Islam were represented in the country, with the large majority of Muslims coming from abroad. Reports continued of opposition to the construction of mosques in various communities around the country, generally concerning complaints about increased traffic and noise. There was debate over whether Muslims could use loudspeakers in residential neighborhoods to call the faithful to prayer. There also remained areas where the law conflicted with Islamic practices or raised religious freedom issues, notably the headscarf issue.

Authorities ran a variety of tolerance-education programs, many focusing on anti-Semitism and xenophobia. Government agencies cooperated with nongovernmental organizations (NGOs) in the formulation and administration of these programs.

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

d. Freedom of Movement within the Country, Foreign Travel, Emigration, and Repatriation.—The Basic Law provides for these rights, and the Government generally respected them in practice. For ethnic Germans from Eastern Europe and the former Soviet Union, the Basic Law provides both for citizenship immediately upon application and for legal residence without restrictions. The law provides that children born to legal foreign residents be granted citizenship. Individuals may retain both German citizenship and that of their parents until the age of 23, when they must choose one or the other. The law reduced the period of residence legal foreign residents must spend in the country in order to earn the right to naturalize from 15 to 8 years.

The Basic Law and legislation provide for the granting of asylum and refugee status to persons who meet the definition in the 1951 U.N. Convention Relating to the Status of Refugees and its 1967 Protocol. In practice, the Government provided protection against refoulement and provided refugee status or asylum. Both the Federal Government and state governments cooperated with the office of U.N. High Commissioner for Refugees (UNHCR) and other humanitarian organizations in assisting refugees, although immigration matters were primarily a state-level responsibility.

Individuals attempting to enter via a "safe country of transit" (any country in the European Union (EU) or adhering to the Geneva Convention on Refugees) were ineligible for asylum and could be turned back at the border or returned to that "safe country of transit" if they managed to enter the country. Individuals whose applications were rejected on these grounds had up to 2 weeks to appeal the decision. Individuals who arrived at an international airport and who were deemed to have come from a "safe country of origin" could be detained at an airport holding facility. In these cases, the Federal Office for the Recognition of Foreign Refugees was required to make a decision on an asylum application within 48 hours or allow the person to enter the country. The applicant could appeal a negative decision to an administrative court within 3 days, and the court was required to rule within 14 days or allow the individual to enter the country. Although stays in the airport facility are limited to a maximum of 19 days, applicants whose claims were rejected, but who could not be deported immediately, allegedly have been held at the airport for months, a practice criticized by some refugee assistance groups and human rights advocates.

Applicants who entered the country and were denied asylum at their original administrative hearing could challenge the decision in court, and 80 percent of applicants denied asylum did so. Only about 3 to 4 percent of such rejections were overturned. The rejected applicant was allowed to remain in the country during the course of the appeal, which usually took at least a year and sometimes significantly longer. Applicants received housing and other social service benefits during this time. Asylum applicants and civil war refugees have been allowed to work after a 1-year waiting period. Individuals who failed to cooperate during the deportation process or who were deemed liable to flee to avoid deportation could be held in predeportation detention, with the average detention period lasting 5 to 6 weeks.

Some foreigners whose asylum applications were rejected, but who would be endangered if they were returned to their home country, received temporary residence permits; however, they were expected to leave when conditions in their home country allowed for their safe return. The vast majority of the approximately 345,000 Bosnians and the approximately 200,000 Kosovars whom the Government admitted during the conflict in the former Yugoslavia fell into this category; most of these persons have since been repatriated or resettled outside of the country. For the remainder, once their residence permits expired they could be deported, although some exceptions were made for certain vulnerable groups, such as members of ethnic minorities, including Serbs, Roma, Ashkalia, and Muslim Slavs. In a number of cases, there also were exceptions made for medical reasons. The Government continued to support voluntary return programs for refugees from the former Yugoslavia, providing financial incentives of between \$956 and \$2,813 (765 and 2,250 euros) to help cover travel and resettlement costs. Many states provided additional resettlement funds. However, failure to accept voluntary repatriation subjected these refugees to the threat of deportation, forced them to leave their personal property behind, and excluded them from reentering the country for a 5-year period.

In some cases, unsuccessful asylum seekers attempted to thwart their deportation by refusing to disclose to authorities their country of origin or their identity. This situation was prevalent among asylum seekers from West Africa; it was also not unusual among asylum seekers from the former Soviet Union. Several states attempted to speed up repatriation of uncooperative rejected asylum seekers by opening communal accommodations where foreigners were housed while authorities obtained valid information regarding their identity and citizenship. Some refugee-rights and church organizations criticized these centers as inhumane. They claimed that the basic amenities and relative lack of freedom of movement exerted psychological pressure on the residents. Authorities countered that the centers' emphasis on counseling and job skill development promoted the residents' willingness to depart voluntarily and enhanced their chances of success in their home countries.

During the year, there were 377 voluntary returns of Bosnian refugees. The Government estimated that since 1999, approximately 100,000 Albanian Kosovars have returned to Kosovo. According to government sources, 85 percent of these returned voluntarily, the other 15 percent involuntarily. These figures were consistent with those of refugee advocate groups. The Government estimated that there were approximately 60,000 deportable Kosovar refugees in the country. Of these, 27,000

were ethnic Albanians and 33,000 were members of ethnic minorities, primarily Roma and Serbs, but also including Bosniaks, Egyptians, Ashkalia, Turks and Torbesh. Roma and Serbs were exempted from forced returns, but other ethnic minorities and Albanians were being returned, increasingly on a forced basis. In coordination with the U.N. Interim Administrative Mission in Kosovo (UNMIK), German authorities in some states provide voluntary returnees with some resettlement funds and in-country assistance.

There were two reports of the forced deportation of Chechens to Russia. After the 2002 incident in a Moscow theater in Russia, the federal Interior Ministry recommended to its state-level counterparts that deportations of Chechens should be temporarily halted and that previously refused asylum cases of Chechens remaining in Germany should be re-evaluated. However, according to AI, many asylum applications by Chechens were refused during the year.

AI reported that the Government deported a Chechen man in Baden-Wuerttemberg whose two applications for asylum were denied. During the year, the Government refused to consider an asylum application from a Chechen man who entered the country through Poland on the grounds that he entered through a "safe country of transit."

Due to continuing security concerns, the Government decided not to compel the return of Afghan refugees.

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 exercised this right in practice through periodic, free, and fair elections. Members of Parliament are elected every 4 years from a mixture of direct-constituency and party-list candidates on the basis of universal suffrage and secret balloting. The second legislative body, the Bundesrat, is composed of delegations from state governments; there are no collective Bundesrat elections.

In the Bundestag, there were two major parliamentary groups, the SPD and the Christian Democratic Union/Christian Social Union (CDU/CSU), as well as two smaller parliamentary groups, the Free Democrats (FDP) and the Greens. Parties that failed to win either 5 percent of the vote nationwide or three seats in head-to-head contests ("direct mandates") were not allotted their proportional share of seats (although they retain any seats won directly). In the 2002 national elections, the Party of Democratic Socialism (PDS) won two direct mandates, but failed to gain the 5 percent needed; therefore, there were only two PDS deputies in the new Bundestag. The federal Constitutional Court may outlaw political parties that actively work to undermine the liberal democratic order (see Section 2.b.).

The law entitles women to participate fully in political life, and a growing number were prominent in the Government and the parties. Close to 31 percent of the members of the Bundestag were women. Women occupied 7 of 15 Federal Cabinet positions. On the Federal Constitutional Court, 5 of the 16 judges were female, including the Chief Justice. Two of the parties represented in the Bundestag were headed by women: The CDU and the Greens/Alliance 90 (co-chaired by a woman and a man). 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 SPD had a 40-percent quota for women on all party committees and governing bodies, and they met that goal. The CDU required that 30 percent of the first ballot candidates for party positions be women, a goal that they met.

Few minorities were represented in the Government. There were two Turkish-German Bundestag deputies and one German-Indian mixed race deputy in the Bundestag.

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

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

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

The law prohibits the denial of access to housing, health care, or education on the basis of race, disability, sex, ethnic background, political opinion, or citizenship.

Women.—Violence against women was a problem and was thought to be under-reported; nationwide statistics are not compiled, but the Ministry of Family, Seniors, Women and Youth estimated that there were approximately 45,000 cases per

year of domestic violence against women. In 2002, countrywide, 8,615 cases of rape were reported, 724 (9.2 percent) more than in 2001. The law prohibits violence against women and the Government has implemented a number of legal and social structures to combat it. Societal attitudes toward such violence are strongly negative, and legal and medical recourse were available. During the year, the Government conducted campaigns in schools and through church groups to bring public attention to the existence of such violence and supported numerous projects to combat the problem. There were 435 "women's houses," including 115 in the eastern states (excluding Berlin), where victims of violence and their children could seek shelter, counseling, and legal and police protection. In the last few years, the Federal Ministry for Families, Seniors, Women and Youth commissioned a number of studies to obtain information on violence against women, sexual harassment, and other matters. The law provides for removing a violent husband or male domestic partner from a shared dwelling.

Prostitution is legal. Lawmakers have approved new rules affording prostitutes more benefits, such as the chance to enter the social security system and to use the courts to obtain payment for their services.

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

Sexual harassment of women was a recognized problem. The press reported on sexual harassment in the workplace and in public facilities. Unions, churches, government agencies, and NGOs ran a variety of support programs for women who experienced sexual harassment and sponsored seminars and training to prevent it.

The Government continued to implement its multiyear action plan, "Women and Occupation." The program promoted the equality of women and men in the workforce, including increased vocational training for women, greater representation of women in political advisory councils, and the promotion of female entrepreneurs through government grants and participation in regional projects earmarked for women. The Federal Ministry for Families, the Elderly, Women, and Youth also announced a multiyear initiative designed to increase the number of women and girls who receive training in information technology (IT) and in media careers, with the goal of raising the number of IT-training slots to 60,000 by 2003 and the share of female IT-trainees to 40 percent by 2005. The law provides for equal pay for equal work; however, in practice many employers categorized individual jobs held by women differently from the same job held by a man, thereby creating inequalities in pay for men and women. Union contracts typically identified 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 were represented disproportionately in these lower-wage scale occupations. In general, a women's average monthly income was lower than a man's average monthly income. However, if factors such as differences in age, qualification, occupational position, structure of employment or seniority are taken into consideration, women usually were not discriminated against in terms of equal pay for equal work, although they were underrepresented in well-paid managerial positions.

Children.—The Government was strongly committed to children's rights and welfare; it amply funded systems of public education and medical care. Public education was provided free of charge through the university level and was mandatory through the age of 16; almost all children attended school on a daily basis.

Child abuse was a problem. No statistics were available, but children's advocates from NGOs as well as some politicians considered it a problem, and individual cases received attention in the newspapers. The law stresses the need for preventive measures, and in response the Government increased its counseling and other assistance to abused children.

The Criminal Code provides for the protection of children against pornography and sexual abuse. For possession of child pornography, the maximum sentence is 1 year's imprisonment; the sentence for distribution is 5 years. The law makes the sexual abuse of children by citizens abroad punishable even if the action is not illegal in the child's own country. In 2002, there were 15,998 cases of sexual abuse of children recorded (881, or 5.8 percent more than in 2001). There were 2002 cases of possession or distribution of child pornography (down 743, or 27.1 percent, from 2001).

In October, the German UNICEF office published a report drafted by a local social worker that characterized the region along the border with the Czech Republic as a "haven for pedophilia." The two countries have formed a liaison group to increase communication and exchange information on vice crimes, augmenting a 2000 agreement on police cooperation.

Trafficking in girls was a serious problem (see Section 6.f.).

Persons with Disabilities.—The Basic Law specifically prohibits discrimination against persons with disabilities, and there were no reports of discrimination against persons with disabilities in employment, education, or in the provision of other state services. The law mandates several special services for persons with disabilities; they are entitled to assistance to avert, eliminate, or alleviate the consequences of their disabilities and to secure employment commensurate with their abilities. The Government offered vocational training and grants for employers who hired persons with disabilities. Persons with severe disabilities could be granted special benefits, such as tax relief, free public transport, special parking facilities, and exemption from radio and television fees.

The Government set guidelines for the attainment of “barrier-free” public buildings and for modifications of streets and pedestrian traffic walks to accommodate persons with disabilities. All 16 states incorporated the federal guidelines into their building codes, and 98 percent of federal public buildings follow the guidelines for a “barrier-free environment.” There were no reports of societal discrimination against persons with disabilities.

National/Racial/Ethnic Minorities.—The Federal Criminal Police uses a crime definition system for “politically motivated crimes” (PMCs). PMCs are crimes that involve motives that have to do with victims’ ideology, nationality, ethnicity, race, skin color, religion, world-view, ancestry, sexual orientation, disability status, appearance, or social status. PMCs are categorized and reported by the Federal OPC in its annual report, according to perpetrator (rightwing extremist, leftwing extremist, foreign extremist) and crime type (propaganda, racist literature or hate speech; property destruction, desecration of Jewish graves; and assaults on persons). In 2002, 10,902 rightwing PMCs were recorded (10,054 in 2001), including 7,294 propaganda crimes (6,336 in 2001), 2,513 “incitement of racial hatred” crimes (2,538 in 2001), 178 property crimes (251 in 2001), 115 criminal threats (190 in 2001), and 30 grave desecrations (30 in 2001). In 2002, 772 of the rightwing extremist PMCs were violent (709 in 2001); the majority of these (440, 56.9 percent; up from 374 in 2001) were perpetrated against foreigners; 28 (2.5 percent) were anti-Semitic (up from 18 in 2001), and 207 (26.8 percent) were against political opponents (197 in 2001).

Harassment of foreigners and racial minorities, including beatings, remained common throughout the country. Media as well as official reports indicated that several such incidents occurred each week. There were several incidents in July. An African woman was harassed with racial slurs and punched as she waited for a streetcar in Potsdam; several Vietnamese were attacked in Berlin; in Rhineland-Palatinate, a neo-Nazi shouted “Heil Hitler” as he kicked a Nigerian in the stomach, sending him to the hospital. In northwestern Brandenburg state, a 13-year-old German of color was assaulted and burned by a group of 14- to 16-year olds who started their attack with racial slurs. In Wittenberg (Saxony-Anhalt), six men hit a young Arab man with bottles, knocked him to the ground, kicked him, and harassed him with racial slurs.

In June, a foreign government granted asylum to a German citizen of color and her children after finding that the Government’s failure to protect her rights and address her grievances effectively condoned racist attitudes and discrimination. The asylee alleged that government agencies ignored her complaints against her ex-husband (a Caucasian citizen) of spousal and child abuse because she was a person of color, and that government agencies through malfeasance and discrimination denied her equal access to social services. In an ongoing domestic court case in which she was attempting to obtain a child support enforcement order, she alleged that government agencies continued to deny her access to legal representation to which she is entitled as a citizen.

Membership in rightwing organizations was difficult to ascertain; however, authorities estimated that there were approximately 1,500 persons nationwide who were leaders of rightwing activities. Authorities estimated an additional 10,000 persons were sympathizers.

The Federal Government and state governments remained firmly committed to combating and preventing rightwing violence, although police resources increasingly were allocated to address the terrorist threat. In September, authorities in Bavaria arrested several members of the neo-Nazi “Southern Brotherhood” organization and seized weapons and explosives from the group in raids. Police discovered plans the group had to attack the cornerstone-laying ceremony of a new Jewish community center and synagogue. State and federal authorities are continuing their investigation of possible links between this group and other violent neo-Nazi groups nationwide.

The Government protected and fostered the languages and cultures of national and ethnic minorities that traditionally lived in the country (for example, Sorbs,

Danes, Roma, Sinti, and Frisians). Although the Government recognized the Sinti and Roma as an official “national minority” since 1995, the federal and state interior ministries resisted including Romani among the languages to be protected under relevant EU statutes. Critics contended that the Sinti/Romani minority was the only official national minority that did not have unique legal protection, political privilege, or reserved representation in certain public institutions.

Resident foreigners and minority groups continued to voice credible concerns about societal and job-related discrimination. Unemployment affected foreigners disproportionately, although at times this was due in part to inadequate language skills or nontransferable professional qualifications of the job seekers (see Section 6.e.). The Federal Government and all states established permanent commissions to assist foreigners in their dealings with government and society.

Section 6. Worker Rights

a. The Right of Association.—The Basic Law provides for the right to associate freely, choose representatives, determine programs and policies to represent workers’ interests, and publicize views, and workers exercised these rights. Approximately 27 percent of the total eligible work force belonged to unions. The German Trade Union Federation (DGB) represented approximately 83 percent of organized workers.

The law effectively protects workers against antiunion discrimination. Complainants file their cases directly with the labor courts, which are the courts of first instance. Specialized labor court judges render decisions in these cases.

The DGB participated in various international and European trade union organizations, including the European Trade Union Confederation (ETUC) and the International Confederation of Free Trade Unions (ICFTU).

b. The Right to Organize and Bargain Collectively.—The Basic Law provides for the right to organize and bargain collectively and workers exercised these rights. Collective bargaining was widespread due to a well-developed system of autonomous contract negotiations; mediation was used infrequently. Basic wages and working conditions were negotiated at the industry level. However, some firms in the eastern part of the country refused to join employer associations or withdrew from them and then bargained independently with workers. In addition, some firms in the west withdrew at least part of their work force from the jurisdiction of employer associations, complaining of rigidities in the industrywide, multicompany negotiating system; however, they did not refuse to bargain as individual enterprises. The law mandates a system, known as co-determination, whereby workers are able to participate in the management of the enterprises in which they work through “works councils” and worker representation on boards of directors. The rights of the works councils are regulated through the Works Constitution. Members of works councils do not have to be union representatives.

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) criticized the Government’s definition of “essential services” as overly broad. The ILO continued to seek clarifications from the Government on policies and laws governing the labor rights of civil servants. The ILO has repeatedly reminded the Government that this restriction is not in line with Convention 87, and has asked it to change its legislation accordingly. Similarly, teachers in the public service continue to be denied their right to collective bargaining. This has not changed despite ILO criticism of the violation of Convention 98. These groups who are not allowed to strike have legal recourse through the court system to protect their rights.

In June, a strike by the IG Metall labor union for a 35-hour work week in eastern Germany failed in the face of determined resistance by employers, lack of support among workers who feared they would be priced out of their jobs, and objections from western German workers who would have had to cope with the consequences of disruptions in supplies from the east. The Government did not interfere.

There are no export processing zones.

c. Prohibition of Forced or Bonded Labor.—The Basic Law and the federal statutes prohibit forced or bonded labor, including by children; however, there were reports that such practices occurred (see Section 6.f.).

Since 2001, the “Remembrance, Responsibility, and the Future Foundation,” has paid approximately \$2.81 billion (2.25 billion euros) to some 1.4 million claimants worldwide for payments to private and public sector Nazi-era forced and slave laborers and others who suffered at the hands of German companies during the Nazi era. The Government and a consortium of German companies have each contributed \$3.1 billion (2.5 billion euros) to the Foundation, which was established under the law. The Foundation concluded agreements with partner organizations such as the Inter-

national Organization for Migration (IOM) and the Conference on Jewish Material Claims Against Germany that receive Foundation funds in order to process and pay claims according to agreed procedures and subject to audit.

d. Status of Child Labor Practices and Minimum Age for Employment.—The law prohibits the employment of children under the age of 15, with a few exceptions: Those 13 or 14 years of age may do farm work for up to 3 hours per day or may deliver newspapers for up to 2 hours per day; and those 3 to 14 years of age may take part in cultural performances, albeit under stringent curbs on the kinds of activity, number of hours, and time of day. The Federal Labor Ministry effectively enforced the law through its Factory Inspection Bureau.

e. Acceptable Conditions of Work.—There was no legislated or administratively determined minimum wage; wages and salaries were set either by collective bargaining agreements between unions and employer federations or by individual contracts. Covering an estimated 80–90 percent of all wage and salary-earners, the collective bargaining agreements set minimum pay rates and were enforceable by law. The remaining 10–20 percent were covered by either individual contracts or company-level contracts negotiated by worker representatives who were not necessarily members of unions. These minimums provided a decent standard of living for a worker and family.

Federal regulations limit the workweek to a maximum of 48 hours, but the number of hours of work per week was regulated by contracts that directly or indirectly affected 80 percent of the working population. The average workweek for industrial workers was 36 hours in the western part of the country and approximately 39 hours in the eastern states; rest periods for lunch were accepted practices. Provisions for overtime, holiday, and weekend pay varied depending upon the applicable collective bargaining agreement.

There was an extensive set of laws and regulations on occupational safety and health. A comprehensive system of worker insurance carriers enforces safety requirements in the workplace. The Labor Ministry and its counterparts in the states effectively enforced 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—oversaw worker safety. The law provides for the right to refuse to perform dangerous or unhealthy work without jeopardy to continued employment.

Foreign workers legally in the country were protected by law and generally worked in conditions equal to that of citizens; however, wage discrimination affected legal foreign workers to some extent. For example, foreign teachers in some schools were paid less than their German counterparts. In addition, seasonal workers from Eastern Europe who came to the country on temporary work permits often received wages below normal German standards. Workers from other EU countries at times were employed at the same wages they would receive in their home country, even if the corresponding German worker would receive a higher wage. Foreigners who were employed illegally, particularly in the construction industry in Berlin, were likely to receive substandard wages.

f. Trafficking in Persons.—The law prohibits trafficking in persons; however, trafficking in persons, primarily women and girls for sexual exploitation, was a problem.

The law specifically prohibits trafficking in persons and makes the offense punishable by up to 10 years' imprisonment. These crimes are prosecuted at the state level. The Federal Criminal Office for Criminal Investigation and state police actively investigated cases of trafficking and published their findings in an annual trafficking report. In 2002 (the latest year for which figures are available), state officials conducted 282 pre-trial investigations, a 5.9 percent increase from the previous year. The number of suspects in 2002 was 821, an increase of 10 percent over the previous year.

In March, a Kassel court sentenced a Czech national to 8 years in prison for trafficking 300 Afghan and Chinese nationals to Germany.

The Federal Criminal Office for Criminal Investigation has a team that coordinates international operations and offers special training. The Federal Ministry for Families, the Elderly, Women, and Youth heads an interagency working group to coordinate the efforts of state and federal agencies to combat trafficking and to aid victims of trafficking. The federal and state Governments worked actively with NGOs and local women's shelters to combat human trafficking.

Germany was both a destination and transit country for trafficking in persons, overwhelmingly women and girls. Most trafficking victims were women and girls between the ages of 16 and 25 who were forced to work as prostitutes; according to

police statistics, less than 0.5 percent of trafficking victims were men or boys. Estimates by NGOs varied considerably as to the number of women and girls trafficked to and through the country. The number of known and registered trafficking victims in 2002 was 811. Of these, 87 percent came from Eastern Europe and the countries of the former Soviet Union, primarily from Russia, Poland, Ukraine, Moldova, Lithuania, Slovakia, Latvia, Bulgaria, and the Czech Republic. Frequently crime rings would traffic women who already had been caught in, and deported from, one European country to another. Non-European victims came mostly from Africa and Asia. The UN Center for International Crime Prevention stated that Germany is the most common destination for victims of human trafficking.

Traffickers used a range of intimidation techniques to ensure the compliance of victims, including threats to "sell" the victim, threat of deportation, misinformation about victims' rights in Germany, physical violence, and withholding documents.

The Government was active in combating trafficking in persons at the federal and state levels. There was no known involvement of authorities or individual government employees in human trafficking.

The federal and state governments, as well as private donors, subsidized more than 30 counseling centers for victims of trafficking that are run by NGOs. When an illegal alien is discovered to be a trafficking victim, police were required to notify a counseling center and to inform the victim of his/her rights and options for seeking assistance. The centers provide shelter, counseling, interpreting services, and legal assistance. The NGOs involved with combating human trafficking also worked to raise public awareness through seminars and training courses.

Victims who serve as witnesses in trafficking cases have the right to join the criminal trial against the trafficker as a co-plaintiff, a status that entitles them to an attorney and financial assistance to cover legal expenses. Victims who are illegal residents receive basic health care for acute illness or pain according to the Benefit Rules for Asylum Seekers. Of the 811 registered victims in 2002, 284 were deported, 153 returned to their home countries of their own free will, and 104 were granted a temporary stay. The right to remain in Germany was granted in cases of marriage to a German national, political asylum, or evidence that the victim's life would be endangered by being deported.

The Government covered the basic cost of repatriation of trafficking victims under the Reintegration and Emigration Program for Asylum-Seekers in Germany (REAG). The IOM administers REAG, and is represented in several of the major return countries where the organization assists returned victims.

The Government was actively involved in reaching out to potential trafficking victims before they entered the country. German embassies and consulates as well as NGOs distribute a brochure that provided information on residency and work permit requirements as well as warnings about trafficking. The Ministry of Foreign Affairs sponsored and organized conferences on trafficking issues. Government agencies work actively with NGOs, which were represented in the federal interagency working group on human trafficking.

GREECE

Greece is a constitutional republic and multiparty parliamentary democracy. The Panhellenic Socialist Movement (PASOK) won the majority of parliamentary seats for a second consecutive term in free and fair parliamentary elections held in 2000. Its leader, Constantine Simitis, has been Prime Minister since 1996. The judiciary is independent.

The national police and security services are responsible for internal security. Civilian authorities generally maintained effective control of all security forces. The police and security services were subject to a broad variety of restraints. Some members of the police and security forces committed human rights abuses.

The country had a market economy with a large public sector and a population of 11 million, which enjoyed a high standard of living. Economic growth was estimated at 4 percent and inflation at 3.5 percent for the year.

The Government generally respected the human rights of its citizens; however, there were problems in some areas. Border police killed one immigrant. Security forces personnel sometimes abused persons, particularly illegal immigrants and Roma. There were reports of police torture of illegal immigrants. Overcrowding and harsh conditions continued in some prisons. Police sweeps resulted in the detention of undocumented immigrants under often squalid conditions. There were legal limits on the freedom of association of ethnic minorities. Some leaders of minority religions reported difficulty with the authorities, but others noted a general improvement in

government tolerance. Laws that restricted freedom of speech remained in force, and some legal restrictions and administrative obstacles on freedom of religion persisted. Violence and discrimination against women were problems. Discrimination against ethnic minorities and Roma remained a problem. There were reports that foreign children were forced into begging. Trafficking in women and children was a problem.

RESPECT FOR HUMAN RIGHTS

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

a. *Arbitrary and Unlawful Deprivation of Life.*—There were no political killings; however, in September, border police shot and killed an Albanian who was trying to cross illegally into the country. The policeman was charged with homicide.

On November 24, the Second Misdemeanors Court of Athens acquitted police officer Ioannis Rizopoulos in the 2001 shooting death of a 20-year old Albanian immigrant, Gentjan Celniku, while he was handcuffed and in police custody.

By year's end, the police had not taken action on an internal police council's recommendation that the officer responsible for the 2001 shooting death of Rom Marinos Christopoulos be dismissed from the police force.

Three migrants died during the year in poorly marked minefields on the Turkish border.

In December, 15 members of the terrorist group November 17 were convicted of various crimes including homicide; the leader of the group and several key operatives were given multiple life sentences.

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

c. *Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.*—The Constitution and law prohibit such practices; however, security forces occasionally abused persons, particularly illegal immigrants and Roma (see Section 5).

In September, human rights groups alleged that border police tortured three migrants attempting to return to Albania; authorities had taken no action on the case at year's end.

Two high school students in Kalamata alleged that, in July, police beat them during a routine identity check. Their parents filed lawsuits against three police officers, and the police director of Messinia ordered an investigation. There were no developments in either civil suit or the police investigation by year's end. In July, two Britons alleged that police beat them with batons after their arrest for attacking a shopkeeper and said they planned to sue the police for brutality.

Police abused Roma more frequently than some other groups. There were frequent police raids on Roma settlements and harsh police treatment of Roma in the Aspropyrgos settlement. Authorities did not take action in the January 2002 case of a police officer allegedly kicking a pregnant woman, who later miscarried, during a raid on the Aspropyrgos Roma camp.

There were no developments during the year in the Ministry of Public Order investigations into the alleged June 2002 police torture of Nigerian national Joseph Okeke or the alleged August 2002 beating and torture of Yannis Papacostas in a police station near Athens.

Authorities took no action during the year in the alleged 2001 beating and mistreatment of Rom Andreas Kalamiotis while in police custody in Aghia Parakevi or the alleged 2001 police beating of a Rom during a traffic stop in Nafplio.

Immigrants—mostly Albanian citizens—accused police of physical, verbal, and other mistreatment, and the confiscation and destruction of personal documents, particularly during police sweeps to apprehend illegal immigrants (see Section 2.d.).

In June, an Ombudsman's report on police abuse found that police took citizens to detention centers for arbitrary identity checks, used insulting language and threats of force, and conducted bodily searches in public. Most citizens were released within hours of being detained for identity checks.

Numerous anarchist and extremist groups attacked a wide spectrum of targets, mostly commercial property, during the year. There were occasional firebomb attacks on vehicles and commercial offices during the year.

Conditions in some prisons remained harsh due to overcrowding and outdated facilities. As of September, the Ministry of Justice reported that the total prison population was 8,555, while the total capacity of the prison system was 5,584. In general, juveniles were held separately from adults, and women were held separately from men. Pretrial detainees were held with convicted prisoners awaiting trials in Korydallos Prison. Female illegal aliens were held under poor conditions at the Drapetsona detention centers. Construction continued on four new prisons.

The Government permitted prison visits by the International Committee of the Red Cross and some other independent human rights monitors, and several took

place during the year; however, it did not consistently allow visits to police detention centers.

d. Arbitrary Arrest, Detention, or Exile.—The Constitution prohibits arbitrary arrest and detention; however, throughout the year, the police conducted large-scale sweeps and temporarily detained, often under squalid conditions, large numbers of foreigners while determining their residence status (see Section 2.d.). Some of the foreigners were detained indefinitely without judicial review.

All police forces are under the authority of the Ministry of Public Order. During the year, the Bureau of Internal Affairs of the Ministry of Public Order took several disciplinary measures, including dismissal and suspension, against officers involved in corruption, primarily for forging documents and taking bribes. From January to August, 344 complaints were filed with the Bureau. Most cases involved violation of duty, false certificates, abuse of power, corruption, violations with arms and explosives, illegal release of persons in police custody, pimping, and various violations relating to alien registration. By the end of August, the Bureau filed lawsuits in 135 cases against 78 policemen and 11 civil servants.

In June, the press and the nongovernmental organization (NGO) Helsinki Monitor alleged that penalties for corrupt or abusive police were too weak and discouraged citizens from pressing charges against police. NGOs also cited the November acquittal of a police officer in the 2001 killing of an Albanian immigrant (see Section 1.a.) as a setback for efforts to combat police impunity.

Corruption was a problem. While the anti-corruption unit of the Hellenic Police stated the problem was decreasing, human rights and anti-trafficking groups said that anti-corruption efforts needed to be a higher government priority.

The Constitution requires judicial warrants for arrests except when they are made during the commission of a crime, and the law prohibits arbitrary arrest orders; the authorities generally respected these provisions in practice. By law, the police must bring persons who are detained or arrested before an examining magistrate within 24 hours. The magistrate must issue a detention warrant or order the release within 3 days, unless special circumstances justify a 2-day extension of this limit.

On March 15, police detained Gazmend Kapllani, the President of the Albanian Migrants Forum and human rights activist, for 1 day for allegedly driving an uninsured motorbike (see Section 5).

Defendants brought to court on the day following the alleged commission of a misdemeanor may be tried immediately under expedited procedures. Although legal safeguards, including representation by counsel, apply in expedited procedure cases, the short time period limited defendants' ability to present an adequate defense. Defendants may request a delay in order to prepare a defense, but the court is not obliged to grant it. Expedited procedures were used in less than 10 percent of applicable cases.

The effective legal maximum duration of pretrial detention is 18 months for felonies and 9 months for misdemeanors. Defense lawyers asserted that pretrial detention is excessively long and overused by judges. A panel of judges may release detainees 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.

The Constitution prohibits forced exile, and the Government did not employ it.

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

The judicial system includes three levels of civil courts, (first instance, appeals, and supreme) and three levels of criminal courts (first instance—divided into misdemeanor and felony divisions, appeals, and supreme), appointed judges, and an examining magistrate system, with trials by judicial panels.

The Constitution provides for public trials, unless the court decides that privacy is required to protect victims and witnesses or a case involves national security. Defendants enjoy a presumption of innocence, the standard of proof beyond a reasonable doubt, the right to present evidence and call witnesses, and the right of access to the prosecution's evidence, to cross-examine witnesses, and to counsel. Lawyers are provided to defendants who are not able to afford legal counsel only in felony cases. Both the prosecution and the defense may appeal.

Defendants who do not speak Greek have the right to a court-appointed interpreter. According to several immigrant associations in Athens, the low fees paid for such work often resulted in poor interpretation. Foreign defendants who used these interpreters frequently complained that they did not understand the proceedings at their trials. Defendants often were not advised of their rights during arrest in a language that they could understand. Several complained that they were not shown the

Hellenic Police Informational Bulletin, which contains prisoners' rights in a variety of languages, and that they were forced to sign blank documents later used for their deportation.

There were no reports of political prisoners.

f. Arbitrary Interference with Privacy, Family, Home or Correspondence.—The Constitution prohibits the invasion of privacy and searches without warrants, and the law permits the monitoring of personal communications only under strict judicial controls; however, these provisions were not always respected in practice.

Police conducted regular raids and searches of Romani neighborhoods for alleged criminal suspects, drugs, and weapons (see Section 5).

Local authorities evicted or threatened to evict Roma from camps and tent dwellings during the year (see Section 5).

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Speech and Press.—The Constitution provides for freedom of speech and of the press, and the Government generally respected these rights in practice; however, legal restrictions on free speech remained in force. The law prohibits exposing to danger of disturbance the friendly relations of the state with foreign states; 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. It also prohibits inciting citizens to acts of violence or to disturbing the peace through disharmony among them. Those convicted of violations of these articles are allowed to convert their prison sentences, up to 3 years, into a fine of approximately \$17 (13.50 euros) per day.

In most criminal defamation cases, defendants typically were released on bail pending appeal without serving time in jail.

There were numerous independent newspapers and magazines. Satirical and opposition newspapers routinely criticized state authorities. Members of ethnic, religious, and linguistic minorities freely published materials, often in their native language.

The Constitution provides that the state exercise "immediate control" over radio and television, and the law establishes ownership limits on media frequencies. The Ministry of Press and Mass Media has final authority over radio and television licensing; the National Radio and Television Council has an advisory role.

The independent radio and television stations were active and expressed a wide variety of views without government restriction. State-run stations tended to emphasize the Government's views but also reported objectively on other parties' programs and positions. Turkish-language television programs were widely available via satellite in Thrace.

The Constitution allows for seizure, 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. Seizures were rare. In February, police confiscated approximately 50 copies of a comic book from bookstores on the grounds that it was insulting to the Christian faith.

The Government did not restrict access to the Internet or academic freedom.

b. Freedom of Peaceful Assembly and Association.—The Constitution provides for the freedoms of assembly and association, and the Government generally respected these rights in practice; however, the courts continued to place legal restrictions on the names of associations involving ethnic minorities (see Section 5).

Police permits were issued routinely for public demonstrations, and there were no reports that the permit requirement was abused. Peaceful demonstrations against government policies occurred regularly in Athens and other large cities. Seven protesters arrested at the June European Union (EU) summit in Thessaloniki, five of whom held hunger strikes during their incarceration, were released in December on bail.

c. Freedom of Religion.—The Constitution provides for freedom of religion; however, non-Orthodox groups at times faced administrative obstacles or legal restrictions on religious practices.

Police regularly detained members of the Church of Jesus Christ of Latter-day Saints (Mormons) and Jehovah's Witnesses (on average once every 2 weeks), usually after receiving complaints that the individuals were engaged in proselytizing. In most cases, these individuals were held for several hours at a police station and then released with no charges filed. Many reported that they were not allowed to call their lawyers and that they were abused verbally by police officers for their religious beliefs.

The Constitution establishes the Eastern Orthodox Church of Christ (Greek Orthodoxy) as the "prevailing" religion. The Greek Orthodox Church exercised significant political and economic influence. The Government financially supported the Greek Orthodox Church, for example, paying for the salaries and religious training of clergy and financing the construction and maintenance of Church buildings. The Government also paid the salaries of the two official Muslim religious leaders ("muftis," Islamic judges and religious leaders with limited civic responsibilities) in Thrace and provided them with official vehicles.

The Government, by virtue of the Orthodox Church's status as the prevailing religion, recognizes de facto its canon law. Privileges and legal prerogatives granted to the Greek Orthodox Church are not extended routinely to other recognized religions.

The Government did not have an established procedure for recognition of religions. Recognition was indirectly granted by applying for and receiving a "house of prayer" permit. Some newer religions had problems getting these permits.

Although Jehovah's Witnesses is a recognized religion, members continued to face harassment in the form of arbitrary identity checks, difficulties in burying their dead, and local officials' resistance to construction of their churches.

Several religious denominations reported difficulties dealing with the authorities on a variety of administrative matters. Buddhists claimed that the lack of cremation as an available means of burial infringes on their religious rights; the remains of anyone who wished to be cremated must be shipped abroad.

Although Parliament approved a bill allowing construction of the first Islamic cultural center and mosque in the Athens area, construction had not started by year's end. The Orthodox Church and some local residents opposed the center, claiming it may "spread the ideology of Islam and the Arab world."

Some members of the Muslim community of Thrace disputed the Government's selection of official muftis. While most of the community accepted the two officially appointed muftis, some Muslims, with support from Turkey, "elected" two different muftis. The courts repeatedly convicted one mufti for usurping the authority of the official mufti; however, his sentences remained suspended and were pending appeal at year's end.

Non-Orthodox citizens claimed that they face career limits in the military, police, fire-fighting forces, and the civil service due to their religion. The employment rate of Muslims in the public sector and in state-owned companies was much lower than the Muslim percentage of the population. The Government claimed and Muslims and Christians agreed that a lack of fluency in written and spoken Greek and the need for university degrees for high-level positions limited the number of Muslims eligible for government jobs.

The law requires that recognized religious groups obtain permits from the Ministry of Education and Religion in order to open houses of worship. By law, the Ministry may base a permit decision on the opinion of the local Greek Orthodox bishop. According to ministry officials, once a recognized religion received a permit, applications for additional houses of prayer were approved routinely. During the year, the Church of Scientology withdrew its appeal of a Ministry decision denying it a house of prayer permit and continued operating as a nonprofit civil law association. Non-Greek Orthodox churches must provide separate and lengthy applications to government authorities on such matters as gaining permission to move places of worship to larger facilities.

The Constitution prohibits proselytizing and stipulates that religious rites may not disturb public order or offend moral principles. During the year, Mormon missionaries reported that they were subject to harassment and police detention due to the legal prohibition on proselytizing.

Several foreign religious groups, including protestant groups and Mormons, reported difficulty renewing the visas of their non-EU citizen ministers because there is not a distinct visa category for religious workers and the Government's interpretation of its obligations to control entry to non-EU citizens under the Schengen Treaty.

Religious instruction was mandatory for all Greek Orthodox students in public primary and secondary schools, but not for non-Orthodox students. Some government-approved religious textbooks made derogatory statements about non-Greek Orthodox faiths. Members of the Muslim community in Athens sought Islamic religious instruction for their children. Since schools did not supervise non-Orthodox children while Greek Orthodox children were taking religious instruction, the community complained that parents were effectively forced to have their children attend Greek Orthodox classes.

Anti-Semitism continues to exist, particularly in the press. Vandalism of Jewish monuments continued to be a problem, although the Government strongly criticized the acts. Some schoolbooks continue to carry negative references to other religions.

In February and August, Jewish monuments and synagogues were desecrated. The Government condemned the desecration; however, police have not made any arrests in the cases.

Members of minority faiths reported incidents of societal discrimination. Greek Orthodox Church officials acknowledged that they refused to enter into dialogue with religious groups they considered harmful to Greek Orthodox worshippers and instructed their members to shun members of these faiths.

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

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

The law permits the Government to remove citizenship from anyone who “commit acts contrary to the interests of Greece for the benefit of a foreign state.” While the law applies to citizens regardless of ethnicity, it has been enforced, in all but one case, only against citizens who identified themselves as members of the “Macedonian” minority. The Government did not reveal the number of such cases; there were no reports of new cases during the year. Dual citizens who lost their citizenship under this provision sometimes were prevented from entering the country on the passport of their second nationality.

The Government has issued identification documents characterizing persons as “stateless” to 143 persons—mainly Muslims in Thrace—who lost their citizenship under a provision of the law that was repealed in 1998 and has permitted them to apply to reacquire citizenship. As of September, 63 of 111 applications had been granted and 48 were pending.

The law provides for the granting of asylum and refugee status to persons who meet the definition in the 1951 U.N. Convention Relating to the Status of Refugees and its 1967 Protocol. In practice, the Government provided some protection against refoulement and granted refugee status to 3 out of 7,271 applicants during the first 10 months of the year. However, the Government has largely not enforced a 1999 presidential decree that brought the law into compliance with the standards of the U.N. High Commissioner for Refugees (UNHCR) with regard to asylum procedures. The Government also provides temporary protection to individuals who do not qualify as asylees or refugees. During the first 10 months of the year, the Government granted temporary residence to 25 persons on humanitarian grounds until they could be repatriated abroad. The Government cooperated with the office of the UNHCR and other humanitarian organizations in assisting refugees.

Individuals recognized as refugees are eligible for residency and work permits necessary to settle permanently. The UNHCR expressed concern that very few applicants were granted asylum without its involvement and that a publicly funded legal aid system was not available to provide counseling for asylum-seekers and refugees.

In May, the Government refused to allow over 600 Kosovar refugees, primarily Roma who had been living in the Suto Orizari UNHCR camp in the Former Yugoslav Republic of Macedonia (FYROM), to enter the country. The Government rejected the request of the refugees, who were massed on the border with the FYROM, on the ground that they were not bona fide asylees.

In June 2002, a group of domestic and international NGOs published an appeal expressing concern over authorities’ frequent violation of the rights of individuals who enter the country illegally, including local authorities’ failure to inform them of their right to apply for asylum.

In July, the UNHCR expressed concern about the country’s asylum policy and practices, citing insufficient reception facilities, low refugee recognition rates, underdeveloped systems for providing for refugee welfare, and insufficient counseling to assist integration of refugees and asylum seekers.

Conditions for illegal immigrants detained by authorities were harsh. In 2002, 24 illegal immigrants by port authorities at an open area in the port of Mytilini on Lesbos, and 239 illegal immigrants in Mytilini were held in a facility designed for 70 persons. In September, 26 immigrants drowned in the Evros region while attempting to cross the border from Turkey. The Coast Guard reported 1,562 illegal immigrants were arrested by September. The Government generally did not seek out such individuals for deportation. Foreign observers reported “degrading” conditions in most of the refugee/immigrant detention centers in Thrace.

Deportations of both illegal and legal immigrants and abusive treatment by police 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.

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

The Constitution provides citizens with the right to change their government peacefully, and citizens exercised this right in practice through periodic, free, and fair elections held on the basis of universal suffrage.

The Government was re-elected in free and fair elections held in April 2000. Opposition parties function freely and have broad access to the media. Voting is mandatory for citizens over age 18; however, there are many conditions under which citizens may be exempted from voting, and penalties were not applied in practice.

Romani representatives reported that local authorities sometimes deprived Roma of the right to vote by refusing to register them; however, Romani representatives also reported that some municipalities encouraged Roma to register. Municipalities may refuse to register Roma who did not fulfill basic residency requirements, which many Roma have trouble meeting.

There were 25 women members in the 300-seat Parliament. There was 1 woman among the 19 ministers in the Government and women held 2 of the 28 subministerial positions. A quota system requires 30 percent of all local government candidates to be women.

There were 2 members of the Muslim minority in the 300-seat Parliament. There were occasionally complaints that the state limited the right of some individuals, particularly Muslims and Slavo-Macedonians, to speak publicly and associate freely on the basis of their self-proclaimed ethnic identity.

Responsibility for oversight of rights provided to the Muslim minority in Thrace under the Treaty of Lausanne belongs to a government-appointed regional administrator of Eastern Macedonia and Thrace, while the Ministry of Foreign Affairs retains an advisory role.

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

A wide variety of domestic and international human rights groups generally operated without restriction in the country, investigating and publishing their findings on human rights cases. The Government permitted domestic human rights organizations to operate, but cooperation with them varied. The Government usually cooperated with international human rights groups, had good working relations with them, and when feasible, took their views into account.

The government ombudsman's office received 536 complaints in the first 9 months of the year directly related to human rights. The ombudsman's office proved to be an effective means for resolving human rights and religious freedom concerns.

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

The Constitution provides for equality before the law irrespective of nationality, race, language, or political belief; however, government respect for these rights was inconsistent in practice.

Women.—Violence against women was a problem. While the law prohibits all violence, it does not specifically prohibit domestic violence. The General Secretariat for the Equality of the Sexes (GSES), an independent government agency, provided counseling and assistance to domestic violence victims. The reported incidence of violence against women was low; however, the GSES believed that the actual incidence was high. The GSES estimated that only 6 to 10 percent of the victims contacted the police, and only a small fraction of those cases reached trial. Conviction rates for rape were low for first time offenders, but sentences were harsh for repeat offenders. While nonconsensual sex in any setting is a crime, law enforcement and courts did not treat spousal rape as harshly as extramarital rape.

The GSES claimed that police tended to discourage women from pursuing domestic violence charges and instead encouraged them to undertake reconciliation efforts. The GSES also claimed that the courts were lenient when dealing with domestic violence cases. The GSES, in cooperation with the Ministry of Public Order, continued training courses for police personnel on how to treat domestic violence victims.

Two GSES shelters for battered women and their children, in Athens and Piraeus offered services, including legal and psychological help, but often were inadequately staffed. The GSES operated a 24-hour emergency telephone hotline for abused women. In June, the Ministry of Health and Welfare started the Emergency Social Care Unit (EKAKB), which operated a hotline providing referrals and psychological counseling. An interministerial committee composed of the GSES, the Ministry of Public Order, the Ministry of Health and Welfare, and the Ministry of Justice, shared information on women's issues.

Prostitution is legal at the age of 18. Prostitutes must register at the local prefecture and carry a medical card that is updated every 2 weeks. It was estimated that

fewer than 1,000 women were legally employed as prostitutes; approximately 20,000 women, most of foreign origin, worked as illegal prostitutes. According to experts, a significant number of these women were trafficking victims (see Section 6.f.). Many anti-trafficking activists alleged that police accepted bribes from traffickers or were involved in trafficking rings.

The law prohibits sexual harassment. Trade unions reported that lawsuits for sexual harassment were very rare, and only four women filed such charges in the past 4 years. In all four cases, the courts reportedly imposed very lenient civil sentences. The General Confederation of Greek Workers (GSEE) women's section reported that sexual harassment was a widespread phenomenon, but that women were discouraged from filing charges against perpetrators by family members and coworkers, since they believed they might be socially stigmatized.

The law provides for equal pay for equal work; however, according to official statistics in 2001, women's pay amounted to 76.2 percent of men's pay.

Although relatively few occupied senior positions, women continued to enter traditionally male-dominated occupations such as the legal and medical professions in larger numbers. Women also were underrepresented in labor unions' leadership. According to the women's section of the GSEE, 58.6 percent of the country's long-term unemployed were women, while women constituted only 38 percent of the work force.

The GSES operated two regional employment offices for women, in Thessaloniki and Patras, and provided vocational training programs for unemployed women and programs to reinforce entrepreneurship, subsidies to women setting up businesses, and information and counseling to unemployed women. It also operated childcare facilities to enable unemployed women to attend training courses and look for a job.

Children.—The Government was strongly committed to children's rights and welfare; it amply funded a system of public education and health care. Government agencies with responsibility for children's issues included the National Organization for Social Care, which has a national network of offices and is active in the field of child protection.

Education was free and compulsory through the ninth grade. According to the 2001 census, 99.4 percent of school-age children attended school. Noncompliance with the compulsory education requirement was not a significant problem outside the Roma community. University education was public and free at all levels.

There were some reports of violence against children, although there was no societal pattern of abuse. No national data existed on the incidence of child abuse; authorities, other than police, are not required to report such cases.

The 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. A program to shelter street children from Albania was ended due to a lack of eligible children.

Children's rights advocacy groups claimed that the protection of high-risk children in state residential care centers was inadequate and of low quality. They cited lack of coordination between welfare services and the courts, inadequate funding of the welfare system, and poor staffing of residential care centers as systemic weaknesses in the treatment of child abuse. Athens had two municipal shelters for battered children. Child health specialists noted that the number of children in residential care facilities was decreasing, while the number in foster care was rising. With EU funding, special care was available for juvenile offenders, Romani children, children from remote mountain and island areas, and children with disabilities.

There were reports that prostitution and trafficking of children for forced labor and sexual exploitation was a problem (see Sections 6.d. and 6.f.).

Persons with Disabilities.—The law mandates the hiring of persons with disabilities in public and private enterprises that employ more than 50 persons, but was poorly enforced, particularly in the private sector. The law states that persons with disabilities should account for 3 percent of employees in private enterprises. In the civil service, 5 percent of administrative staff and 80 percent of telephone operator positions are reserved for persons with disabilities. The law mandates the hiring of persons with disabilities in the public sector from a priority list. They are exempt from the civil service exam, and some have been appointed to important positions in the civil service. There was no societal discrimination against persons with disabilities.

The Construction Code mandates physical access for persons with disabilities to private and public buildings, but this law was enforced poorly. Research conducted during the year by the Medical School of Athens showed that many Athens sidewalks were unsafe for persons with disabilities.

National/Racial/Ethnic Minorities.—Anti-foreigner sentiment existed and was directed mainly at Albanians, who made up approximately 5 percent of the population. Approximately 500,000 of the estimated 1 million aliens in the country were Albanians. While Albanian legal residents encountered less official discrimination than Albanians residing in the country illegally, Albanian immigrants faced widespread societal discrimination. For example, the media regularly blamed Albanians for a reported rise in crime in recent years. The country's sometimes difficult relations with Albania intensified the problem.

In one high-profile case, a public debate over whether a "foreign" student should be allowed to carry the country's flag was conducted in the media when an ethnic Albanian earned the right to carry the flag in a local 2000 national day parade by achieving the highest marks in his school. The controversy resurfaced in October when the same student again earned the right to carry the flag, but was defused when he declined the honor, stating that he wished to avoid creating problems.

In March, the Government denied renewal of the residency permit of Gazmend Kapllani, the President of the Albanian Migrants Forum and human rights activist, on the ground that he presented a threat to public order and national security. On March 15, the police detained Kapllani for 1 day on the ground that he was allegedly driving an uninsured motorbike. On May 3, the Ombudsman told the newspaper *Eleftherotypia* that he had been unable to intervene in the case and noted that the relevant regulations gave police the opportunity to take arbitrary measures against foreigners, claiming vague reasons of order and national security. Authorities eventually renewed Kapllani's visa.

A number of citizens identified themselves as Turks, Pomaks, Vlachs, Roma, Arvanites (Orthodox Christians who speak a dialect of Albanian), or "Macedonians" or "Slavomacedonians." The Government formally recognizes only the "Muslim minority" (see Section 2.c.), and does not officially acknowledge the existence of any ethnic groups, principally Slavophones, under the term "minority." However, the Government has affirmed an individual right of self-identification. As a result, some individuals who defined themselves as members of a minority found it difficult to express their identity freely and to maintain their culture. Use of the terms "Tourkos" and "Tourkikos" ("Turk" and "Turkish") is prohibited in titles of organizations, although individuals legally may call themselves "Tourkos." To most Greeks, the words "Tourkos" and "Tourkikos" connote Turkish identity or loyalties, and many object to their use by Greek citizens of Turkish origin. At year's end, an appeal from the "Turkish Union of Xanthi" and a petition for the establishment of a "Turkish Women's Union" were pending in court.

The Government does not recognize the Slavic dialect spoken by 10,000 to 50,000 persons in the northwestern area of the country as "Macedonian," a language distinct from Bulgarian. The minority's use of the term "Macedonian" has generated strong objections among the 2.2 million non-Slavophone inhabitants of the northern region of Macedonia, who use the same term to identify themselves. Members of the minority asserted that the Government pursued a policy designed to discourage use of their language. Members of the community said that they were forced to cancel plans to hold a conference in Florina in December because no one would rent them a meeting hall. There were reports that right-wing extremists threatened locals with violence if they participated in or facilitated the conference.

Roma continued to face widespread governmental and societal discrimination. In April, the European Roma Rights Center (ERRC) issued a report that claimed that Roma were subject to systematic police abuse, mistreatment while in police custody, and regular raids and searches of Roma neighborhoods for criminal suspects, drugs, and weapons as well as educational discrimination (see Section 1.c.). There were anecdotal reports of societal discrimination such as landlords refusing to rent apartments to Roma and non-Roma parents withdrawing their children from schools attended by Roma children.

The law prohibits the encampment of "wandering nomads" without a permit and forces Roma to establish settlements "outside inhabited areas" and far from permanent housing. There were approximately 70 Romani camps with a total population between 100,000 and 120,000 persons. Local and international NGOs charged that the enforced separation contravenes the country's commitments under the International Convention on the Elimination of All Forms of Racial Discrimination.

Local authorities harassed and threatened to evict Roma from their camps or other dwellings. The NGO Greek Helsinki Monitor reported that police threatened to evict Romani tent-dwellers in Aspropyrgos in April and May. Roma in Tiryns are in a court battle to avoid eviction from a settlement there.

Roma frequently faced societal discrimination in employment and in housing, particularly when attempting to rent accommodations. The illiteracy rate among Roma was estimated at 80 percent. According to one NGO, the average Roma family's

monthly income was approximately \$256 (205 euros) and the average life expectancy of Roma was below 60 years of age.

Poverty, illiteracy, and societal prejudice were most severe among migrant Roma or those who lived in quasi-permanent settlements. Most Romani camps had no running water, electricity, garbage disposal, or sewage treatment. The approximately 400 Roma families in Tyrnavos, Thessaly, lived in tents because the authorities refused to include the area in city planning. They 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.

Romani representatives reported that some local authorities have refused to register Roma as residents. Until registered with a municipality, a citizen cannot vote or exercise other civil rights such as obtaining an official marriage, commercial, or driver's license, or contributing to social security. It was estimated that 90 percent of Roma were not insured by the public social security systems because they were unable to make the required contributions. Indigent Roma were entitled to free health care provided all citizens; however, their access at times was hindered by the distance between their encampments and public health facilities.

The Government considers the Roma to be a "socially excluded" or "sensitive" group, not a "minority." As a result, government policy is to encourage the integration of Roma. As a consequence, the Ministry of Education has instructed school principals to promote integration by encouraging alien parents to enroll their children in schools that are fewer than 40 percent foreign.

The Ministry of Interior headed an interministerial committee, which coordinated projects for the 85,000 and 120,000 Roma the Government estimated were in the country (unofficial estimates ranged from 250,000 to 300,000). In 2001, the Minister of Interior announced an approximately \$355 million (284 million euro) 5-year program to address Roma needs and to promote Roma integration, including housing, subsidized mortgage loans, and infrastructure in Roma camps, employment schemes, cultural and sports activities, and welfare allowances. By year's end, almost 50 percent of the funds budgeted for the project had been distributed. During the year, the Ministry of Interior invited 75 cities with Roma populations to identify areas in which the Ministry could build housing for Roma; by September, only 23 had responded.

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 six youth centers in areas close to Roma communities.

On October 8, unidentified individuals vandalized a Holocaust memorial in a Jewish cemetery in the northwestern city of Ioannina, the third case of anti-Semitism in that city in 18 months. By year's end, police had not made any arrests in the cases.

Section 6. Worker Rights

a. The Right of Association.—The Constitution and the law provide for the right of association, and workers exercised this right. All workers, with the exception of the military, have the right to form or join unions. Police have the right to form unions but not to strike. Approximately 26 percent of wage earners (nearly 650,000 persons) were organized in unions. Unions received 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 were represented in equal numbers on the board of directors of the Workers' Hearth. Approximately 10 public sector unions had dues withholding provisions in their contracts, in addition to receiving Workers' Hearth subsidies.

Over 4,000 unions were grouped into regional and sectoral federations and two umbrella confederations; one for civil servants (ADEDY), and another, the GSEE, for private sector employees and employees of state enterprises. Unions were highly politicized, and there were party-affiliated factions within the labor confederations; however, neither political parties nor the government controlled day-to-day operations. There are no restrictions on who may serve as a union official.

Anti-union 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.

Unions are free to join international associations and maintain a variety of international affiliations, and almost all did so.

b. The Right to Organize and Bargain Collectively.—The law provides for the right to organize and bargain collectively in the private sector and in public corporations,

and unions exercised these rights freely. There are no restrictions on collective bargaining for private sector employees.

Civil servants have the right to organize and bargain collectively with the Ministry of Public Administration.

The law provides for mediation procedures, with compulsory arbitration as a last resort. A National Mediation, Reconciliation, and Arbitration Organization was used in the private sector and public corporations (the military and civil service excluded). While mediation is voluntary, failure to agree during mediation makes arbitration compulsory, as decided by the mediation organization.

Legal restrictions on strikes include a mandatory period of notice, which was 4 days for public utilities and 24 hours for the private sector. The law 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 were enforced. However, unions complained 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. No striking workers were prosecuted.

Many strikes took place during the year. Although most strikes were fairly brief, they affected productivity and disrupted daily life in the country. 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.

Three free trade zones operate according to EU regulations. The labor laws apply equally in these zones.

c. Prohibition of Forced or Bonded Labor.—The Constitution prohibits forced or bonded labor, including by children; however, there were reports that such practices occurred among children (see Section 6.d.). Women and children were trafficked for the purpose of sexual exploitation (see Section 6.f.).

d. Status of Child Labor Practices and Minimum Age for Employment.—Child labor was a problem. The Greek chapter of UNICEF estimated that 5,800 children were illegally employed in the streets of the country in jobs from windshield washing to prostitution and that they generated approximately \$3.5 million (3 million euros) in revenue yearly. The Government and NGOs believed that the majority of beggars were either Roma or Albanian. There were reports that approximately 1,000 children from Albania were trafficked and forced to beg (see Section 6.f.). Some parents forced their children to beg for money or food. During the year, the number of street children who panhandled or peddled at city intersections on behalf of adult family members or for criminal gangs decreased.

The minimum age for employment in the industrial sector is 15 years, with higher limits for some activities. The minimum age is 12 years in family businesses, theaters, and the cinema. These age limits were enforced by occasional Labor Inspectorate spot checks and generally were observed; however, families engaged in agriculture, food service, and merchandising often had younger family members assisting them at least part time.

e. Acceptable Conditions of Work.—The GSEE and the Employers' Association determine a nationwide minimum wage through collective bargaining. The Ministry of Labor routinely ratifies this minimum wage, which has the force of law and applies to all workers. The minimum wage of approximately \$31.30 (25 euros) daily and \$665 (532 euros) monthly, effective July 1, provided a decent standard of living for a worker and family. The maximum legal workweek is 40 hours in the private sector and 37.5 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. The GSEE characterized health and safety laws as satisfactory, but stated that enforcement by the Labor Inspectorate was inadequate. 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 up to 5 days if they see safety or health hazards that they believe represent an imminent danger to the workers.

Foreign workers are protected by law, but in practice their wages were lower and they worked longer hours than citizens. Many employers did not make social security contributions for illegal foreign workers, making their legalization impossible.

f. Trafficking in Persons.—The law prohibits trafficking in persons; however, there were large numbers of persons trafficked to, from, and within the country, primarily women and girls for sexual exploitation.

Under the law, trafficking in persons is a criminal offense. The law provides for imprisonment and fines of convicted traffickers and for shelters and medical assistance for trafficking victims. Courts may sentence traffickers to prison terms of up to 10 years and impose fines of approximately \$12,500 to \$62,500 (10,000 to 50,000 euros). There were harsher penalties for child traffickers.

Between October 2002 and September, police investigated 394 trafficking cases, arrested 476 people, and found 30 victims of trafficking. In June, the police led an international anti-trafficking effort called “Operation Leda.”

The country was both a transit and destination country for trafficked women and children. Major countries of origin include Ukraine, Russia, Bulgaria, Albania, Moldova, and Romania. Women from many other countries were trafficked to the country and in some cases were reportedly trafficked on to Cyprus, Turkey and the Middle East.

Trafficking in women and children for prostitution in the country increased sharply in the last few years. One academic observer estimated that approximately 40,000 women and children, most between the ages of 12 and 25, were trafficked to the country each year for prostitution. Unofficial estimates placed 17,000 trafficked women and girls in the country at any given time, although authorities estimated the number of trafficked women and children was much lower.

Trafficking of children was a problem. While there were reports that child trafficking has decreased, the practice persisted. Most child trafficking victims were Albanian Roma children trafficked for labor exploitation or teenage girls trafficked for commercial sexual exploitation. Albanian children make up the majority of children trafficked for forced labor, begging and stealing. There were reports that some Roma Albanian parents “sell” or “rent” their children to traffickers in exchange for a monthly income; it was estimated that more than 1,000 children were trafficked and forced to beg (see Section 6.d.). There were reports that teenage boys worked as prostitutes in Athens. In September, police arrested 11 Romanians for operating a forced child begging racket in central Athens.

Police often detained minors trafficked into the country as criminals. Those under 12 years of age were placed in reception centers, children as young as 13 were jailed for begging or illegal immigration. According to one NGO, the Government detained and deported children in groups and returned them to the Albanian border without ensuring their reception by Albanian authorities or their protection from re-trafficking. Child authorities in Thessaloniki reported the assisted repatriation of 191 trafficked children between the ages of 5 and 17 years. However, few repatriations were conducted with advance notice to prepare families and transport the children safely. Some reports indicated that children were deported with less than 24 hours notice and without sufficient cross-border coordination. In September, the Government began holding conferences and developing cross-border cooperation mechanisms against child trafficking as part of a greater anti-trafficking initiative.

Some women and children arrived as “tourists” or illegal immigrants; seeking work, they were lured into prostitution by club owners who threatened them with deportation. Traffickers kidnapped some victims, including minors, from their homes and smuggled them into the country, where they were sold to local procurers. Traffickers often confined victims to apartments, hotels, and clubs against their will, failed to register them with authorities, and forced them to surrender their passports. Frequently, connections existed between illegal prostitution and other criminal activities.

Local police corruption played a role in facilitating trafficking into the country. NGOs reported that some police officers were paid by organized crime networks involved in trafficking.

In August, the Government adopted a Presidential decree which provides for the establishment of shelters for trafficking victims and encourages cooperation between the Government and NGOs. In September, the NGO *Medicins du Monde* began operating a shelter for trafficking victims, but victim protection measures and referral mechanisms remained weak. Some trafficked women were placed in battered women’s shelters operated by the Orthodox Church-affiliated NGO KESO. The Ministry of Foreign Affairs allocated funds for a number of anti-trafficking projects. A number of domestic NGOs also worked on trafficking issues during the year. A coalition of NGOs created the “Stop Now” group, which created public service announcements to raise awareness of trafficking issues. Another NGO established a shelter in Athens for trafficked women with government funding.

While the law permits court prosecutors to allow women who press charges against their traffickers to remain in the country legally, anecdotal reports indicated that trafficking victims continued to be deported.

During the year, 10 television stations ran public service announcements on child trafficking and major radio stations and magazines carried announcements on trafficking in women. In October and November, the NGO Stop Now distributed anti-trafficking brochures with funds from the Ministry of Foreign Affairs.

HUNGARY

Hungary is a parliamentary democracy with a freely elected legislative assembly. Prime Minister Peter Medgyessy led a coalition government formed by the Hungarian Socialist Party and the Alliance of Free Democrats after multiparty elections in April 2002. The judiciary is independent.

The Hungarian National Police (HNP), under the Ministry of Interior's oversight, has responsibility for law enforcement and maintenance of order within the country. The civilian authorities maintained effective control of the security forces. Some members of the security forces committed human rights abuses.

The country has completed its transition from a centrally directed economy to a fully functioning market economy. The country's population was approximately 10.1 million. The private sector accounted for more than 80 percent of gross domestic product. The Socialist Government maintained a strong commitment to a market economy but did little to address remaining problems in agriculture, health care, and with tax reform. Despite 7 years of strong economic growth, an estimated 25 percent of the population lived in poverty, with the elderly, large families, and the Roma most affected. The economic growth was estimated at approximately 2.8 percent; inflation declined to 5 percent; and unemployment remained below 6 percent.

The Government generally respected the human rights of its citizens; however, there were problems in some areas. There were reports that some police used excessive force, beat, and harassed suspects, particularly Roma. There were allegations of government interference in editorial and personnel decisions of state-owned media. Violence against women and children remained serious problems. Sexual harassment in the workplace also continued to be a problem. Anti-Semitic and racial discrimination persisted. Societal discrimination against Roma was a serious problem. Trafficking in persons was a problem.

RESPECT FOR HUMAN RIGHTS

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

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

The Supreme Court ruled all defendants innocent in six cases charging crimes against humanity for incidents during the 1956 revolution.

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, the police occasionally used excessive force, beat and harassed suspects, particularly Roma.

The Government more actively pursued allegations of police abuse. In the first half of the year, authorities investigated 67 cases of suspected abuse by police involving 55 police officers. The majority of cases occurred during interrogations. A total of 47 incidents resulted in court cases, with 28 guilty verdicts. The Ministry of Interior estimated that approximately half of the court cases involved abuse against Roma.

By year's end, there had been no court verdict in the 14 cases of police abuse referred to the Office of the Prosecutor in 2002.

There were occasional reports that police punched, kicked, and struck persons with truncheons while in police custody. The Government conducted investigations in some cases and brought charges against individual police officers. A March 2002 case, which charged five border guards for abuse of authority and causing bodily harm to two Romani men in a 2001 incident near the border with Croatia, was transferred to a Croatian court.

Although some observers attributed the rising number of reports of police abuse to an increased willingness to seek official redress, local nongovernmental organizations (NGOs) believed official statistics still underreported the number of incidents of police abuse. During the year, the Government Office of Ethnic Minorities received regular complaints from Roma of police abuse and misconduct. Despite in-

creased investigations into allegations of police abuse, the Minority Affairs Ombudsman believed that the situation remained constant and possibly was marginally better.

NGOs reported fewer cases of police harassment of foreign residents, particularly of non-Europeans; however, police continued to show indifference toward foreigners who were victims of street crime. Discrimination against dark-skinned foreigners persisted.

In July, a police officer allegedly beat a protester in detention (see Section 2.b.).

Prisons were overcrowded but generally met international standards. As of September, the prisons and detention centers held 16,940 persons or 149 percent of capacity, a decrease of 6 percent compared with 2002. The Government continued to expand the number of detention facilities, and a new prison opened in July.

Men and women were held separately; juveniles were held separately from adults; and pretrial detainees were held separately from convicted prisoners.

On November 27, a Romani inmate burned to death in a "rubber cell" at a prison in Zalaegerszeg, Zala County. The public prosecutor's investigation was pending at year's end.

The Government permitted visits by independent human rights observers, and such visits occurred during the year.

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

The HNP has responsibility for law enforcement and maintenance of order under the direction of the Ministry of Interior. In addition, city police forces and the National Border Guards share security responsibilities, ultimately also under the Ministry of Interior's direction. The Government more actively pursued allegations of police abuse. Punishments for abuses committed by police included fines, probation, prison sentences, and dismissal (see Section 1.c.). A book on victim protection, used to train police officers and activists, also listed all NGOs providing protection to crime victims.

The law requires that police obtain warrants to place an individual under arrest. Police must inform suspects upon arrest of the charges against them but may hold detainees for a maximum of 72 hours before filing charges. The law requires that all suspects be allowed access to counsel prior to questioning and throughout all subsequent proceedings and that the authorities provide counsel for juveniles, the indigent, and persons with mental disabilities; however, credible reports suggested that police did not always allow access to counsel, particularly for persons accused of minor crimes.

The Law on Criminal Procedures, which took effect on July 1, caps the length of pretrial detentions at 3 years, establishes a comprehensive bail system, establishes a regional court system, and shifts power from the police to the court system. As of July 1, pretrial detention, based on a warrant issued by a judge, may not exceed 3 years while criminal investigations are in progress. The Government may detain individuals in pretrial detention only after charges are brought. Not all suspects were remanded to detention centers pending trial. The law stipulates that authorities can request pretrial detention in cases when it is likely the suspect will flee, when the gravity of the charges warrant detention, or when the release of the suspect would endanger the investigation. During the year, 6 juvenile offenders and 12 adults who had been detained for more than the new maximum period were set free.

The Prosecutor General's Office reported that the average length of pretrial detention during the first 6 months of the year was 125 days, although nearly 15 percent of detainees were held for periods longer than 8 months. Aliens usually were held until their trials, since they were considered likely to flee the country. Roma alleged that they were kept in pretrial detention longer and more frequently than non-Roma, although the data protection law prohibits keeping records detailing the ethnicity of the detainees (see Section 1.e.). The law provides for compensation if a detainee or victim of forced medical treatment is released for lack of evidence, but the procedure rarely was exercised since detainees must undertake a complicated legal procedure to pursue such claims. The Minister of Justice decides upon compensation. The amount is decided on a case-by-case-basis and may cover the costs of the trial, attorney's fees, lost wages, and some miscellaneous sums.

The law permits police to hold suspects in public security detention (PSD) under certain circumstances, including when a suspect has no identity papers, when blood or urine tests must be performed to determine blood alcohol content, or when a suspect continues to commit a misdemeanor offense in spite of a prior warning. Suspects may be held in PSD for up to 24 hours. Such detainees were not always informed of the charges against them, because such periods of "short" detention were not defined as "criminal detention" and, therefore, were not considered covered by

the Criminal Code. However, there were no reports that police abused these rights in practice.

A Victims' Protection Office operated in each county's police headquarters to provide psychological, medical, and social services to victims of crime. At the conclusion of judicial proceedings, victims may apply through the National Public Security and Crime Prevention Public Foundation for financial compensation, which is to be paid by the person convicted of the crime. The White Ring Nonprofit Association, which was a member of the European Victims' Protection Forum, supported the work of the Victims' Protection offices.

The law does not provide for forced exile, and the Government did not employ it.

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

Under the Constitution, the courts are responsible for the administration of justice, with the Supreme Court exercising control over the operations and judicial procedure of all other courts. Until July 1, there were three levels of courts: Superior, county, and local. Original jurisdiction in most matters rested with the local courts. Appeals of their rulings were made to the county courts or to the Budapest municipal court, which had original jurisdiction in other matters. The Supreme Court was the final court of appeal, while the Constitutional Court was the final court on constitutional matters. The Supreme Court also could hear appeals of military court decisions. Effective July 1, a regional court system was established. The new regional courts serve as the court of appeals for county cases, thus creating a fourth level of appeals in the court system.

The Constitutional Court is charged with reviewing the constitutionality of laws and statutes brought before it, as well as the compliance of these laws with international treaties that the Government has ratified. Parliament elects the 11 members of the Constitutional Court, who serve 9-year terms. The judges elect the president of the Constitutional Court among themselves by secret ballot. Citizens may appeal to the Constitutional Court directly if they believe that their constitutional rights were violated. The Constitutional Court does not function as a court of appeal, and it cannot override the sentences made by regular courts. It can decide if a law is unconstitutional or not, and citizens can demand a retrial of their cases on the basis of a Constitutional court decision. The Constitutional Court is required to address every petition it receives; however, no deadline is specified for the Court to render a decision, resulting in a considerable backlog of cases. No judge or member of the Supreme or Constitutional Courts may belong to a political party or trade union. Members of the Constitutional and Supreme Courts also may not be members of Parliament or be employed in local government. The National Judicial Council nominated judicial appointees other than for the Constitutional Court and oversaw the judicial budget process.

The law provides for the right to a fair trial, and an independent judiciary generally enforced this right. Trials are public, but, in some cases, judges may agree to a closed trial to protect the accused or the victim of a crime, such as in some cases of rape. Judicial proceedings generally were investigative rather than adversarial in nature. Defendants are entitled to counsel during all phases of criminal proceedings and are presumed innocent until proven guilty. Counsel is appointed for indigent clients, but the public defender system generally provided substandard service. There was no public defender's office; private attorneys may or may not choose to serve in this capacity. Public defenders were paid poorly—less than \$4 (1,000 HUF) for the first hour of the trial and less than \$2 (500 HUF) for each additional hour—and did not give indigent defendants priority. Lawyers often met indigent clients for the first time at trial. During the year, Parliament adopted an Act on Legal Aid, which is scheduled to take effect in 2004 that will introduce a wider scope of assistance to defendants.

Judicial proceedings varied in length, and delays of several months to a year before the commencement of trials were common. Cases on appeal may remain pending before the courts for indefinite periods, during which time defendants are held in detention. There is no jury system; judges are the final arbiters. The new Criminal Procedure Law allows 3 years from the start of an investigation until the first instance court sentence. Cases that have not resulted in a sentence are dismissed. The new law gives prosecutors more investigative powers than the HNP. Prosecutors may employ plea-bargaining, which police considered an important weapon in the fight against organized crime.

Many human rights and Romani organizations claimed that Roma received less than equal treatment in the judicial process. Specifically, they alleged that Roma were kept in pretrial detention more often and for longer periods than non-Roma. This allegation was credible in light of general discrimination and prejudice against Roma; however, there was no statistical evidence, since the data protection law does

not permit identifying the ethnicity of offenders. Since the majority of Roma were from the lowest economic strata, they also suffered from substandard legal representation.

Military trials follow civil law and may be closed if justified on national security or moral grounds. In all cases, sentencing must take place publicly. The law does not provide for the trial of civilians in military courts.

There were no reports of political prisoners.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence.—The law prohibits such actions, and the Government generally respected these prohibitions in practice.

The law provides that the prosecutor's office may issue search warrants. Police must carry out searches of private residences in the presence of two witnesses and must prepare a written inventory of items removed from the premises.

According to NGOs, during the year, there were several instances of evictions of families, mostly Roma, for non-payment of rent and utilities. The Roma Civic Rights Foundation and other NGOs visited and reported on cases of forced eviction and urged local governments to provide temporary shelters for the displaced families.

In January, police in Tolna County concluded an investigation into the Minority Affairs Ombudsman's allegation of housing discrimination against Roma removed to towns surrounding the town of Paks in September 2002. The police determined that there was no violation of the law, and the case was closed.

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Speech and Press.—The Constitution provides for freedom of speech and of the press, and the Government generally respected these rights in practice; however, opposition parties criticized the Government for influencing editorial and personnel decisions of state-owned media. Individuals may criticize the Government publicly or privately without reprisal and did so in practice.

Numerous privately owned print publications expressing a variety of views were available to the public. The Government generally did not interfere with the operation of private news media; however, there were allegations that the Government regularly limited access to government officials by journalists and editors of a newspaper that had published reports critical of the Government and the Prime Minister.

Interference in state-owned media remained a concern. Several state-owned radio and television stations were governed by a state-appointed public media oversight board, which has proportional political representation. The Government attempted to "balance" state-owned media news coverage through personnel decisions. Opposition political parties were traditionally critical of the pro-government news coverage in state-owned media, and the audience for private news outlets exceeded that for state-owned broadcasters.

The Media Law provided for the creation of nationwide commercial television and radio boards and was intended to insulate the remaining public service media from government control. The National Television and Radio Board monitored news broadcasts for equal treatment of all political parties, and censured and fined public and private broadcasters.

Minority language print media continued to appear, and the state-run radio broadcast 2 hours of daily programs in languages of the major minority groups: Romani, Slovak, Romanian, German, Croatian, and Serbian. State-run television carried a 26-minute program produced by and for each of seven major minority groups. In addition, a 50-minute joint program serving the five smaller minority communities was seen on a monthly basis along with a 30-minute weekly documentary covering one of the communities. All of the programs were repeated during the weekend. Programming of Radio C, a public-foundation-sponsored nonprofit station with a staff 80 percent Romani, was received only in the Budapest metropolitan area; however, Radio C management contracted to sell some of their programs to regional radio stations. Television programs for, about, and by ethnic Hungarians in the neighboring countries were broadcast for 4.5 hours per week.

The Government did not restrict access to the Internet or academic freedom.

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

The Law places no restrictions on gatherings. In exceptional circumstances, authorities may restrict the time and place of demonstrations but may not ban them. Only when a planned gathering would cause a significant disturbance to the functioning of a court, representative body, or public transit may the police impose restrictions. The Government did not require permits for assembly, except when a public gathering was to take place near sensitive installations, such as military facilities, embassies, or key government buildings. During the year, authorities uti-

lized this clause to block four events, of which three were politically sensitive protests.

On January 31, an officially registered organization with ties to neo-Nazi groups, Blood and Honor, requested a police permit to stage a demonstration in Budapest on February 9. The demonstration was to take place at a site commonly used for political rallies, cultural events, and demonstrations. Authorities cited interference with public parking and vehicle traffic in their decision to ban the event. Subsequently, authorities permitted the Young Socialists to assemble at the same place and day without restrictions. Blood and Honor had earlier and unsuccessfully sought to hold an event in Budapest's castle district. In that case, the district administration claimed that all its meeting facilities had already been reserved. Subsequently, Blood and Honor received a permit to hold a gathering on February 15.

A coalition of civic organizations planned a peace march for February 15 on a popular and historic boulevard in downtown Budapest. The date corresponded with the timing of similar events in other European capitals. Authorities objected to the proposed route on the ground that it would disturb public transit, and the Budapest Municipal Court reaffirmed a police decision to preempt the march. Despite the police decision, a peace march of approximately 10,000 participants took place on that date.

c. Freedom of Religion.—The Constitution provides for freedom of religion, and the Government generally respected this right in practice. There is no state religion; however, there are 4 historically recognized religions (Roman Catholic, Calvinist, Lutheran, and Jewish) and 136 officially recognized religions.

A group must provide 100 signatures to register as a religion, which it may do in any local court. While any group was free to practice its faith, formal registration made available to religious groups certain protections and privileges and granted access to several forms of state funding. The Government provided subsidies to some religious groups each year, and taxpayers may contribute 1 percent of their net tax payments to a registered religious body. In January, Parliament amended the tax code to make donations to any registered religion tax free, and the Government matches taxpayer donations. During the year, the Government provided subsidies to 117 religious groups, compared with 100 in 2002.

Religious instruction was not part of the public school curriculum; however, the State permits primary and secondary school students to enroll in extracurricular religious education classes.

The religious groups and the State agreed on a number of properties to be returned and an amount of monetary compensation to be paid for properties that could not be returned. These agreements are subsumed under the 1991 Compensation Law, which requires the Government to compensate religious groups for properties confiscated by the Government after January 1, 1946. During the year, the Government paid religious groups \$28.3 million (7.07 billion HUF) as compensation for the assets confiscated during the Communist regime.

During the year, the Government resolved 174 cases regarding properties seized from religious groups by the communist regime; 61 churches received real estate and 113 churches received monetary compensation. At year's end, there were fewer than 1,000 cases pending.

Representatives of the Jewish community expressed concern over anti-Semitism in some media outlets, in society, and in coded political speech. For example, certain segments of an ongoing Sunday news magazine, *Vasarnapi Ujsag*, on Hungarian Public Radio were criticized for presenting guests who held anti-Semitic viewpoints. In October, a weekly talk show, *Ejjeli Menedek*, hosted Holocaust denier David Irving, who made derogatory statements regarding Jews. The show was subsequently cancelled. Jewish community representatives complained that an anti-European Union (EU) movement used the Star of David in its material. They also requested the Ministry of Cultural Heritage to close a county museum exhibition highlighting the Arrow Cross and Hungarian nationalism during World War II; the exhibition was closed, and the materials were returned to their owners.

According to police reports, there were 459 cases of persons vandalizing grave-stones and cemeteries during the year, compared with 371 such cases in 2002. There was no data on which churches owned the cemeteries. The Jewish community stated that there were fewer acts of vandalism in Jewish cemeteries than in 2002, attributed most of the incidents to youths, and did not consider the incidents anti-Semitic. During the year, an appeals court reversed the conviction of a Calvinist pastor and former Hungarian Truth and Life Party Member of Parliament (M.P.), who was charged with incitement to hatred in connection with anti-Semitic articles published in 2001.

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

d. Freedom of Movement within the Country, Foreign Travel, Emigration, and Repatriation.—The Constitution provides for these rights, and the Government generally respected them in practice. Unlike in previous years, there were no reports that local authorities tried to expel Roma from towns.

The Government may delay but may not deny emigration for those who have significant court-assessed debts or who possess state secrets. Those with approximately \$40,000 (over 10 million HUF) or more in public debt may be denied travel documents. The Government did not impose an exit visa requirement on its citizens or on foreigners. Social and economic problems continued to drive emigration of Roma, particularly to Canada and EU member states.

The law provides for the granting of refugee status or asylum to persons who meet the definition in the 1951 U.N. Convention Relating to the Status of Refugees and its 1967 Protocol. In practice, the Government provided protection against refoulement and granted refugee status or asylum. The Government cooperated with the office of the U.N. High Commissioner for Refugees (UNHCR) and other humanitarian organizations assisting refugees. The UNHCR reported that 2,401 asylum seekers entered the country during the year, including 1,843 illegal border crossers. The asylum seekers came primarily from Afghanistan, Iraq, Turkey, Somalia, and Georgia. The Government granted refugee status to 772 applicants, and, at year's end, 290 cases were pending. The Office of Immigration and Nationality (OIN), formerly the central office of Migration and Refugee Affairs, is the central authority for asylum and immigration matters.

Asylum applicants were housed in three government-owned camps and two temporary camps run by NGOs. One temporary camp was closed and another for unaccompanied minors was opened during the year.

The OIN operated seven regional offices to process asylum requests and administered reception centers. Prospective refugees who sought only to transit to other European countries were encouraged to return to their countries of origin. At year's end, 602 asylum seekers were living in 3 permanent and 1 temporary reception centers, and there were 13 minors (ages 8 months to 17 years) living in a new home for unaccompanied minors. For aliens requiring greater monitoring in a more restrictive environment, the OIN operated four different shelters it called community shelters. Aliens housed in the reception centers enjoyed fewer restrictions on freedom of movement than those in community shelters did. Several NGOs and human rights organizations supported asylum seekers and provided legal information.

The Government also provided temporary protection to certain individuals who do not qualify as refugees or asylees. Foreigners apprehended trying to cross the border illegally either may apply for refugee status if they have valid travel documents or were housed temporarily at one of eight border guard facilities throughout the country, pending deportation; at year's end, 102 persons occupied these facilities. The greatest number of aliens in the border guard facilities came from Moldova, Afghanistan, China, Serbia, and Ukraine. Although police sought the timely deportation of detainees who did not qualify for refugee status, a shortage of funds and the detainees' lack of property or documentation, such as passports, often resulted in lengthy stays. NGOs criticized the Government's indefinite detention of stateless and some undocumented foreigners pending resolution of their cases. There were no reports of abuse during deportation. NGOs and foreign governments continued to criticize the Government for inhumane conditions in the border guard facilities and for the arbitrary application of asylum procedures. The Government restructured the OIN, transferred some asylum adjudication procedures from the Border Police, established OIN reception facilities, and worked with NGOs to redress the situation and improve conditions.

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

The Constitution provides citizens with the right to change their government peacefully, and citizens exercised this right in practice through periodic, free, and fair elections based on universal suffrage. Elections are held at least every 4 years. Elections for M.P.s took place in April 2002, and municipal elections were held in October 2002. Reform of the country's political and economic structure led to an invitation in 2002 to join the EU in May 2004.

M.P.s are elected every 4 years through a multi-stage process, in which voters cast ballots for individual candidates and party lists. In May 2002, the Socialist Party and the Alliance of Free Democrats established a post-election coalition, which gave the 2 parties a 10-member majority in Parliament. The Socialist Party was the senior coalition member and nominated Peter Medgyessy as Prime Minister. The FIDESZ-Hungarian Civic Party and the Hungarian Democratic Forum were the op-

position groups in Parliament. The law on ethnic minorities and the election law provide for the establishment of minority self-governments (see Section 5).

There were no legal impediments to women's participation in politics or government. In Parliament, 35 of 386 representatives were women. Two women served in the Cabinet, and several women were state secretaries and deputy state secretaries. A woman (a former Minister of Justice) headed the Hungarian Democratic Forum, one of four parties represented in Parliament. The Speaker and one of the deputy speakers of Parliament were women. The level of women's political participation was greater in provincial and municipal governments than at the national level. The Hungarian Women's Alliance held weekend courses throughout the year to promote the participation of women in public life.

Although there was no allocation of minority representation, there were several ethnic minority M.P.s, including ethnic Germans and ethnic Slovaks. There were four Romani M.P.s.

The law provides for the establishment of local minority self-governments to enhance respect for the rights of ethnic minorities, particularly in the fields of education and culture. The self-governments received funding from the central budget and some logistical support from local governments. Self-governments provided wide cultural autonomy for minorities and handled primarily cultural and educational affairs. The president of each self-government is a delegate to the assembly of local governments. The president has no voting or veto rights but has the right to speak and attend committee meetings. Minority self-governments are dependent on local governments for funding, office space, and equipment. Any of the 13 minorities may 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 was not registered officially, voting on minority self-governments was not limited to the minorities themselves. All voters received a minority ballot in addition to the local government ballot. The elected local minority self-governments could elect their national minority self-governments, which have been formed by all 13 minorities. Several Romani self-governments have regional groupings to facilitate cooperation. Critics called for increasing the authority and financial resources of the minority self-governments.

In 2002, non-minority candidates were elected to minority self-governments and, in some cases, even obtained a majority, for instance, in Jaszladany. Romani rights observers viewed the outcome as undermining the local Romani community. Government efforts to amend the laws on minorities and elections to prevent non-minority voting in elections for minority self-governments were pending at year's end. In August, there were 1,845 active self-governments. Romani mayors headed 4 municipal governments, and 544 Roma sat on local and county government assemblies.

Two factors limited the effectiveness of the Romani and other minority self-governments: Elections of non-minorities to the self-governments, which prevented some minorities from exercising the autonomy the law is intended to promote, and the reported abandonment by some local governments of responsibilities for government functions related to the minorities, which the self-governments lacked the legal mandate and resources to address.

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

A number of domestic and international human rights groups generally operated without government restriction, investigating and publishing their findings on human rights cases. Many NGOs reported that the Government continued to be responsive to their requests for information. Human rights groups indicated improvement in the degree of cooperation from government ministries and prosecutors' offices in cases involving Roma and police abuse. An increasing number of NGOs were involved in the law-making process; however, NGOs claimed that the Government's cooperation in this area was insufficient.

The Government did not interfere with activities of international NGOs, and several of them, including the Helsinki Committee, established offices in the country.

A 21-member parliamentary Committee for Human, Minority, and Religious Rights conducted hearings and participated in the law-making process. The Committee was composed of both majority and opposition M.P.s, reflecting the proportion of party representation in Parliament, and was headed by an opposition chair. There were separate ombudsmen for human rights, data protection, and minority affairs. The ombudsmen were independent from the Government and prepared annual reports to Parliament on their activities and findings. Parliament elects the ombudsmen for 6-year terms. Persons with complaints who have not obtained redress elsewhere may seek the assistance of the Ombudsman's office. The Ombuds-

man's office does not have the authority to issue legally binding judgments but may act as a mediator and conduct fact-finding inquiries.

The Minority Affairs Ombudsman—an ethnic German elected to a second term in 2001—played an active role in the examination of allegations of discrimination against the Romani community in such cases as school segregation, access to housing, and the election of non-Roma to the Romani minority self-governments (see Sections 3 and 5).

The Government created a new cabinet-level position of Minister Without Portfolio for Equal Opportunity. The state secretariats of Roma Affairs and Civil Relations were relocated under this minister.

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

The Constitution provides for individual rights, equality, and protection against discrimination; however, in practice, discrimination persisted, particularly against Roma.

Women.—Domestic violence against women was believed to be common, but the vast majority of such abuse was not reported, and victims who came forward often received little help from authorities. The NGO Women Against Violence Against Women (NANE) reported that 20 percent of women were threatened by or were victims of domestic violence and that one woman per week was beaten to death. NGOs also reported that there was insufficient emphasis on the protection of female crime victims. Police and prosecutors usually were unsympathetic to victims of domestic abuse.

The laws criminalize spousal rape. Women's rights organizations claimed that 1 woman in 10 was a victim of spousal abuse and that societal attitudes towards spousal abuse were archaic. The law prohibits domestic violence and establishes criminal penalties for those convicted of such acts. During the year, there were no known prosecutions for domestic violence.

Although there are laws against rape, for cultural reasons, the crime often was unreported. Police attitudes toward victims of sexual abuse reportedly were often unsympathetic, particularly if the victim was acquainted with her abuser. During the year, women were victims of 82,243 reported crimes. NGOs claimed that the police were unwilling to assist victims in one-third of the reported cases.

Each county police station has a victim's protection unit. Police recruits received training from representatives of NGOs and international organizations on proper responses to rape and sexual assault cases. Victims of domestic violence could obtain help and information via a national hotline or at one of several shelters. The hotline operated intermittently for 3 hours each day, and a message system was activated when a counselor was unavailable in person. Shelters provided short-term refuge, and their locations were concealed to protect victims.

Prostitution is illegal; however, municipal governments may establish "tolerance zones" where such activity may occur. The first tolerance zone, established in the eastern city of Miskolc in 2002, was closed down by the local government, while a new zone was established in Budapest.

Trafficking in women for the purposes of sexual exploitation was a serious problem (see Section 6.f.).

The Penal Code does not prohibit sexual harassment in the workplace, and it was a widespread problem. Women's groups reported that there was little support for efforts to criminalize sexual harassment and that sexual harassment was tolerated by women who feared unemployment more than harassment. The Labor Code, which regulates questions of security in the workplace, provides for sentences of up to 3 years' imprisonment for sexual harassment; non-violent acts of sexual harassment may also be prosecuted under the defamation statutes. During the year, no charges were brought under this provision of the Labor Code.

Women had the same rights as men, including identical inheritance and property rights. The number of women in middle or upper managerial positions in business and government remained low, and, in practice, women received lower pay than men in similar positions and occupations. The number of women in the police and the military has risen over the past several years, and women were well represented in the judiciary and in the medical and teaching professions. During the year, the Government upgraded a division to promote equal opportunity, formerly under the Ministry of Employment and Labor Affairs, to a new status in a different office, headed by the Minister Without Portfolio for Equal Opportunity.

Children.—The Government was committed to children's rights. Education was mandatory and free through 16 years of age. The Ministry of Education estimated that 95 percent of school-age children, with the exception of Romani children, were enrolled in school. Roma were far more likely than non-Roma to stop attending

school before age 16. Reliable figures on Romani enrollment and graduation rates were unavailable due to the prohibition on collecting data on ethnicity.

Romani and other civic organizations criticized the practice of placing Romani children in remedial education programs designed for children with mental disabilities or low academic performance, resulting in de facto segregation. Although the children could return to the regular school system, only a small percentage did so. In 2002, the Ombudsman for National and Ethnic Minority Rights declared that segregation continued to exist in public education. An earlier report by the Ombudsman's office found that the high proportion of Romani children in "special schools" for children with mental disabilities was a sign of prejudice and a failure of the public education system. To prevent the improper placement of children in remedial education, particularly Romani children, parents were required to concur in the decision of the school to enroll their child in such a program and the child was tested yearly to measure educational performance. NGOs remained concerned that Romani children were still improperly referred to special schools despite the safeguards. The Government Office of National and Ethnic Minorities estimated that as many as 700 schools had segregated classrooms. The Government stated that the Romani schools were designed to provide intensive help for disadvantaged children.

In one case of segregation in the education of Roma, the municipal government of Jaszladany had established 11 private classrooms in the public school and applied to accredit the classrooms as a separate charter school. The Romani minority self-government and the Ministry of Education interpreted this as a move to separate Romani and non-Romani students. Although the Minister of Education, in 2002, suspended the school's accreditation and prohibited the private classrooms, ethnically divided classrooms continued to function in the Jaszladany public schools. In September, a private foundation school was authorized to continue operating. The Minister Without Portfolio for Equal Opportunity stated that the school should have an opportunity to demonstrate that segregation was not an issue.

There were programs aimed at increasing the number of Roma in higher education. The Romaversitas program supported Romani students completing degrees in institutions of higher education; there were departments of Romani studies in the teachers' training colleges in Pecs and Zsambek and of Romology at the University of Pecs. The Government provided a number of scholarships to Roma at all levels of education through the public Foundation for the Hungarian Roma. The Government reported that in the 2002-03 academic year, over 20,000 Roma received state-funded scholarships, of which 1,500 were given for studies at the university level.

School-age children may receive free medical care at state-operated institutions and most educational facilities. Psychologists were available to evaluate and counsel children, and provisions existed for children to obtain dental care.

Child abuse remained a problem. An estimated 25 percent of girls suffered from abuse by a family member before they reached the age of 12. During the year, 3,815 children were reported as victims of crimes. NGOs reported that neglect and abuse were common in state care facilities. The law criminalizes relationships between an adult and a minor when the minor is under 14 years of age. The Criminal Code provides sanctions against the neglect and endangerment of minors, assault, and preparation of child pornography; however, laws to protect children were enforced infrequently.

Child prostitution was not a common practice, although isolated incidents occurred. Severe penalties existed under the law for those persons convicted of engaging in such acts. Trafficking in children for the purpose of sexual exploitation was a problem (see Section 6.f.).

Persons with Disabilities.—The law prohibits discrimination against persons with disabilities in employment, education, or in the provision of other state services. Government sources estimated that there were between 600,000 and 1 million persons with disabilities (6 to 10 percent of the population). Of these persons, 300,000 to 350,000 were considered to have serious disabilities and received increased government benefits. Persons with disabilities faced societal discrimination and prejudice.

A Council for the Disabled under the leadership of the Minister of Social and Family Affairs served as an advisory board to the Government. A decree requires all companies that employ more than 20 persons to reserve 5 percent of their jobs for persons with physical or mental disabilities, with fines of up to 75 percent of the average monthly salary for noncompliance. The international NGO Mental Disability Rights International (MDRI) and the local NGO Hungarian Mental Health Interest Forum (PEF) noted that no procedures existed to oversee the treatment and care of persons with disabilities who were under guardianship. The MDRI and the PEF also criticized the use of cages in government facilities for persons with mental disabilities.

The law mandates access to buildings for persons with disabilities; however, services for persons with disabilities were limited, and most buildings were not wheelchair accessible.

National/Racial/Ethnic Minorities.—The law recognizes individuals' minority rights, establishes the concept of the collective rights of ethnic minorities, and states the inalienable collective right of minorities 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. To be recognized, an ethnic group must have at least 100 years' presence in the country, and its members must be citizens. On this basis, minority status was granted specifically to 13 national or ethnic groups (among which the Roma were easily the most numerous). Other groups may petition the Speaker of Parliament for inclusion if they believed that they fulfilled the requirements.

According to the 2001 national census, Roma constituted approximately 2 percent of the population, but many NGOs and government offices estimated the number at up to 5 percent. Ethnic Germans, the second largest minority group, constituted approximately 0.7 percent of the population. Smaller communities of Slovaks, Croats, Romanians, Poles, Ukrainians, Greeks, Serbs, Slovenes, Armenians, Ruthenians, and Bulgarians also were recognized as ethnic minorities.

The Roma Affairs Office was lodged in the Office of the Prime Minister. A Political State Secretary who directed this office was Roma, a M.P., and former president of the Roma minority self-government of Nagykanizsa. A new Ministerial Commissioner for Romani Affairs was also created, and the Government planned to place a commissioner in six ministries. At year's end, the only ministerial commissioner for Romani affairs was in the Ministry of Education.

Living conditions for Romani communities continued to be significantly worse than for the general population. Roma were significantly less well educated and had below average income and life expectancy. The unemployment rate for Roma was estimated at approximately 70 percent, more than 10 times the national average, and most Roma lived in extreme poverty.

The Minority Affairs Ombudsman played an active role in the examination of allegations of discrimination against the Romani community and continued to promote a uniform anti-discrimination law (see Section 4).

Reports of police abuse against Roma were common, but many Roma were fearful to seek legal remedies or notify NGOs (see Section 1.c.). In February, a Romani male accused police in Hajduhadhaz of using excessive force after being shot by them, but it was unclear whether he was in custody or in flight from the police at the time. At year's end, the case was pending. Police also failed to intervene to prevent violence against Roma. There was no progress in 2002 case of arson at the Romani minority self-government building in Pecsvarad village.

The Penal Code provides penalties for hate crimes committed because of the victim's ethnicity, race, or nationality. Three cases from 2001 charging incitement of the public remained pending at year's end, all involving distribution of anti-Semitic tracts. On December 1, Parliament passed an amendment to the hate speech law. The amendment modifies the law so that language does not have to meet the "incitement to violence" test to be considered hate speech. The President referred the amendment to the Constitutional Court, and its review was pending at year's end.

Negative stereotypes of Roma as poor and socially burdensome persisted. Widespread discrimination against Roma continued in education, housing, penal institutions, and access to public institutions, such as restaurants and pubs. In some instances, the authorities fined establishments that banned Roma. In August, the Roma Press Center published a report that a hospital in Pest district segregated pregnant Roma. In October, the Ombudsman for Minority Rights opened a disciplinary investigation against the deputy notary of Piliscaba, Pest, for making hateful remarks about Roma; the deputy notary was suspended. In November, two Romani men were found innocent and released after 15 months in prison. They sued for compensation but were not awarded the requested amount. The court's judgment stated that, because the individuals were more "primitive" than average, they did not merit the greater compensation. An appeals court upheld the judgment; however, the Prime Minister reprimanded the presiding judge.

Education was available to varying degrees in most minority languages. There were certain minority schools where the minority language was also the primary language of instruction, and there were some schools where minority languages were taught as a second language.

Schools for Roma were more crowded, more poorly equipped, and in significantly worse condition than those attended by non-Roma. Government sources estimated that graduation rates for Roma remained significantly lower than for non-Roma, although there were no available statistics.

Section 6. Worker Rights

a. The Right of Association.—The Labor Code recognizes the right of unions to organize and permits trade union pluralism. Workers have the right to associate freely, choose representatives, publish journals, and openly promote members' interests and views.

There were six trade union federations; each was targeted broadly at different sectors of the economy. The largest labor union organization was the National Confederation of Hungarian Trade Unions, the independent successor to the former monolithic Communist union, with approximately 235,000 members. As an indicator of union membership, in 2002, a total of 630,000 taxpayers declared a deduction for payment union fees.

Employers are prohibited from discriminating against unions and their organizers. The Ministry for Employment Policy and Labor Issues enforced this provision; however, in a report to the International Labor Organization, unions claimed that the Government's anti-union stance had negative effects on labor relations within companies. For instance, the unions claimed, management refused to withhold union dues when so requested by the unions. The Government reestablished the Interest Reconciliation Council (IRC) in response to union concerns, and the relationship between the Government and trade unions appeared to be improving.

There were no restrictions on trade union contacts with international organizations, and unions have developed a wide range of ties with international trade unions.

b. The Right to Organize and Bargain Collectively.—The Labor Code permits bargaining at the enterprise and industry level, but collective bargaining was not widespread in many sectors of the economy. According to the International Confederation Free Trade Unions Annual Survey for 2001, the country's six unions claimed that laws undermined a broad range of workers' and trade union rights; however, consultations between the Government and trade unions on amending the Labor Code, which started in 2002, remained ongoing. Labor organizations cooperated with each other; for example, the major trade unions worked closely together in the IRC, which brought together Government, employers, and trade unions to advise the Government on labor policies and to set target wage increases. Individual trade unions and management may negotiate higher wages at the plant level. Under a separate law, public servants may negotiate working conditions, but the final decision on increasing their salaries rests with Parliament. The Ministry for Employment Policy and Labor Issues was responsible for drafting labor-related legislation, among other tasks.

With the exception of military personnel and police officers, workers have the right to strike but did not do so during the year.

There are no export processing zones, but individual foreign companies frequently were granted duty-free zone status for their facilities. Employees in such facilities and zones are protected under the labor laws.

c. Prohibition of Forced or Bonded Labor.—The law prohibits forced or bonded labor, including by children; however, there were reports that such practices occurred (see Section 6.f.).

d. Status of Child Labor Practices and Minimum Age for Employment.—The Government adopted laws to protect children from exploitation in the workplace. The Labor Code prohibits labor by children under the age of 15 and regulates labor conditions for minors (14 to 16 years of age), including prohibitions on night shifts and hard physical labor. Children may not work overtime. The National Labor Center enforced these regulations in practice, and there were no reports of any significant violations of this statute.

e. Acceptable Conditions of Work.—The IRC has the right to establish the minimum wage through agreement among its participants, representatives of the Government, employers, and employees. In January 2002, the minimum monthly wage was raised to \$200 (50,000 HUF), which did not provide a decent standard of living for a worker and family. The minimum wage was only 41 percent of the average wage. Many workers needed a second job to support themselves; others, while officially earning the minimum wage, were paid more under the table. This practice allowed workers and employers to evade pension and health care contributions, which were determined as a percentage of the wage.

The Labor Code specifies various conditions of employment, including termination procedures, severance pay, maternity leave, trade union consultation rights in some management decisions, paid vacation and sick leave entitlements, and labor conflict regulations procedures. The Code sets the official workday at 8 hours, although it may vary depending upon the nature of the industry. A 48-hour rest period is re-

quired during any 7-day period. In 2002, the Labor Code was amended to conform to EU standards.

Labor courts and the Ministry of Economy enforced occupational safety standards set by the Government, but specific safety conditions were not consistent with internationally accepted standards. The enforcement of occupational safety standards was not always effective, in part due to limited resources. Under the Labor Code, workers have the right to remove themselves from dangerous work situations without jeopardizing their continued employment, and this right generally was respected in practice.

f. Trafficking in Persons.—The law prohibits trafficking in persons; however, trafficking in persons to, from, and primarily through the country remained a serious problem. Some border guards facilitated trafficking.

The Penal Code provides penalties for trafficking commensurate with those for rape. Under the law, even preparation for the trafficking in persons is a criminal offense. The penalty for trafficking is between 2 and 8 years in prison; the trafficking of minors is punishable by up to 10 years in prison. However, if an organized trafficking ring is involved, the sentence can be life imprisonment and seizure of assets. The alien law provides for immediate expulsion from the country of foreign traffickers. Prosecution of traffickers was difficult because there was no legislation to protect victims; however, in 2001, a total of 34 trafficking cases came to trial, all of which remained pending at year's end.

The government agencies most directly involved in anti-trafficking efforts were: Police, border guards, customs authorities, prosecutors, and the Justice and Interior ministries. The Police Organized Crime Task Force investigated trafficking cases involving organized crime, and the Government cooperated with other countries to facilitate improved police cooperation to combat organized crime and trafficking in persons.

The country was primarily a transit point, but it was also a source and destination country for trafficked persons. Women and children were trafficked for sexual exploitation primarily from Russia, Romania, Ukraine, Moldova, and Bulgaria to and through the country to Austria, Germany, Spain, the Netherlands, Italy, France, Switzerland, and the United States. Trafficking victims from the country typically were women from the country's eastern regions, where unemployment was high. They were trafficked to Western European countries and elsewhere, primarily to Austria, Belgium, Germany, Italy, and the Netherlands, as well as to Canada, Japan, Spain, Switzerland, and Turkey. Men trafficked for forced labor through the country en route to EU countries and the United States came from Iraq, Pakistan, Bangladesh, and Afghanistan. There were no estimates available on the extent of the problem.

Organized crime syndicates brought many of the victims of trafficking to the country, either for work as prostitutes in Budapest, or for transit to Western Europe or North America. Trafficking rings also exploited victims by using them as babysitters, housekeepers, and manual laborers. Russian-speaking organized crime syndicates were active in trafficking women through the country, primarily from Ukraine and other countries of the former Soviet Union to EU countries. Hungarian victims were primarily young women, although they also included men, middle-aged women, and children. Victims were recruited at discos and modeling agencies, through word-of-mouth, or even through open advertisements in local papers and magazines. Reportedly, some victims knew that they were going to work illegally; others believed they were getting foreign visas; others expected to work but believed their employers were obtaining the appropriate papers and permission. Once at their destination, the victims were forced into prostitution or other exploitation. Traffickers often threatened victims, confiscated identification documents, and severely restricted their freedom of movement.

Corruption among some border officials aided traffickers. During the first 9 months of the year, there were investigations into the actions of 28 border guards. Nine cases were resolved, with guards being either separated for cause or sentenced to imprisonment (some with suspended sentences). Including cases from previous years, there were 137 cases against border guards pending at year's end.

The Government provided limited assistance to victims of trafficking. In principle, assistance with temporary residency status, short-term relief from deportation, and shelter assistance were available to trafficking victims who cooperated with police and prosecutors; however, there were no documented cases where such assistance was provided. Reportedly, police and immigration officials often treated trafficking victims as criminals and refused to believe reports of kidnaping of young women.

The Ministry of Interior's Victims' Protection Office managed a victims' protection fund and posted information on victim protection in every county police head-

quarters. Victims' Protection Office branches in 42 localities provided psychological and social support services and legal aid for victims (see Section 1.d.).

The International Organization on Migration (IOM), working with NGOs, continued a program funded by the Government and foreign donors to raise awareness of the problem of trafficking and to educate potential victims. Women's rights organizations, the IOM, and the Ministry of Youth and Sports Affairs conducted preventive programs for teenagers in schools. NANE established a hotline that provided information on trafficking-associated advertising lures and situations to alert young women. NANE, the IOM, and the Public Fund for a Safe Hungary, with funding from foreign governments cooperated to continue and enhance the operation of the hotline.

NGOs working on trafficking problems reported that cooperation with counterpart government agencies improved. The NGOs provided law enforcement officers with training in recognizing and identifying trafficking victims, which included sensitivity training as well as techniques to combat trafficking.

ICELAND

Iceland is a constitutional republic and a parliamentary democracy in which citizens periodically choose their representatives in free and fair multiparty elections. In May, voters reelected the Independence and Progressive Parties to form a governing coalition led by Prime Minister David Oddsson. The judiciary is independent.

Civilian authorities maintained effective control of the police forces, which were responsible for internal security. The country had no military forces. A few members of the security forces committed isolated human rights abuses.

The open economy provided residents with a high standard of living. The population was approximately 288,000; the gross domestic product for 2002 totaled \$9 billion, an annual decline of 0.5 percent. Fish and other marine products accounted for approximately 40 percent of the country's exports; aluminum was the second leading export.

The Government generally respected the human rights of its citizens, and the law and judiciary provided effective means of dealing with individual instances of abuse. There were rare instances of police mistreatment and arbitrary arrest and detention. Societal discrimination against minorities and foreigners was a problem. There were isolated reports of women trafficked to the country.

RESPECT FOR HUMAN RIGHTS

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

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

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

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.—The law prohibits such practices, and there were no reports that government officials employed them. In its May review of the country's report on its implementation of the Convention Against Torture, the U.N. Committee Against Torture expressed concern that the law does not expressly define and prohibit torture and does not prohibit the courts' use of evidence obtained through torture; however, the Government responded that its law does prohibit torture and that there were no allegations of police employing torture.

In December, the Reykjavik police department terminated an officer's employment after a court found the officer guilty of using a chemical spray weapon without due cause in the course of making an arrest in March (see Section 1.d.).

Prison conditions generally met international standards, and the Government permitted visits by independent human rights observers. The Icelandic Red Cross visited prisoners regularly, and the Ombudsman of Parliament monitored prison conditions.

Litla Hraun Prison, a state-of-the-art detention facility, held most of the country's 110 prisoners; however, the prison system also used a substandard jail (Hegningarhusid, built in 1874), where the 16 individual cells lacked toilets and sinks. In most cases, prisoners stayed in Hegningarhusid Prison only a short time for evaluation and processing before moving to another facility.

The Government maintained a separate minimum-security prison for women inmates; however, because so few women were incarcerated, some men who had been convicted of nonviolent crimes were held there as well. Judges could sentence juvenile offenders who were at least 15 years old to prison terms, but they gave the vast

majority probation or suspended sentences or sent them to treatment programs. In the rare instances when juvenile offenders were incarcerated, they were held with adults, since there was no separate facility for juveniles. The Government argued that separation was not practical since the need to incarcerate a juvenile occurred infrequently; however, human rights observers criticized this practice.

The law allows the Government to hold pretrial detainees with the general prison population. In May, the Government initiated the bidding process for a new detention prison just outside of Reykjavik for completion in 2005.

In its May review, the U.N. Committee Against Torture also noted the use of solitary confinement for pre-trial detainees. The Government stated that changes to its law were unnecessary because it only authorized solitary confinement in special circumstances and in moderation. During the year, 55 of 69 persons placed in custody spent some time in solitary confinement, on average for 11 days. In March, the Ombudsman asked the prison authority to take steps to ensure adequate medical treatment for inmates in solitary confinement. He acted on a complaint filed by one inmate in October 2002 whose request to see a psychiatrist was denied. The Ombudsman criticized officials' carelessness, and the prison undertook to retrain staff on proper procedures for safeguarding prisoner welfare.

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

The Minister of Justice is the head of the police force. The National Commissioner of Police administers and runs police operations that require centralized coordination among various offices. Various district chiefs of police have responsibility for law enforcement in their areas, investigate criminal offenses, and have prosecution powers.

Police may only make arrests when they strongly suspect someone has committed a crime or when someone refuses to obey police orders to move. Persons placed under arrest are entitled to legal counsel, receive a form for their signature that outlines their rights and options, and within 24 hours of the arrest appear before a judge who rules whether they need to remain in custody during the investigation.

In December, the Reykjavik district court found two Reykjavik police officers guilty of improper arrests and false reports in the cases of a 23-year-old man taken into custody on March 8 and a 30-year-old man taken into custody on March 9. The court imposed respective prison sentences of 2 and 5 months suspended; the longer term was given to an officer also found guilty of improper use of chemical spray.

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

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

There are two levels of courts: A five-member Judicial Council, which administers the eight district courts, and the Supreme Court. The Minister of Justice appoints members of the Judicial Council and the Supreme Court; all judges, at all levels, serve for life.

The law provides for the right to a fair trial, and an independent judiciary generally enforced this right. Courts do not use juries, but multi-judge panels are common, particularly in the Supreme Court, which hears all appeals. The courts presume defendants' innocence and generally try them without delay. Defendants receive access to legal counsel of their own choosing. For defendants unable to pay attorneys' fees, the State covers the cost; however, defendants who are found guilty must reimburse the State. Defendants have the right to be present at their trial, to confront witnesses, and to participate in the proceedings. At the discretion of the courts, prosecutors may introduce evidence that police have obtained illegally. With limited exceptions, trials are public and conducted fairly. Defendants have the right to appeal, and the Supreme Court handles appeals expeditiously.

The European Court of Human Rights ruled that the Supreme Court had violated Article 6.1 (right to an independent and impartial tribunal) of the European Convention on Human Rights in its handling of two cases. In the first, decided in April, a defendant accused a judge of partiality because the judge's husband was the guarantor for several debts on which the defendant had defaulted. In the second, decided in July, the Supreme Court had overturned a District Court acquittal and imposed a prison sentence based on a reassessment of oral evidence presented before the lower court without hearing testimony from witnesses or the accused.

There were no reports of political prisoners.

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

Scientists and privacy advocates continued to criticize the government's decision to contract construction of a national computerized medical record database to a private, for-profit company. Although the firm agreed to encrypt individuals' names, the lack of data anonymity led to concerns about the integrity of the doctor-patient relationship and commercial use of personal data. In November, the firm acknowledged that continuing opposition from doctors, and problems meeting national Data Protection Authority requirements for security certification, would likely prevent completion of a master database intended to combine the genealogical, genetic, and medical records of a majority of the population. In a further setback for the firm, the Supreme Court in December recognized a daughter's right to privacy and prohibited the transfer of her father's clinical records into the database.

Section 2. Respect for Civil Liberties, Including:

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

The independent media were active and expressed a wide variety of views without government restriction.

The law bans the production, exhibition, distribution, or sale of violent motion pictures, defined as those that show mistreatment or the brutal killing of humans or animals. In addition, a six-member Motion Picture Review Committee, appointed by the Minister of Education and Culture, reviewed all motion pictures before their release and rated their suitability for children.

Internet access was available and unrestricted.

b. Freedom of Peaceful Assembly and Association.—The Constitution provides for freedom of assembly and association, and the Government generally respected these rights in practice; however, police halted a demonstration by several protesters who displayed anti-NATO signs during the public celebration of the country's national day on June 17. Police destroyed the protesters' signs and forcibly removed them from the celebration area. Although police have the right to halt a protest if they believe the protesters will incite violence, witnesses said that the protesters appeared to pose no threat to public order.

In June, the Privacy and Data Protection Authority told the Ministry of Justice that the Ministry had acted unlawfully in issuing lists of Falun Gong members to police and airlines who in turn denied entry to the country to between 110 and 120 Falun Gong practitioners in June 2002. A human rights lawyer asked the Ministry of Justice to issue an official apology to the group and threatened to take legal action if it did not do so. At the lawyer's request, the Ombudsman of Parliament undertook to review the case. The investigation continued at year's end as the Ombudsman awaited the Prime Minister's explanation of the legal basis on which the Government had barred Falun Gong members from boarding planes bound for the country. In a preliminary finding, the Ombudsman determined that the law permits authorities to bar prospective protesters from entering the country and, alternatively, to make entry contingent on signing agreements to follow police orders. Human rights advocates complained that the Ombudsman's decision set a precedent for unfettered government action whenever the police assert that a group presents a threat to public order.

c. Freedom of Religion.—The Constitution provides for freedom of religion, and the Government generally respected this right in practice. The State financially supported and promoted the official religion, Lutheranism.

The State directly paid the salaries of the 146 ministers in the State Lutheran Church, and these ministers were considered to be public servants under the Ministry of Justice and Ecclesiastical Affairs; however, the Church was autonomous in its internal affairs. The Government did not pay Lutheran ministers in the nonstate churches, also known as Free Churches.

All citizens 16 years of age and older must pay an annual church tax of approximately \$104 (ISK 7,800). For persons who were not registered as belonging to a religious organization, or who belonged to one that was not registered and recognized officially by the Government, the tax payment goes to the University of Iceland, a secular institution.

The law specifies conditions and procedures that religious organizations must follow to be registered by the Government. Such recognition was necessary for religious organizations other than the state church to receive a per capita share of church tax funds from the Government. The law applies only to religious organizations that are seeking to be, or are already, officially recognized and registered. The

Government did not place any restrictions or requirements on unregistered religious organizations, which had the same rights as other groups in society.

The law mandates religious instruction in Christianity in the public schools; however, students may be exempted from attending the classes.

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

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

Although neither the Constitution nor the law provides for the granting of refugee status or asylum to persons who meet the definition in the 1951 U.N. Convention Relating to the Status of Refugees and its 1967 Protocol; in practice, the Government provided protection against refoulement and granted refugee status or asylum. The Government cooperated with the U.N. High Commissioner for Refugees (UNHCR) and other humanitarian organizations in assisting refugees. In January, the Act on Foreigners took effect that provides guidelines on the granting of asylum and refugee status; the Act provides that only the Directorate of Immigration may deny admission to asylum seekers.

In 2001, the country became part of the Schengen free travel area, resulting in the elimination of formal border controls on the movement of persons into the country from the other Schengen countries.

The Government has not formulated a policy of temporary protection for those persons who fall outside of the definition of the 1951 U.N. Convention Related to the Status of Refugees or its 1967 Protocol because this issue has rarely arisen. The Directorate of Immigration and the Icelandic Red Cross (which housed and assisted asylum seekers under a government contract) reported that 80 persons had applied for asylum during the year (compared with 118 in 2002). Of these, 23 were sent to other countries, 26 withdrew their applications, and 21 were denied asylum. At year's end, the applications of seven persons still were being processed. Three persons received a 1-year residence permit for humanitarian reasons. Most asylum seekers applied for asylum after entering the country, rather than in the international sector of the airport. When border officials admit asylum seekers into the country, they must immediately turn them over to the Icelandic Red Cross and the Directorate of Immigration for processing and care. Processing of asylum cases may take 1 year or more, during which time asylum seekers were eligible for state-subsidized health care but could not work or enroll their children in public schools.

In March, the Government received 24 UNHCR-designated quota refugees originally from Serbia. The Government has no fixed refugee acceptance requirements and reevaluates the refugee situation on an annual basis, a practice that human rights observers criticized. The Icelandic Red Cross housed the refugees and helped them to find jobs and integrate into the community. Refugees are entitled to free housing and utilities for 1 year, as well as to health care and social benefits payments. Red Cross representatives said that their new communities accepted the refugees readily.

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

The Constitution provides citizens with the right to change their government peacefully, and citizens exercised this right in practice through periodic, free, and fair elections held on the basis of universal suffrage. Elections to the Althingi, the unicameral legislature, were held in May.

A center-right coalition has governed since 1991. Following the May elections, there were 19 women in the 63-member Parliament and 3 women in the 12-member Cabinet. Two of nine Supreme Court members were women. Foreigners who have resided in the country legally for 5 years (3 years for Scandinavian citizens) may vote in municipal elections.

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

A number of domestic and international human rights groups generally operated without government restriction, investigating and publishing their findings on human rights cases. Government officials were cooperative and responsive to their views. An independent Ombudsman, elected by Parliament, monitors and reports to national and local authorities to ensure equal protection of persons residing in the country, whether citizens or aliens. Individuals may lodge complaints with the Ombudsman regarding decisions, procedures, and conduct of public officials and government agencies. The Ombudsman may demand official reports, documents, and records and may summon officials to give testimony and has access to official prem-

ises. While the Ombudsman's conclusions are not binding on authorities, his recommendations normally have been followed. There was also a Children's Ombudsman (see Section 5).

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

The Constitution prohibits discrimination based on these factors. The population is strongly egalitarian and opposes discrimination based on any of these factors.

Women.—The law prohibits domestic violence and rape, including spousal rape; however, violence against women continued to be a problem, with gang rapes an ongoing concern. Police statistics indicated that the incidence of violence against women, including rape and sexual assault, was low; however, the number of women seeking medical and counseling assistance indicated that many incidents went unreported. Each year, up to 100 women ask for temporary lodging at the country's women's shelter, mainly because of domestic violence. The shelter offered counseling to about 367 clients between January and November. The sexual violence counseling center in Reykjavik drew 496 clients during the year, including 251 seeking help for the first time, an increase of 13 percent for the second year in a row.

The Government helped finance various facilities and organizations that provided assistance to victims of violence. The City of Reykjavik, in addition to partially funding such services, provided help to immigrant women in abusive relationships, offering emergency accommodation, counseling, and information on legal rights. Courts could issue restraining orders, but there were complaints that they did so only in extreme circumstances. Victims of sexual crimes were entitled, under the Criminal Code, to lawyers to advise them of their legal rights and help them pursue cases against the alleged assailants; however, a large majority of victims declined to press charges or chose to forgo trial, in part to avoid unwanted publicity. Some local human rights monitors also attributed underreporting to the fact that convictions traditionally yield light sentences: The maximum penalty for rape is 16 years' imprisonment, but judges typically imposed sentences much closer to the minimum of 1 year.

Prostitution is not illegal, but it is illegal to engage in prostitution as a main source of income. It is also illegal to act as an intermediary in the sale or procurement of sex.

There were concerns that some foreign women may have been trafficked to work as exotic dancers (see Section 6.f.).

More than 80 percent of women participated in the labor market. In part, this reflected the country's comprehensive system of subsidized day care, which made work outside the home more affordable and convenient for parents. The law requires that employers give preference to hiring and promoting women in areas where they are underrepresented, so long as they are equal in all other respects to male job seekers. Despite laws that require equal pay for equal work, a pay gap existed between men and women. According to one of the largest labor unions, women on average earned 14 percent less than men during the year. Some women's rights activists also expressed concern that the proportion of women in parliament dropped below one-third after elections in May (see Section 3).

Since January, the law permits both mothers and fathers to take 3 months of paid leave upon the birth of a child, with an additional 3 months that parents either could take individually or split between them. Such leave is at 80 percent of the normal salary. The new leave requirements apply equally to the public and private sectors.

The Government funded a Center for Gender Equality, under the Ministry of Social Affairs, to administer the Act on Equal Status and Equal Rights of Women and Men. The Center also provided gender equality counseling and education to national and municipal authorities, institutions, companies, individuals, and NGOs. The Minister of Social Affairs appoints a Complaints Committee on Equal Status to adjudicate alleged violations of the Act; the Committee's rulings are non-reviewable. The Minister of Social Affairs also appoints an Equal Status Council, with nine members drawn from national women's organizations, the University of Iceland, and labor and professional groups, which makes recommendations for equalizing the status of men and women in the labor market.

Children.—The Government was strongly committed to children's rights and welfare; it amply funded public education and health care. School attendance is compulsory through the age of 15 and free through public university level. Approximately 85 percent of students continued to upper secondary education. The Government provided free prenatal and infant medical care, as well as heavily subsidized childcare. The Children's Ombudsman, who is appointed by the Prime Minister but is independent from the Government, fulfilled a mandate to protect children's rights, interests, and welfare by, among other things, exerting influence on legislation, gov-

ernment decisions, and public attitudes. When investigating complaints, the Ombudsman had access to all of the country's public and private institutions and associations that house children or otherwise care for them; however, the Ombudsman's conclusions were not legally binding on parties to disputes.

Human rights observers, including Save the Children Iceland, criticized the continuing compilation of a national health database that included children. The Government authorized the automatic inclusion of the medical records of children under the age of 18 unless their legal guardians requested otherwise. On reaching the age of 18, individuals may elect to discontinue their inclusion in the database but not to withdraw information already stored (see Section 1.f.).

In January, the U.N. Committee on the Rights of the Child urged the Government to increase support to families of children with disabilities and to commit resources to assisting children of immigrants and foreigners, who have high secondary school drop-out rates.

There were some reports of abuse of children, although there was no societal pattern of child abuse. The government-funded Agency for Child Protection operated eight treatment centers and a diagnostic facility for abused and troubled minors. It also coordinated the work of approximately 34 committees around the country that were responsible for managing child protection issues (for example, foster care) in their local areas. Many of the local committees did not have ready access to professionals knowledgeable about sexual abuse. One such committee became the focus of public criticism in August when a district court sentenced a man to 3 years' imprisonment for sexually abusing a child over a 4-year period. Testimony at the man's trial showed that a school nurse had reported the abuse to the local child protection committee 6 months before police and judicial authorities became aware of the problem and took action. The Agency for Child Protection undertook to investigate the committee's failure to act but, in the interest of preserving the child's privacy, declined to make its findings public.

In an effort to accelerate prosecution of child sexual abuse cases and lessen trauma to the child, the Government maintained a Children's Assessment Center (Barnahus). The Center, which handled approximately 165 child abuse cases (two-thirds of the year's total) during the year, was intended to create a safe and secure environment where child victims feel more comfortable talking about what happened to them. It brought together police, prosecutors, judges, doctors, and officials from child protection services. District Court judges, however, did not have to use the Center and may hold investigatory interviews in the courthouse instead, a practice that concerned children's rights advocates.

Persons with Disabilities.—There was no official discrimination against persons with disabilities in employment, education, or the provision of other state services. The law provides that such persons have the right to all common national and municipal services and to receive assistance to live and work normally in society. The law also provides that persons with disabilities receive preference for a government job when they are at least as qualified as other applicants; however, advocates asserted that common practice and implementation of the law fell short of full protection of the rights of persons with disabilities to the extent that persons with disabilities have come to constitute a majority of the country's poor.

Building regulations require that public accommodations and government buildings, including elevators, be accessible to persons in wheelchairs; that public property managers reserve 1 percent of parking spaces (a minimum of one space) for persons with disabilities; and that, to the extent possible, sidewalks outside the main entrance of such buildings be kept clear of ice and snow. Violations of these regulations are punishable by a fine or a jail sentence of up to 2 years; however, the main association for persons with disabilities complained that this was not enforced regularly and that authorities rarely assessed penalties for noncompliance.

Parliament in 2001 ordered an increase in the minimum payment to persons with disabilities who have able-bodied spouses but continued to subject benefits to a modified means test. The Association of Disabled Persons challenged the law, and in October, the Supreme Court ruled that means-tested benefits are permissible but that the Government owed back-benefits to claimants unconstitutionally disadvantaged by the Government's withholding of some payments in 1999–2000. In December, the Government paid compensation to these claimants.

Some mental health advocates criticized the Government for not devoting sufficient attention and resources to the care of persons with mental disabilities. Although the law safeguards their rights, a large number of persons with mental disabilities remained on waiting lists for housing and employment programs. Advocates for the mentally ill alleged that the government-financed health system funded too few hospital places for acute patients and thus exacerbated a shortage of publicly funded preventative and follow-up mental health care.

National/Racial/Ethnic Minorities.—While the population remained largely homogeneous, family- and employment-sponsored immigrants were more visible. At the end of 2002, there were 10,200 foreign residents (3.5 percent of the population). Many temporary workers came from Asia and Central and Eastern Europe, and the Directorate of Immigration expected most to seek to remain permanently rather than return to their countries of origin.

The term *nýbúar*—newcomer—has taken on a negative connotation and was increasingly applied to immigrants of color. Asian women in public at night reportedly were taunted on the assumption that they were prostitutes, minority children were teased for allegedly having been purchased on the Internet, and citizens with foreign-born spouses reported receiving anonymous threats.

The Icelandic Red Cross operated an Intercultural Center in Reykjavik to help foreigners adjust to living in the country. The Center offered free translation, education, research, and advice services. The Ministry of Social Affairs operated a Multicultural Center in Isafjordur that facilitated the interaction of citizens with foreign nationals and provided support services for foreign nationals in rural municipalities.

In a July report, the European Commission against Racism and Intolerance concluded that conditions for immigrants “may not be wholly satisfactory” and recommended that the Government research the extent of societal racism and discrimination and introduce or fine-tune relevant legislation. It pointed specifically to incidents involving denial to minorities of access to public places such as discotheques and treatment of persons of immigrant origin as an economic resource rather than as full members of society.

Section 6. Worker Rights

a. The Right of Association.—The Constitution provides for the right of workers to establish unions, draw up their own constitutions and rules, choose their own leaders and policies, and publicize their views; and workers exercised these rights. Labor unions were independent of the Government and political parties. Approximately 85 percent of all eligible workers belonged to unions.

Labor courts effectively adjudicated disputes over contracts and over the rights provided by the law, which prohibits antiunion discrimination. By law, employers found guilty of anti-union discrimination must reinstate workers fired for union activities; however, in practice the charges often were difficult to prove.

The law permits unions to affiliate internationally, and they took active part in Nordic, European, and other international trade union bodies.

b. The Right to Organize and Bargain Collectively.—Neither law nor practice impedes union membership. The law requires employers to withhold union dues (1 percent of gross pay) from the pay of all employees, whether or not they are union members, to help support disability, strike, and pension funds, and other benefits to which all workers are entitled.

Trade unions and management organizations periodically negotiate collective bargaining agreements that set specific terms for workers’ pay, hours, and other conditions. These agreements, not the law, set the minimum labor standards for most workers. Unions renegotiated expiring collective bargaining agreements during the year, with others scheduled for renewal in 2004. The Government played a minor role in the bargaining process, providing mediation assistance in a few cases (through the State Mediator’s Office).

In March, the International Labor Organization (ILO) decided in favor of the Icelandic Federation of Labor (IFL) in the case of a 2001 fish industry strike; the ILO ruled that the Government had infringed the principle of free and voluntary collective bargaining and requested that the Government change collective bargaining procedures to avoid future legislative interventions.

With the exception of limited categories of workers in the public sector whose services are essential to public health or safety, unions have the right to strike. There were no strikes during the year.

There are no export processing zones.

c. Prohibition of Forced or Bonded Labor.—The law prohibits forced or bonded labor, including by children, and there were no reports that such practices occurred.

d. Status of Child Labor Practices and Minimum Age for Employment.—The law prohibits the employment of children younger than age 16 in factories, on ships, or in other places that are hazardous or require hard labor; this prohibition was observed in practice. Children 14 or 15 years old may be employed part-time or during school vacations in light, nonhazardous occupations. Their work hours must not exceed the ordinary work hours of adults in the same occupation. The Occupational Safety and Health Administration enforced child labor regulations effectively.

e. Acceptable Conditions of Work.—The law does not mandate a minimum wage, but the minimum wages negotiated in various collective bargaining agreements applied automatically to all employees in those occupations, whether they were union members or not. Labor contracts provided a decent standard of living for a worker and family.

The standard legal workweek was 40 hours, which included nearly 3 hours of paid breaks a week. Work exceeding 8 hours in a workday must be compensated as overtime. Workers were entitled to 11 hours of rest within each 24-hour period and to a day off every week. Under defined special circumstances, employers may reduce the 11-hour rest period to no less than 8 hours, but they then must compensate workers with 1.5 hours of rest for every hour of reduction. They may also postpone a worker's day off by 1 week.

Parliament set health and safety standards, and the Ministry of Social Affairs administered and enforced them through its Occupational Safety and Health Administration, which could close down workplaces until they met safety and health standards. Workers had a collective, not an individual, right to refuse to work in a place that did not meet occupational safety and health criteria. Firing workers who report unsafe or unhealthy conditions was illegal.

Union representatives and media reported that Italian contractor Impregilo failed to pay adequate wages to its foreign workers on a major government-financed hydroelectric dam construction project. The company hired workers through Portuguese employment agencies that created multiple versions of contracts to mislead both employees and regulators. Living conditions for foreign workers were poor, and the local government lacked resources to monitor the contractor's adherence to health and safety regulations. The Government threatened to stop issuing work permits for Impregilo to bring in foreign workers if it did not improve conditions at the site, and the company gradually complied. In September, Impregilo allegedly fired a Romanian worker for refusing to sign a counterfeit contract. The Directorate of Labor assisted the worker in obtaining alternative employment and a new work permit and began strict monitoring of Impregilo to ensure that it paid wages at the official rate.

f. Trafficking in Persons.—A law that entered into force March 10 prohibits trafficking in persons; however, there were anecdotal reports that women were trafficked for exploitation.

The March amendment to the general penal code states that "whoever is found guilty of trafficking in persons with the aim of sexual abuse, or forced labor, or for organ removal shall be punished by up to eight years imprisonment." Criminal procedures provide that victims may testify against traffickers at government expense. No person has yet been charged with trafficking in persons, although traffickers have been convicted under the law on alien smuggling.

The law provides that a person may be extradited as long as the offense involved would be punishable by more than 1 year's imprisonment; therefore, the law would allow the extradition of persons who were charged with trafficking in other countries.

Police, airport authorities, and women's aid groups reported that there was anecdotal evidence of women trafficked to the country primarily in connection with foreign women who entered the country to work in striptease clubs. The Baltics were the main countries of origin for these dancers, with others coming from Central and Eastern Europe and Russia. There were no statistics on the number or origin of women actually trafficked. While most attention has been focused on the country as a possible destination point for trafficked women, some cases during the year indicated that the country was also being used as a transit point for the movement of trafficked women between Europe and North America. There were no reliable estimates on how many women may have been involved.

To work as an exotic dancer, any foreigner from outside the European Economic Area must first obtain a work permit, which is typically valid for 3 months. In 2002, the number of foreign dancers applying for work permits plummeted following a ban by Reykjavik authorities on private dances that served as a front for prostitution. The Supreme Court upheld the ban in February, and other municipalities have since enacted their own bans, thus largely destroying the profit incentive for trafficking women into the country.

Victims of trafficking could seek help at the women's shelter, counseling center, and hospital, all of which were government funded. There were no domestic NGOs dedicated solely to assisting victims of trafficking, nor was there an established government assistance program. Some NGOs provided government-supported counseling and shelter to women and children who were victims of violence or sexual abuse. The government-funded Icelandic Human Rights Center was also available to assist with trafficking cases and make referrals (see Section 5).

The Ministries of Justice and Social Affairs hosted a conference on trafficking in persons in February as part of a joint Nordic-Baltic campaign against trafficking. Following the conference and associated press attention, the Minister of Social Affairs formed an advisory committee to coordinate government action to combat violence against women.

IRELAND

Ireland is a parliamentary democracy with an executive branch headed by a prime minister, a legislative branch with a bicameral parliament, and a directly elected president. Parliamentary elections were last held in May 2002; a presidential election was last held in November 1997. The judiciary is independent.

The national police (Garda Síochána) have primary responsibility for internal security; the army acted in their support when necessary. The civilian authorities maintained effective control of the security forces. There were no reports that security forces committed human rights abuses.

The country, with a population of 3.92 million, had an open, market-based economy that was highly dependent on international trade. The gross national product increased by approximately 2.5 percent, and the inflation rate was approximately 3.1 percent.

The Government generally respected the human rights of its citizens, and the law and judiciary provide effective means of addressing individual instances of abuse. Abuse and mistreatment of children were problems. There were incidents of violence against racial minorities and immigrants, and some discrimination against asylum seekers and Travellers.

RESPECT FOR HUMAN RIGHTS

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

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

In December, the Government published the report of the independent reviewer, retired Canadian Supreme Court Judge, Mr. Justice Peter Corry, concerning allegations of collusion between British and Irish security forces and paramilitaries in six cases in Northern Ireland. Two of the cases related to allegations of collusion by the Garda Síochána. Judge Corry concluded that in one case, involving the 1989 paramilitary killing of two Royal Ulster Constabulary officers in Northern Ireland, the evidence could be found to constitute collusion. He recommended that the matter be further examined by an independent public inquiry, and the Government undertook to conduct such an inquiry.

In August, the Special Criminal Court convicted Michael McKeivitt of membership in an illegal organization and of directing terrorism; McKeivitt was the first person to be convicted on this charge (see Section 1.e.).

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

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.—The law prohibits such practices; however, there were reports of abuse by police officers.

The European Committee for the Prevention of Torture (CPT) reported that some interviewed prisoners complained of being physically abused. The Garda Complaints Board recorded 1,405 complaints (ranging from rudeness to physical abuse by police officers) in 2002.

There were incidents in several communities of violence against racial minorities and immigrants (see Section 5).

Prison conditions generally met international standards. The Inspectorate of Prisons' annual report for 2002–2003, released in July, reported that work and sanitation conditions remain poor and in need of major improvement.

The Justice Department reported no allegations of mistreatment of prisoners by the Prison Service; however, the CPT stated that prisoners appeared to have little confidence in the complaints system. A CPT report on prison conditions, released in September and based on prison visits in 2002, noted improvements regarding police and the prison system but stated that conditions could be improved. According to the report, some prisoners claimed abuse by Garda during arrest and while in prison, including blows with batons and kicks to the body; doctors with the delegation found some evidence consistent with these claims. The Government responded that it is continually trying to improve Garda training to reduce instances of ill-treatment of prisoners.

The Report also stated that living conditions for mental health establishments continued to need improvement, although the Government made progress in upgrading conditions. Human rights groups continued to condemn the Central Mental Health Hospital in Dundrum, the country's only secure hospital for prisoners with mental disabilities, because of understaffing and poor infrastructure. The Government created, but has not yet implemented, a program to add observation cells and remove padded cells at the hospital.

Male prisoners were held separately from female prisoners, juveniles were held separately from adults, and pretrial detainees were held separately from convicted prisoners. The authorities continued to arrest and incarcerate at Portlaoise Prison persons involved in paramilitary activity. Conditions for these inmates were generally the same as those for the general prison population.

The Government permitted prison visits by domestic and international human rights observers in most cases; however, appointments were necessary to tour facilities. In December 2002, the Prison Service refused prison access to a nongovernmental organization (NGO) planning to conduct a study on racism, on the grounds that it had already funded a similar study. During the year, the Prison Service agreed in principle to allow the NGO access to prisons subject to the approval of the Government Research Ethics Committee (a committee mandated to protect prisoners from exploitation).

d. Arbitrary Arrest, Detention, or Exile.—The Constitution prohibits depriving any person of personal liberty without due process under the law; however, the use of special arrest and detention authority continued, primarily for those involved in paramilitary organizations.

The national police (Garda Siochana) have primary responsibility for internal security but are generally an unarmed force; therefore, the army, under the effective civilian control of the Minister for Defense, acted in support of the police when necessary. The Government continued to monitor closely indigenous paramilitary groups active in the Republic and Northern Ireland.

A detainee may petition the High Court, which is required to order the detainee's release unless it can be shown that the detention is in accordance with the law. The Criminal Justice Act provides for an initial period of detention of 6 hours. In cases where there are grounds for believing that longer detention is necessary for the proper investigation of an offense, an extension of another 6 hours is possible at the direction of a police officer of the rank of superintendent or above. A continuation of detention for 8 hours overnight is possible, to allow a detainee to sleep.

The Offenses Against the State Act allows police to arrest and detain for questioning anyone suspected of committing a "scheduled offense"—crimes 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," its application is not restricted to subversive offenses. As a result, the police have broad arrest and detention powers in any case involving firearms. In cases covered by this act, the initial period of detention without charge is 24 hours at the direction of a police superintendent, and detention may be extended another 24 hours by a judge. The Decommissioning Law prohibits authorities from instituting proceedings against individuals for any offense committed in the course of decommissioning illegally held arms in accordance with the Good Friday Agreement and the Northern Ireland peace process. Detainees and prisoners are allowed unrestricted access to attorneys. If the detainee does not have an attorney, the court will appoint one; if the detainee cannot afford an attorney, the Government will provide one through the Free Legal Aid program.

The law allows a court to refuse bail to a person charged with a serious offense (one that carries a penalty of 5 years' imprisonment or more) when it is considered reasonably necessary to prevent the commission of another serious offense.

The Offenses Against the State Act also provides for the indefinite detention, or internment, without trial of any person who is engaged in activities that are "prejudicial to the preservation of public peace and order or to the security of the State;" however, this power has not been invoked since the late 1950s.

The Criminal Justice (Drug Trafficking) Act permits detention without charge for up to 7 days in cases involving drug trafficking; however, to hold a suspected drug trafficker for more than 48 hours the police must seek a judge's approval.

The Constitution prohibits forced exile, and the Government did not employ it.

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

The judicial system consists of district courts with 23 districts, circuit courts with 8 circuits, the High Court, the Court of Criminal Appeal, and the Supreme Court.

The President appoints judges recommended by the Judicial Appointment Board, who choose from a list presented by the Government.

The Director of Public Prosecutions, an independent government official, prosecutes criminal cases. Jury trials usually are used in criminal cases, and the accused may choose an attorney. For indigent defendants, the State assumes the cost of providing counsel under the criminal legal aid scheme.

The Constitution explicitly allows "special courts" to be created when "ordinary courts are inadequate to secure the effective administration of justice and the preservation of public peace and order." A non-jury "Special Criminal Court" (SCC) tries "scheduled offenses." The SCC was created in 1972 largely in reaction to paramilitary violence and intended to address the problem of jury intimidation in cases involving defendants with suspected paramilitary links. In 2002, the SCC indicted 22 persons and held 13 trials; 9 individuals were convicted on guilty pleas, 10 were convicted on not guilty pleas, and 3 were found not guilty.

In addition to scheduled offenses, the Director of Public Prosecutions can have any nonscheduled offense tried by the SCC by certifying that the ordinary courts are inadequate to secure the effective administration of justice and the preservation of public peace. The SCC always sits as a three-judge panel, and its verdicts are by majority vote. Rules of evidence are generally the same as in regular courts; however, the sworn statement of a police chief superintendent identifying the accused as a member of an illegal organization is accepted as prima facie evidence. SCC sessions generally are public, but judges may exclude certain persons other than journalists. Appeals of SCC decisions are allowed in certain circumstances.

In August, the SCC convicted Michael McKeivitt, suspected leader of the "Real IRA," to concurrent sentences of 20 years for directing terrorism and 6 years for membership in an illegal organization. McKeivitt's conviction was based primarily on the testimony of a paid informant and corroboration by the Garda and two foreign security services. Based on this testimony, the SCC concluded "beyond a reasonable doubt" to uphold charges that McKeivitt was a member of a terrorist organization and that he directed terrorism. McKeivitt's appeal was pending at year's end (see Section 1.a.).

There were no reports of political prisoners.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence.—The Constitution and the law prohibit such actions, and the Government generally respected these prohibitions in practice.

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Speech and Press.—The Constitution provides for freedom of speech, and the Government generally respected this right in practice.

The Constitution provides for freedom of the press; however, this right is subject to the constitutional qualification that it not "undermine public order or morality or the authority of the state." The Constitution prohibits the publication or utterance of "blasphemous, seditious, or indecent matter."

The independent press was active and expressed a wide variety of views without government restriction.

Broadcasting remained mostly state controlled, but private sector broadcasting continued to grow. There were 49 independent radio stations and an independent television station. Expanded access to cable and satellite television lessened considerably the relative influence of state-controlled broadcasting. The Broadcasting Complaints Commission oversees standards and investigates complaints about programming. The Broadcasting Act empowers the Government to prohibit the state-owned radio and television network from broadcasting any matter "likely to promote or incite to crime or which would tend to undermine the authority of the State." The Act was not employed during the year.

Books and periodicals also were subject to censorship by the Censorship of Publication Board. The Board did not censor any books; however, as of December 1, it had censored nine magazines for containing pornographic material. The Censorship of Publications Act calls for a five-member board to examine publications referred to it by the customs service or the general public. It also may examine books (but not periodicals) on its own initiative. The board may prohibit the sale of any publication that it judges to be indecent or obscene or that advocates the procurement of abortion or miscarriage. The ruling may be appealed at any time to The Censorship of Publications Appeal Board.

While the press operated freely, some observers believed that the Defamation Act (which puts the onus on newspapers and periodicals accused of libel to prove that defamatory words are true) and the Official Secrets Act (which gives the State wide scope to prosecute unauthorized disclosures of sensitive government information) may result in some self-censorship.

The Office of the Film Censor must classify films and videos before they can be shown or sold. The Censorship of Films Act authorizes the censor 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.” Decisions of the censor may be appealed to a nine-member appeal board within 6 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. The Film Censor banned one film because of violence, nudity, and drug references; however, the film company won the subsequent appeal. The Film Censor banned 16 videos, primarily because of their pornographic or violent content.

Internet access was available and unrestricted. An Internet Advisory Board supervised self-regulation by Internet service providers and operated a hotline for complaints about any Irish-hosted child pornography sites on the Internet.

The Government did not restrict academic freedom.

b. Freedom of Peaceful Assembly and Association.—The Constitution provides citizens with the right to “assemble peaceably and without arms”; however, it also allows the State to “prevent or control meetings” that are calculated to breach the peace or to be a danger or nuisance to the general public. It is unlawful to hold any public meeting on behalf of, or in support of, an illegal organization; however, the Government allowed meetings and assemblies by some political groups that have been associated with illegal terrorist organizations.

Police conduct during demonstrations generally was restrained; however, the trial of seven Gardai accused of using their batons excessively during a 2002 May Day demonstration in Dublin remained pending at year’s end.

The Constitution provides citizens with the right to form associations and unions; however, the law mandates the prosecution and incarceration of persons for mere membership in a terrorist organization. Nevertheless, the Government permitted some groups associated with illegal terrorist organizations to meet.

Membership in or leadership of an illegal organization as defined by the Offenses Against the State Act carries a possible life sentence. The testimony of a police superintendent can be used as corroborative evidence of membership. Collecting information to aid in the commission of a serious offense carries a penalty of up to 10 years’ imprisonment, a fine, or both. Withholding information that could prevent a “serious” offense or that could aid in the apprehension or conviction of a perpetrator also is illegal, with a penalty of up to 5 years’ imprisonment, a fine, or both.

c. Freedom of Religion.—The Constitution provides for freedom of religion, and the Government generally respected this right in practice. The Constitution prohibits promotion of one religion over another and discrimination on the grounds of religion or belief, and the Government did not restrict the teaching or practice of any faith.

While approximately 88 percent of the population is Roman Catholic, the Catholic Church is not recognized officially. Due to the country’s history and tradition as a predominantly Catholic country and society, the majority of those in political office are Catholic, and major Catholic holidays are also national holidays.

The Government permits but does not require religious instruction in public schools. Most primary and secondary schools are denominational—the majority Catholic—and the Catholic Church partially controls their boards of management. As mandated by the Constitution, the Government provided equal funding to schools of different religious denominations (such as an Islamic school in Dublin). Although religious instruction is an integral part of the curriculum, parents may exempt their children from such instruction.

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

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

The law provides for the granting of asylum and refugee status to persons who meet the definition in the 1951 U.N. Convention Relating to the Status of Refugees or its 1967 Protocol. In practice, the Government provided protection against refoulement and granted refugee status or asylum. The Government developed specific administrative procedures for the implementation of the Convention in consultation with the U.N. High Commissioner for Refugees (UNHCR), and, pursuant to a Supreme Court ruling, these procedures are binding on the Department of Justice, Equality, and Law Reform. The 1996 Refugee Act provides for asylum procedures that are in accordance with EU guidelines and also makes provision for invited refugees under UNHCR programs. The Government cooperated with the office of the UNHCR and other humanitarian organizations in assisting refugees. The

Government passed regulations allowing asylum-seekers, refugees, and immigrant workers the right to vote in local elections.

In January, the Supreme Court ruled that parents of Irish-born children and their non-national siblings are not entitled to reside in the country by virtue of having an Irish-born child. Thereafter, the Government stated it would no longer accept applications for residency from non-EU immigrant parents with an Irish-born child. The Government also established a unit in the Department of Justice to adjudicate the remaining 11,000 residency claims from parents of Irish-born children and anticipated adjudicating the remaining applications within a year. The Government ruled out mass deportations, stating it would decide applications and deportations on a case-by-case basis.

The number of asylum seekers entering the country declined. There were 7,483 new applications for asylum, compared with 11,598 in 2002; the Government granted asylum to 345 individuals, compared with 893 in 2002, and granted asylum on appeal to 825 persons, compared with 1,097 in 2002. The declines likely resulted in part from January's High Court ruling that immigrant parents of Irish-born children are not automatically given the right to reside in the country.

The Government also provides protection to certain individuals who fall outside of the definition of the 1951 U.N. Convention Related to the Status of Refugees or its 1967 Protocol. The Garda National Immigration Bureau (GNIB) monitored non-nationals who were the subject of deportation orders. The GNIB also oversaw operations at ports of entry, coordinated efforts to combat trafficking in illegal immigrants, strengthened international liaison on immigration issues, administered the non-national registration service, and generally enforced immigration law.

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

The Constitution provides citizens with the right to change their government peacefully, and citizens exercised this right in practice through periodic, free, and fair elections held on the basis of universal suffrage for citizens over the age of 18. The Parliament is bicameral; members of the Dail (House of Representatives)—the chamber that carries out the main legislative functions—are elected popularly, while most members of the Seanad (Senate) are elected by vocational and university groups, with the others appointed by the Prime Minister. Several political parties have seats in both bodies. The President (head of state) is elected popularly for a 7-year term and is limited to two terms. An appointed Council of State advises the President. Parliamentary elections were held in May 2002, and presidential elections were held in October 1997.

The President was a woman, and 22 of the 166 deputies in the Dail and 10 of the 60 senators were female. Two of the 15 government ministers were female, as were 2 of the 17 junior ministers. Three women sat on the 25-member High Court, and 2 of the 8 Supreme Court judges were female.

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

A number of domestic and international human rights groups generally operated without government restriction, investigating and publishing their findings on human rights cases. Government officials were cooperative and responsive to their views. In March, the country's Human Rights Commission, established in 2001, launched a wide-ranging strategic plan for 2003–2006 to promote and protect human rights.

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

The Employment Equality Act prohibits discrimination in relation to employment on the basis of nine distinct discriminatory grounds: Gender, marital status, family status, sexual orientation, age, disability, race, and membership in the Traveller community. The Equal Status Act outlaws discrimination in the provision of goods, facilities, and services on these grounds.

Women.—Domestic violence and emotional abuse were problems, although there were modest improvements. The Garda recorded 10,248 incidents of domestic violence in 2002. In addition to 18 rape crisis centers, there were 15 women's shelters and 13 women's centers throughout the country, funded in part by the Government. The rape crisis centers are able to provide support through immediate telephone contact and one-on-one counseling. A Voluntary Housing Capital Assistance Scheme and a Voluntary Housing Subsidy Scheme provide long- and short-term housing options for victims of sexual violence. All Garda received training on the investigation of cases of domestic violence, rape, and sexual assault. Garda also attended training

lectures on causes and effects of domestic violence and techniques for interviewing victims of domestic violence.

In 2002, the Dublin Rape Crisis Center reported receiving 11,808 counseling calls in all categories (child sexual abuse, adult rape, adult sexual assault, sexual harassment), which continued an upward trend in frequency of calls. The center estimated in 2002 that 37 percent of rape victims reported the crime to police, and the conviction rate in reported domestic violence incidents was 6 percent.

The law criminalizes rape within marriage, and the Civil Legal Aid Act provides for free legal advice to victims in cases of serious sexual assault. In rape cases, the State brings the case against the accused, with the complainant (victim) acting as a witness. The Sex Offenders Act of 2001 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."

The law prohibits discrimination against women in the workplace and provides for protection and redress against discrimination based on gender and marital status; however, inequalities persisted regarding pay and promotions in both the public and the private sectors. The Equality Tribunal and the Equality Authority are the main statutory bodies that enforce and administer the discrimination laws. Women constituted 49 percent of the labor force but were underrepresented in senior management positions. An Equality Authority study showed that less than half of the organizations surveyed had an equality policy in place and that only 36 percent had provided equality or diversity training. In 2002, the earnings of women averaged 85 percent that of men. As a way to combat this gender gap, the Government increased the minimum wage, created more childcare facilities, funded childcare for those in employment training, and worked through the National Framework Committee on the Development of the Family Friendly Polices to increase flexibility in the workforce. The Government contributed \$292 million (234 million euros) to its equal opportunities childcare program during the past 4 years.

The Maternity Protection Act provides a woman with 18 weeks of paid maternity leave, an additional 8 weeks of unpaid leave, and the right to return to her job. The Parental Leave Act allows a child's mother and father each to take 14 weeks of unpaid leave to care for a child under the age of 5. Although each parent has a separate entitlement to parental leave, the leave is not transferable, i.e., the mother cannot take the father's leave or vice versa. Parental leave does not affect a mother's right to maternity leave.

Children.—The Government was committed strongly to children's rights and welfare; it amply funded systems of public education and health care. Under the Child Care Act, education is free and compulsory for children from 6 to 15 years of age. Almost all children attended school. According to the Department of Education, approximately 99 percent of children between the ages of 5 and 16 attend school. Most children complete secondary education. The Minister of State for Health has special responsibility for children's policy, including monitoring the implementation of the Child Care Act by the eight regional health boards. The Status of Children Act provides for equal rights for children in all legal proceedings. In December, an Ombudsman for Children was established. The Ombudsman may investigate complaints from children or people acting on their behalf against various governmental and non-governmental bodies. Where the Ombudsman finds in favor of the child, the offending body must state how it will rectify the problem and ensure that it does not recur. The Ombudsman also has a role in promoting general child welfare.

The sexual abuse of children was a problem and continued to receive significant media attention. The Laffoy Commission, established in 2000 to investigate sexual and physical abuse in Irish institutions during most of the 20th Century, suffered a setback when Justice Mary Laffoy resigned as its chairwoman, declaring that the Commission had been "rendered powerless" by various governmental actions. The Government dropped an alternative system where the Commission would hear only a sample of cases instead of each individual case, following objections by opposition parties and advocacy groups. There remained concern that it could take up to 11 years for the Commission to hear all 1,400 cases of alleged abuse.

In 2002, there were 375 cases of child abuse reported to the Health Authority, but only 122 cases were confirmed. The health authority received approximately \$1.25 million (1 million euros) in 2002 to improve the identification, reporting, assessment, treatment, and management of child abuse.

In 2002, the Dublin Rape Crisis Center reported that 45 percent of calls to its crisis line involved child sexual abuse. The Child Care Act requires government health boards to identify and help children who are not receiving adequate care, and it gives the police increased powers to remove children from the family when there is an immediate and serious risk to their health or welfare. The Child Trafficking

and Pornography Act aims to protect children from sexual exploitation, including any exchange of information on the Internet that implies a child is available for sex.

Persons with Disabilities.—There was generally no discrimination against persons with disabilities in employment, education, or in the provision of other state services. The law mandates access to buildings for persons with disabilities, and the Government generally enforced these provisions in practice. In October, in honor of the European Year for the Disabled, the Equality Authority undertook its most expensive and largest publicity campaign aimed at ensuring awareness of the rights of the disabled to jobs and services. The country's hosting of the Special Olympics World Games also increased awareness of issues facing persons with disabilities.

The Building Regulations Act established minimum criteria to ensure access for persons with disabilities to all public and private buildings constructed or significantly altered after 1992; however, enforcement was uneven and fines minimal.

A National Disability Authority has responsibility for setting disability standards, monitoring the implementation of these standards, and researching and formulating disability policy; its strategic plan for 2000–03 had three priorities: Developing policies to promote the equal status of persons with disabilities, influencing societal attitudes, and ensuring services for persons with disabilities. The National Standards for Disability Services, which specifies required national standards for all government-funded bodies, was released during the year.

National/Racial/Ethnic Minorities.—Societal discrimination and racial violence against immigrants and ethnic minorities, such as Asians and Africans continued to be a growing problem. Racially motivated incidents involved physical violence, intimidation, and verbal slurs, and the majority of incidents of racist violence took place in public places. In March, three teenagers pled guilty to the 2002 manslaughter of a 29-year-old Chinese student, the country's first reported racially motivated death. Most recorded racial incidents occurred within or near Dublin.

There were 145 Garda around the country who worked with the different ethnic communities. The Garda Racial and Intercultural Office began tracking racially motivated incidents in October 2002, but statistics were not available until 2004. The Garda Racial and Intercultural Office also gave instruction and booklets to Garda to teach them how to interact with those of different racial and ethnic backgrounds.

Approximately 25,000 indigenous nomadic persons regard themselves as a distinct ethnic group called "Travellers," with its own history, culture, and language. Travellers faced societal discrimination and regularly were denied access to premises, goods, facilities, and services; many restaurants and pubs, for example, would not serve them. There was a media report of a Traveller family that lost their caravan in a fire and accepted an offer by the local council to move into a vacant house. However, local residents protested because of a concern that their presence would lower property values and attract more Travellers. The Traveller family did not move into the house because of safety concerns.

Despite national school rules that provide that no child may be refused admission on account of social position, Travellers frequently experienced difficulties enrolling their children in school. Traveller students are not separated in classrooms, but it is not uncommon for them to be taken from the classroom to receive additional schooling. Of the estimated 5,000 Traveller families, approximately 1,200 lived on roadsides or on temporary sites without electricity or sanitary facilities. Many Travellers depended on social welfare for survival and were unable to participate in the mainstream economy because of discrimination and a lack of education.

The Employment Equality Act outlaws job discrimination against Travellers; however, a monitoring committee established to oversee reforms to address problems encountered by Travellers was considered ineffectual by the Travelling community.

The Housing (Traveller Accommodation) Act requires local elected officials to draw up and implement Traveller accommodation plans on a 5-year basis and requires Traveller input in the process. However, many Traveller NGOs were dissatisfied with the progress of this legislation and believed that anti-trespassing legislation enacted in 2002 further undermined the Housing Act. The Traveller movement withdrew from the Social Partnership Agreement with the Government because of its continued dissatisfaction. To develop better relations between Travellers and the settled community, the Government agreed to provide a Traveller Mediation Service and \$1.42 million (1.14 million euros) over a 3-year period for awareness programs.

Section 6. Worker Rights

a. The Right of Association.—The law provides workers with the right to join—or refrain from joining—a union, and workers exercised this right in practice.

Approximately 50 percent of workers in the private and public sectors were union members. Police and military personnel may form associations, but technically not unions, to represent themselves in matters of pay, working conditions, and general

welfare. The Irish Congress of Trade Unions (ICTU) represented 58 unions island-wide, including 48 in the country. The ICTU was independent of the Government and political parties.

The Anti-Discrimination (Pay) Act and the Employment Equality Act make the Equality Authority responsible for the investigation of allegations of anti-union discrimination, which is prohibited under the law. If the authority is unable to obtain resolution, the dispute goes before the Labor Court, which consists of one representative each for the employer and the union, plus an independent chairperson. The Unfair Dismissals Act provides for various forms of relief in cases where employers are found guilty of anti-union discrimination, including the reinstatement of workers fired for union activities.

Unions may freely form or join federations or confederations and affiliate with international bodies, and many did so.

b. The Right to Organize and Bargain Collectively.—Labor unions have full freedom to organize and to engage in collective bargaining, and unions exercised this right in practice. Most terms and conditions of employment were determined through collective bargaining, in the context of a national economic pact negotiated every 3 years by the “social partners,” that is, unions, employers, farmers, and the Government. The latest version of these agreements, titled Sustaining Progress, was signed in April.

The Labor Relations Commission provides advice and conciliation services in industrial disputes. The Commission may refer unresolved disputes to the Labor Court, which may recommend terms of settlement and may set up joint employer-union committees to regulate conditions of employment and minimum wages in a specific trade or industry.

The law provides for the right to strike, and this right was exercised in both the public and private sectors; however, police and military personnel are prohibited from striking. There were 13 strikes during the year, notably in the health, social work and public administration sectors; the number of days lost to industrial disputes increased sharply from last year: 32,151 in the first 6 months of the year, compared with 13,289 in the same period in 2002. All strikes concluded peacefully, with the unions involved achieving some, if not all, of their goals. The Industrial Relations Act prohibits retribution against strikers and union leaders; the Government effectively enforced this provision through the Department of Enterprise, Trade, and Employment.

The export processing zone at Shannon Airport operates under the same labor laws as the rest of the country.

c. Prohibition of Forced or Bonded Labor.—The law prohibits forced or bonded labor, including by children, and there were no reports that such practices occurred.

d. Status of Child Labor Practices and Minimum Age for Employment.—Under the law, employers may not employ children under the age of 16 in a regular, full-time job. Employers may hire 14- or 15-year-olds for light work on school holidays, as part of an approved work experience or educational program, or on a part-time basis during the school year (for children over the age of 15 only). The law sets rest intervals and maximum working hours, prohibits the employment of 18-year-olds for late night work, and requires employers to keep specified records for workers who are under 18 years of age. Enforcement was reportedly lax, but violations were rare.

e. Acceptable Conditions of Work.—The national minimum wage was, \$8.25 (6.6 euros) per hour, which does not provide a decent standard of living for a worker and family; however, low-income families are entitled to benefits such as subsidized housing and children’s allowances.

The standard workweek is 39 hours. Working hours in the industrial sector are limited to 9 hours per day and 48 hours per week. Overtime work is limited to 2 hours per day, 12 hours per week, and 240 hours per year. The Department of Enterprise, Trade, and Employment is responsible for enforcing the laws dealing with occupational safety, which provide adequate and comprehensive coverage; no significant complaints arose from either labor or management regarding enforcement of these laws. Regulations provide workers with the right to remove themselves from dangerous work situations that present a “serious, imminent and unavoidable risk” without jeopardy to their continued employment.

f. Trafficking in Persons.—The law prohibits trafficking in persons, and there were no confirmed reports that persons were trafficked to, from, or within the country; however, NGOs and others offered anecdotal, but unsubstantiated, reports of trafficking.

The Garda National Immigration Bureau and the Department of Justice are the governmental organizations responsible for combating trafficking.

The Child Trafficking and Pornography Act criminalizes trafficking in children for the purpose of sexual exploitation, with penalties of up to life imprisonment. The Illegal Immigrants (Trafficking) Act criminalizes the activities of persons trafficking in illegal immigrants and asylum seekers. There is no specific legislation addressing trafficking in women for sexual criminal activities, although laws prohibit the exploitation of prostitutes, and the exploitation of prostitutes by means of coercion or fraud. Traffickers who facilitate for gain the entry of illegal immigrants or asylum seekers are liable for fines or imprisonment for terms ranging from 1 to 10 years.

Dublin Garda raided several lap-dance clubs that were employing illegal female workers, and the Limerick Garda raided a brothel that was bringing prostitutes into the city from Eastern Europe, but the women stated that they had entered the country voluntarily. A man and a woman were convicted for running the brothel: Both were sentenced to 4 months in prison, but the female's sentence was suspended. The press reported that three English language schools were being used as fronts to smuggle Eastern European women into Ireland to have them work as lap dancers and prostitutes, and Garda were investigating this accusation at year's end.

The Ministries of Justice and Foreign Affairs and the GNIB were involved in antitrafficking efforts, and there were links between government officials, NGOs, and other elements of civil society on trafficking issues. A coalition of NGOs that deal in part with trafficking issues met periodically during the year.

ITALY

Italy is a multiparty parliamentary democracy. Executive authority is vested in the Council of Ministers, headed by the president of the Council (the Prime Minister). The Head of State (President of the Republic) nominates the Prime Minister after consulting with the leaders of all political forces in Parliament. Parliamentary elections in 2001 were considered free and democratic. The Constitution provides for an independent judiciary; however, long trial delays and the impact of organized crime on the criminal justice system complicated the judicial process.

Civilian authorities maintained effective control of the security forces. The armed forces are under the control of the Ministry of Defense. The Ministry of Defense controls the Carabinieri, a military security force; however, the Ministry of Interior assumes control of the Carabinieri when they are called upon to assist police forces in maintaining public order. Four separate police forces report to different ministerial or local authorities. There were allegations that police committed human rights abuses.

The country had an advanced, industrialized market economy, and the standard of living was high for the country's population of approximately 57.8 million. Wages generally kept pace with inflation. The Government owned a substantial number of enterprises in finance, communications, industry, transportation, and services, but privatization continued to move forward at a measured pace.

The Government generally respected the human rights of its citizens; although there were a few problems in some areas, the law and judiciary provided effective means of dealing with individual instances of abuse. There were some reports of police abuse of detainees and use of excessive force against ethnic minorities. The judiciary investigated accusations of police abuse. Prisons were overcrowded. Lengthy pretrial detention was a serious problem. The pace of justice was slow, and perpetrators of some serious crimes avoided punishment due to trials that exceeded the statute of limitations. Sporadic violence against immigrants and other foreigners continued to be a problem. Child labor, primarily involving immigrant children, continued in the underground economy, but authorities investigated such reports actively. Trafficking in persons into the country, particularly women and girls for prostitution, was a problem, which the Government took steps to address.

RESPECT FOR HUMAN RIGHTS

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

a. Arbitrary or Unlawful Deprivation of Life.—There were no political killings; however, off-duty policemen killed two people, including a 13-year old boy, during separate attempted robberies of each officer, one in January and the other in July. Both cases remained under investigation at year's end.

In September, a magistrate dismissed charges against a policeman under investigation for killing a 28-year-old man who had attempted to rob him in 2002.

In May, the investigating magistrate dismissed charges against a policeman who shot and killed a rioting demonstrator during protests against the 2001 G-8 summit in Genoa, ruling that the policeman had acted in self-defense.

Police continued to investigate the 1999 and 2002 killings of two academic advisors to the Labor Ministry by the new Red Brigades—Communist Combatant Party, a domestic terrorist movement. In March, police arrested a leader of the group during a routine document check. During the arrest, another member and a policeman were killed during a gunfight.

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

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.—The law prohibits such practices; however, there were reports of incidents in which police abused detainees. According to Amnesty International (AI) and the non-governmental organization (NGO) Antgone, which monitors issues such as police behavior, police occasionally used excessive force against persons detained in connection with common criminal offenses or in the course of identity checks. While this behavior affected both citizens and foreigners, Africans and Roma were at particular risk (see Section 5). In January, a U.N. commission of independent experts underscored its grave concern over continued police mistreatment of young immigrants and Roma and recommended more extensive training for law enforcement officers working with children.

In March, social activists claimed police used excessive force while trying to clear approximately 100 activists from a Milan emergency room waiting area. The activists had been attempting to claim the body of a friend who had just died as the result of a knife wound received in an unrelated criminal altercation. One policeman and five activists remained under investigation.

In September, magistrates issued preliminary indictments charging 73 policemen, including a number of senior officers, with perjury, conspiracy, or assault in connection with a 2001 police raid at the headquarters for the Genoa Social Forum during G-8 summit protests. Magistrates determined that some police had colluded to manufacture evidence and to claim violent resistance from demonstrators to justify their use of force during the raid. Over half those indicted faced charges in connection with “inhuman or degrading treatment,” including assault, during the subsequent detention of those protestors. In May, the magistrate dismissed all charges against demonstrators who had been arrested during the raid for lack of evidence.

Overcrowded and antiquated prisons continued to be a problem. There were 56,500 detainees incarcerated in a prison system designed to hold 42,100. Older facilities lacked outdoor or exercise space, compounding the difficulties of close quarters; some prisons lacked adequate medical care. Approximately 61 percent of detainees were serving sentences; the other 39 percent consisted mainly of persons awaiting trial or the outcome of an appeal. Seventy-two prisoners died while in jail during the first 6 months of the year; 23 committed suicide.

In August, Parliament approved a Clemency Law that reduces by 2 years the sentences of those convicted of minor offenses who had served at least half of their sentence. Approximately 6,500 prisoners were expected to be released early under the provision.

Men were held separately from women, and juveniles were held separately from adults; however, pretrial detainees were not held separately from convicted prisoners.

The Government permits visits by independent human rights organizations, parliamentarians, and the media. AI, the U.N. Human Rights Commission, the U.N. Committee Against Torture, and the U.N. Special Rapporteur on Torture regularly assessed the country's judicial and prison system. An NGO composed primarily of lawyers, magistrates, and academics promoted the rights of detainees, worked closely with the European Commission for Prevention of Torture, and monitored the prison system.

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

Four separate police forces, which report to different ministerial or local authorities, effectively enforced public law and order. The National Police and Financial Police fall under the jurisdiction of the Interior and Finance Ministries, respectively. The Ministry of Defense controls the Carabinieri, a military security force; however, the Ministry of Interior assumes control of Carabinieri and Financial Police units when they perform law enforcement functions. 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. Both the Government and the judiciary investigated abuses and prosecuted police who mistreated persons in custody. In June, prosecutors charged 31 police-

men with unlawful imprisonment and assault based on evidence of their conduct during violent anti-globalization protests in Naples in 2001 (see Section 1.c.). Allegations of corruption were rare.

Warrants are required for arrests unless there is a specific and immediate danger to which the police must respond without waiting for a warrant. Under the law, detainees are allowed prompt and regular access to lawyers of their choosing and to family members. The state provides a lawyer to indigents. Within 24 hours of a suspect's detention, 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.

There is no provision for bail; however, judges may grant provisional liberty to suspects awaiting trial. As a safeguard against unjustified detention, panels of judges (liberty tribunals) review cases of persons awaiting trial on a regular basis per a detainee's request and rule whether continued detention is warranted. Persons in detention included not only those awaiting trial but also individuals awaiting the outcome of a first or second appeal (see Section 1.e.). Pretrial detention may last for a maximum of 24 months. The Constitution and the law provide for restitution in cases of unjust detention (see Section 1.e.).

Preventive detention can be imposed only as a last resort if there is clear and convincing evidence of a serious offense (such as crimes involving the Mafia or those related to drugs, arms, or subversion) or if there is a risk of an offense being repeated or of evidence being falsified. In these cases, a maximum of 2 years of preliminary investigation is permitted. Except in extraordinary situations, preventive custody is not permitted for pregnant women, single parents of children under 3 years of age, persons over 70 years of age, or those who are seriously ill. Preventive custody may be imposed only for crimes punishable by a maximum sentence of not less than 4 years. Prosecutors are required to include all evidence favorable to the accused in requests for preventive detention. The defense may present any favorable evidence directly to the court. Magistrates' interrogations of persons in custody must be recorded on audio tape or videotape to be admissible in judicial proceedings.

The law prohibits forced exile—either internal or abroad—and the Government did not employ it.

e. Denial of Fair Public Trial.—The Constitution provides for an independent judiciary, and the Government generally respected this provision in practice. However, most cases involve long trial delays, and the impact of organized crime on the criminal justice system complicated the judicial process.

The judiciary is comprised of professional magistrates who are selected through competitive exams, and generally advance through seniority. Magistrates function either as prosecutors (the executive branch does not perform prosecutorial functions) or trial and appellate judges. It is not unusual for magistrates to switch between these functions over the course of their career. The Superior Council of the Magistracy (CSM) governs the judiciary. Magistrates select two-thirds of its members; the rest are selected by Parliament.

There are three levels of courts. A single judge hears cases at the level of courts of first instance. At the second level, separate courts hear appeals for civil and criminal 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 law, not to a case's merit. A separate Constitutional Court hears cases involving possible conflict between laws and the Constitution or involving conflicts over the duties or powers of different units of government.

Prosecutors may appeal unfavorable court verdicts, including sentences they deem too lenient. The Constitution gives prosecutors broad latitude to investigate filed complaints and media reports of crimes. Since magistrates cannot investigate every report of a crime, this allows them to set their own investigative priorities.

The law provides for the right to fair and public trials, and the judiciary generally enforced this right. The law grants defendants the presumption of innocence. Defendants have access to an attorney sufficiently in advance to prepare a defense and can confront witnesses. All evidence held by prosecutors may be made available to defendants and their attorneys. Defendants may appeal verdicts to the highest appellate court.

Although some observers noted improvement, domestic and European institutions continued to criticize the slow pace of justice in the country. During the year, the European Court of Human Rights issued 148 judgments against the Government for excessively long proceedings, approximately 20 percent of the court's 703 judgments.

Observers cited several reasons for delays: The absence of effective limits on the length of pre-trial investigations; the large number of minor offenses included in the penal code; unclear and contradictory legal provisions; prosecutors' complete freedom to set prosecutorial priorities (and some prosecutors' decisions to devote inordinate resources to a small number of cases); and insufficient resources, including an inadequate number of judges.

A 2001 law reduced a prosecutor's procedural advantages during trials and addressed problems created by abuses of some anti-Mafia measures, most notably those involving "pentiti," or Mafia informants.

Despite these reforms, organized crime cases continued to generate controversy. In May, an appellate court reaffirmed the 1999 acquittal of former Prime Minister Giulio Andreotti of charges of association with the mafia. Prosecutors had pursued the case primarily on the basis of pentiti allegations.

The Government continued to press for changes in the judiciary, citing an aim to improve judicial effectiveness and efficiency, despite strong opposition from the magistrates and opposition parties. These proposals include: Reducing magistrates' ability to switch between the trial judge and prosecutor career tracks, tying magistrates' advancement to merit rather than seniority, and having Parliament set priorities for categories of crimes to be prosecuted.

In July, Parliament passed legislation granting immunity from prosecution while in office to the country's five highest-ranking public servants, including the prime minister. Following the legislation's passage, the presiding magistrates suspended Prime Minister Berlusconi's remaining trial associated with his business activities prior to assuming office, although they continued proceedings against his co-defendants. Critics charged the legislation was designed to extricate Prime Minister Berlusconi from his remaining trial; supporters claimed the legislation was necessary to protect senior officials from magistrates attempting to use the courts to pursue political objectives.

In the first test of 2002 legislation restoring a legal provision that allowed defendants to request a change of venue if they had "legitimate suspicion" of bias by the trial judge, the presiding magistrates denied a member of Parliament's request to change his trial venue; the member subsequently was convicted of bribery. This ruling, and Justice Ministry inspections in the spring of the Milan procuracy's operations, generated additional controversy, as governing and opposition parties traded charges of using the legislative process and elements of the judiciary to pursue personal or political objectives.

There were no reports of political prisoners.

f. Arbitrary Interference with Privacy, Family, Home or Correspondence.—The law prohibits such actions, and the Government generally respected these prohibitions in practice. Searches and electronic monitoring may be carried out only under judicial warrant and in carefully defined circumstances; violations were subject to legal sanctions. However, after September 11, 2001, Parliament applied antiterrorist laws to suspects responsible for directing violent acts outside the country's borders and authorized prosecutors to order wiretaps in connection with ongoing investigations. Parliament imposed safeguards to prevent the release of information intercepted without prior judicial authorization to unauthorized persons and prohibited its use in criminal proceedings.

In November, Parliamentary leaders criticized prosecutors for divulging the identities of three members of Parliament mentioned, during police wiretaps, by suspects under investigation for narcotics and prostitution crimes. In 2002, members of Parliament and the media criticized the autonomous judiciary for its extensive use of wiretaps to investigate how journalists acquired leaked information.

A national privacy authority monitored the collection and use of personal data for commercial and other purposes, ensuring that current and proposed data banks and information collection systems conformed with requirements.

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Speech and Press.—The law provides for freedom of speech and of the press, including academic freedom, and the Government generally respected these rights in practice. However, the autonomous judiciary was sensitive to investigative leaks and press criticism and imposed fines for defamation (see Section 1.f.).

After magistrates authorized search warrants in 2002 against some journalists in connection with leaks of sensitive information, political leaders and the journalists' union criticized the searches, calling them serious offenses against freedom of the press. Critics noted the contradiction between separate laws maintaining the sanctity of journalists' sources and another authorizing magistrates to carry out investigations against journalists' sources.

The media provided a broad spectrum of political opinions, including those critical of Prime Minister Berlusconi and his policies. There were approximately 80 newspapers, of which 8 had national readership; the Berlusconi family controlled 2 of them.

Critics charged that Prime Minister Berlusconi directly or indirectly controlled six of the country's seven national broadcast channels: Mediaset (a company in which the Prime Minister has a major interest) owned three, and the state-owned network (RAI) controlled the other three. In December, President Ciampi declined to sign legislation relaxing restrictions on ownership of national broadcast media properties and on cross-ownership of broadcast and print media companies in the same market. After Parliament's earlier passage of the legislation, critics had charged that the new law retroactively sanctioned the Berlusconi family's dominance of national private broadcast media and eliminated obstacles to its continued infiltration into additional markets. RAI's three channels broadcast a wide range of opinion that reflected the full spectrum of political views in the country, but disputes over partisanship on the airwaves continued to prompt frequent political debate. The 2002 RAI governing board's decision to cancel three programs that regularly featured content critical of Prime Minister Berlusconi continued to be debated publicly. In July, an appellate court partially overturned a lower court decision that had directed RAI to resume broadcasting a program featuring one of the journalists. In November, RAI suspended a satirical show whose content had prompted complaints from the Jewish community regarding the host's use of anti-Semitic language and a defamation suit filed by rival network Mediaset. Critics charged that the suspension amounted to censorship.

Politicians and their supporters filed many defamation suits during the year. The costs to major publications resulting from legal fees and the settlement of lawsuits by successful plaintiffs amounts to an estimated several million dollars annually. In June, magistrates began defamation proceedings against two prominent journalists in connection with their criticism of legal proceedings against former Prime Minister Andreotti (see section 1.e.).

The Government generally did not restrict access to the Internet, although the 2001 High Court ruling that allowed the Government to block foreign-based Internet sites if they contravened national laws remained in effect.

The Government did not restrict academic freedom.

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

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

A historical agreement between the Catholic Church and the Government, revised in 1984, accords the Church certain privileges. For example, the Church may select Catholic religion teachers, whose earnings are paid by the State. The Constitution authorizes the State to enter into relations with non-Catholic religious confessions pursuant to an accord ("intese"), on the basis of which the Government can provide support (including financial) to the confession; these accords are voluntary, initiated by religious confessions, and do not infringe on the practice of religion. The Government has signed accords with several minority religious groups. At year's end, the Buddhist Union and Jehovah's Witnesses awaited Parliamentary ratification of government accords.

The continuing presence of Catholic symbols, such as crucifixes, in many government offices, courtrooms, and other public buildings has drawn criticism and has been the subject of lawsuits. In November, an appellate court overturned an October ruling by a court in L'Acquila ordering a local public school to remove crucifixes from its classrooms. Government ministers, senior representatives of many faiths, including that of the plaintiff, and many citizens criticized the initial ruling.

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

d. Freedom of Movement within the Country, Foreign Travel, Emigration, and Repatriation.—The Constitution and the law provide for these rights, and the Government generally respected them in practice. The Constitution prohibits the deprivation of citizenship for political reasons. Citizens who leave are ensured the right to return.

The Constitution provides for the granting of asylum and refugee status to persons who meet the definition in the 1951 U.N. Convention Relating to the Status of Refugees and its 1967 Protocol. In practice, the Government provided protection against refoulement and granted refugee status and asylum. The Government cooperated with the U.N. High Commissioner for Refugees (UNHCR) and other hu-

manitarian organizations in assisting refugees, and provided temporary protection to refugees fleeing hostilities or natural disasters. Such refugees were granted temporary residence permits, which must be renewed periodically and did not ensure future permanent residence.

In 2002, the Ministry of Interior approved approximately 1,270 asylum requests and denied approximately 15,750 others. Fifty percent of approved requests involved nationals of Sri Lanka, Iraq, and Turkey.

There was little state help for asylum seekers during the time they must spend waiting for their application to be processed; Medicin Sans Frontieres in Rome estimated that approximately 10 percent of asylum seekers had access to secondary reception facilities.

Large numbers of illegal immigrants from Eastern Europe, North Africa, the Middle East, China, and West Africa continued to arrive in the country, primarily by sea. According to Caritas, the number of legal immigrants increased by approximately 43 percent during the year, a consequence of 2002 legislation that provided a grace period in which illegal immigrants could become legal residents. In 2002, 23,700 illegal immigrants were detained, a 12 percent decrease from 2001. Many of these immigrants entered the country with the intent to transit to other European Union (EU) countries. Most illegal immigrants paid fees to smugglers, and many risked death due to unseaworthy vessels or were forced off the vessels. At least 42 died in 2 separate incidents in September off the coast. Some illegal immigrants 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.).

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

The Constitution provides citizens with the right to change their government peacefully, and citizens exercised this right in practice through periodic, free, and fair elections held on the basis of universal suffrage. May 2001 Parliamentary elections were free and democratic. There were numerous political parties that functioned without government restrictions.

There were no restrictions on women's or minorities' participation in government and politics. There were 25 women in the 315-seat Senate and 63 women in the 630-seat Chamber of Deputies; women held 2 of 25 cabinet positions.

In June, citizens residing abroad were able to vote for the first time in a national referendum, following a 2000 constitutional change allowing them to participate.

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

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

There were government human rights organizations in the Ministry of Foreign Affairs, the Prime Minister's office, and the Privacy Authority. The Senate also had a committee on human rights.

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

The law prohibits discrimination on the basis of race, sex (except with regard to hazardous work), ethnic background, or political opinion, and provides some protection against discrimination based on disability, language, or social status; however, some societal discrimination against women, persons with disabilities, and Roma persisted.

In February, Parliament amended the Constitution to incorporate the principle of equal opportunity and to direct the government to undertake appropriate measures to guarantee equal opportunities to men and women.

Women.—Violence against women remained a problem. The NGO Telefono Rosa, which provides a hotline through which abused women may obtain legal, medical, and other assistance, reported that 33 percent of calls it received involved physical violence in the home, a decline from 37 percent in 2002. Thirty-five percent of the cases involved psychological violence and 13 percent economic violence; 85 percent of the total cases involved repeat instances of violence.

Legislation protects women from physical abuse, including by family members, allows for the prosecution of perpetrators of violence against women, and shields women who have been objects of attack from publicity. Law enforcement and judicial authorities are not reluctant to prosecute perpetrators of violence against women, but victims sometimes did not press charges due to fear, shame, or ignorance of the law. According to Telefono Rosa, approximately three out of four women

who experienced violence declined to report it to the authorities. However, Telefono Rosa also noted that the entry of more women into the police force contributed greatly to a willingness of female victims of violence to cooperate with police. The law treats spousal rape in the same manner as any other rape.

Individual acts of prostitution in private residences are legal. Trafficking of women into the country for prostitution remained a problem (see Section 6.f.).

In September, Parliament approved new legislation introducing new definitions of sexual harassment and other abuses in the workplace. The new law strengthens a code of conduct on workplace harassment, attached to national sectoral labor contracts, agreed to in 1999 between the Labor Ministry and major trade union confederations.

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.

As a result of liberal maternity leave laws introduced to benefit women, some employers have found it advantageous to hire men instead. The law 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 applies in offices where women managers number less than a third of the total. A 2002 study indicated that women constituted 51 percent of civil servants, but only 24 percent had high-level assignments.

The law regulates night work for pregnant women who are mothers of one or more children below the age of 3 and women with disabilities.

According to research conducted in 2001 by an independent research center, women's salaries were 26.6 percent lower than men's for comparable work. Women were underrepresented in many fields, such as management, entrepreneurial business, and the professions. In public education, women represented 80 percent of the personnel but only 22 percent of general directors, 37 percent of executives, 33 percent of inspectors, and 33 percent of union members. At the end of 2002, the National Statistical Institute (ISTAT) reported that employed women were more likely to have a high school diploma (52 percent) than employed men (41 percent). Employed women did better in higher education; the comparable figures for a university degree were 14.4 percent for women and 10.9 percent for men. In October, 11.4 percent of females were unemployed, compared with 6.6 percent of males. Youth unemployment (ages 15 to 24) was 24.7 percent for men and 31.4 percent for women.

Women have been integrated quickly into the military ranks; in March, there were 1,652 women in the armed forces. The law provides for voluntary female military service.

A number of government offices worked to ensure women's rights. The Ministry for Equal Opportunity is headed by a woman, and there is an equal opportunity commission in the office of the Prime Minister. The Labor Ministry has a similar commission that focuses on women's rights and discrimination in the workplace, as well as equal opportunity counselors who deal with this problem at the national, regional, and provincial government levels. However, many counselors had limited resources with which to work. Many NGOs, most of which were affiliated with labor unions or political parties, actively and effectively promoted women's rights.

Children.—The Government demonstrated a strong commitment to children's rights and welfare. Schooling is free and compulsory for children from age 7 to age 18; those unable (or unwilling) to follow the academic curriculum may shift to vocational training at age 15. This reform was intended to reverse the middle and secondary school dropout rate, which historically has been high. Education Ministry figures on dropout rates suggested that close to 99 percent of children attended school through middle school.

The abuse of children was a problem; the NGO Telefono Azzurro received approximately 195,000 calls related to child abuse during the first half of the year. It was estimated that 60 percent of violence against minors was committed within the home. According to a survey by Telefono Azzurro, 608 cases in the first half of the year involved sexual violence, physical or psychological abuse, and negligence; fathers were responsible 45.6 percent of the time; mothers were responsible 37.2 percent, and relatives 7 percent. In 57.8 percent of the cases, the victims were female; 41 percent were ages 10 or younger. In the first 7 months of the year, judicial authorities registered 425 allegations of sexual abuse against minors. Both public and private social workers counseled abused children and were authorized to take action to protect them. Telefono Azzurro maintained two toll-free hotlines for reporting incidents of child abuse. Estimates from 2000 by a private institute estimated that the number of minors involved in cases of violence (including prostitution) was between 10,000 and 12,000.

There were between 1,880 and 3,000 minors who worked as street prostitutes, of whom 1,500 to 2,300 were trafficked into the country and forced into prostitution (see Section 6.f.).

Police reported that they monitored 23,900 websites for child pornography and related crimes. During the first half of the year, police registered 431 complaints and conducted 259 searches for Internet-based child pornography; police arrested 23 persons in 2002.

The law provides for the protection of children, and there are several government programs to enhance the protection available for minors. The law prohibits pedophilia, child pornography, the possession of pornographic material involving children, sex tourism involving minors, and trafficking in children (see Section 6.f.). The law provides for an information-gathering network to collect data on the condition of minors, and there is a legally mandated office in the Ministry of Labor and Welfare that protects the rights of unaccompanied immigrant minors. There was a special police unit to monitor and prosecute Internet sites devoted to promoting pedophilia.

Persons with Disabilities.—The law requires companies having 15 or more employees to hire 1 or more workers with disabilities: Those with 15 to 35 employees must hire 1 disabled worker, those with 35 to 50 must hire 2, and, in larger companies, 7 percent of the work force must consist of persons with disabilities. Companies hiring persons with disabilities are granted certain benefits, including lower social security contributions, while the Government pays the cost of worker training. The law provides for severe sanctions against violators. There was no discrimination against persons with disabilities in employment, education, or in the provision of other state services, although there was some societal discrimination.

Although the law mandates access to buildings for persons with disabilities, mechanical barriers, particularly in public transport, left such persons at a disadvantage.

National/Racial/Ethnic Minorities.—Increasing immigration led to some anti-immigrant sentiment. Since many immigrants are Muslim, religion was an additional factor differentiating them from native-born citizens. Some Catholic prelates contributed to popular reaction against Muslim immigrants by emphasizing the perceived threat posed to the country's "national identity" and what they viewed as the country's need to favor immigration by Catholics "or at least Christians."

In January, a U.N. commission of independent experts underscored its grave concern over continued police mistreatment of young immigrants and Roma and recommended more extensive training for law enforcement officers working with children (see Section 1.c.).

In December, unknown persons vandalized the office of a Milan NGO that specialized in researching Nazi persecution of Roma and contemporary discrimination against Roma communities. The case remained under investigation at year's end.

There were no accurate statistics on the number of Roma in the country. Romani community members and Roma-oriented NGOs estimated that the population was approximately 120,000, of whom up to 80 percent could be Italian citizens—most of whom can trace their ancestry in the country to the late 14th Century. These Roma tended to live in the central and southern parts of the country; there is no official recognition of their language. They worked and lived in conditions indistinguishable from those of other Italians.

Roma immigrants, or the children of Roma immigrants, were concentrated on the fringes of urban areas in the central and southern parts of the country, living in camps characterized by poor housing, unhygienic sanitary conditions, limited employment prospects, inadequate educational facilities and the absence of a consistent police presence. Faced with limited income and job opportunities, and suffering from harassment, some Roma turned to begging or petty crime, which generated repressive measures by police and some judicial authorities.

Some traditional minorities, including French- and German-speaking Alpine communities in the north and a mixture of German and Slovene speakers in the northeast, enjoy special autonomous status. The special rights of these areas—respectively, the Valle d'Aosta, Trentino Alto Adige, and Friuli Venezia Giulia—include the use of non-Italian languages in government offices and, in Trentino Alto Adige and Valle d'Aosta, in public schools. The law provides for Slovene to be used in government offices and schools.

Section 6. Worker Rights

a. The Right of Association.—The law provides for the right to establish trade unions, join unions, and carry out union activities in the workplace, and workers exercised this right. The unions claimed to represent between 35 and 40 percent of the work force. Trade unions were free of government controls and have no formal

ties with political parties. All trade unions are professional trade union organizations that defend trade union interests. Individual trade unionists are free to identify with and support political parties of their choosing.

The law prohibits discrimination by employers against union members and organizers. Dismissals of workers must be justified in writing. If a judge deems the grounds spurious, he can order the employer to reinstate or compensate the worker; in firms with more than 15 employees, workers have the option to choose between reinstatement and compensation, whereas in firms with fewer than 15 workers, the employer makes the choice. In June, low voter turnout invalidated a national referendum to eliminate this threshold and permit all workers to choose between reinstatement and compensation. The largest trade union confederation, CGIL, had supported the referendum, but other major confederations did not. The referendum followed a 2002 government accord with the Confederazione Italiana Sindacati dei Lavoratori (CISL), the Unione Italiana del Lavoro (UIL), the Unione Generale del Lavoro (UGL), and other unions (but not the CGIL) to exempt small firms from the provision's coverage to encourage them to hire additional workers.

Unions associated freely with national and international trade union organizations. CGIL, CISL, and UIL were affiliated with the International Confederation of Free Trade Unions (ICFTU); the UGL was associated with the World Confederation of Labor (WCL).

b. The Right to Organize and Bargain Collectively.—The Constitution provides for the right of workers to organize and bargain collectively, and workers exercised this right. By custom, although not by law, national collective bargaining agreements apply to all workers, regardless of union affiliation.

The Constitution provides for the right to strike, and this right was exercised frequently. The law restricts strikes affecting essential public services (e.g., transport, sanitation, and health), requiring longer advance notification and precluding multiple strikes within days of each other. The law also defines minimum service to be maintained during a strike as 50 percent of normal service, with staffing by at least one-third of the normal work force. The law established compulsory cooling off periods and more severe sanctions for violations and covered transport worker unions, lawyers, and self-employed taxi drivers. The law was effective in preventing complete work stoppages in essential public service sectors on the frequent occasions during the year on which such strikes occurred. However, there were numerous strikes in many sectors during the year.

There are no export processing zones.

c. Prohibition of Forced or Bonded Labor.—The law prohibits forced or bonded labor, including by children; however, there were reports that such practices occurred (see Sections 6.d. and 6.f.). Police periodically discovered clandestine Chinese immigrants working in plants throughout the country, particularly in Tuscany's large Chinese immigrant community.

d. Status of Child Labor Practices and Minimum Age for Employment.—The law prohibits the employment of children under age 15 (with some limited exceptions), and there are specific restrictions on employment in hazardous or unhealthful occupations for men under age 18 and women under age 21; however, these laws were not fully respected in practice. The enforcement of minimum age or other child protection laws was difficult in the extensive underground economy. In 2002, ISTAT reported that approximately 31,500 children—a large number of whom were 14 years old and younger—worked in agriculture (mostly boys) and urban hotels, coffee bars, and restaurants (mostly girls). This child labor occurred primarily within the family, and mistreatment was not a problem. However, ISTAT stated that mistreatment and exploitation were problems for child labor that occurred outside of families, particularly for children of immigrants.

Illegal immigrant child laborers from northern Africa, the Philippines, Albania, and, particularly China, continued to enter the country in large numbers, and the influx from China continued to rise (see Section 6.f.). A combination of immigration legislation and stricter enforcement operations reduced the number of Chinese immigrants working in sweatshop conditions. However, many minor children worked alongside the rest of their families to produce scarves, purses, and imitations of various brand name products. Carabinieri officers who worked on child labor used 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 continued their tripartite cooperation on child labor. Their periodic consultations covered such matters as better enforcement of school attendance regulations; faster assistance for families in financial difficulty; and canceling economic or administrative incentives for companies found to make use of child labor, whether domestically or abroad. The Prime Min-

ister's office provided a toll-free telephone number to report incidents of child labor. The footwear and textile industries and the goldsmith associations have codes of conduct that prohibit the use of child labor in their national and international activities; codes are applicable to subcontractors as well.

e. Acceptable Conditions of Work.—The law does not set minimum wages, but they are set through collective bargaining agreements on a sector by sector basis, which specify minimum standards to which individual employment contracts must conform. When an employer and a union fail to reach an agreement, courts may determine fair wages on the basis of practice in comparable activities, although this rarely happened in practice. These wages provided a decent standard of living for a worker and family.

The legal workweek is 40 hours; most collective agreements provide for a 36- to 38-hour workweek. The average contractual workweek was 39 hours. Overtime work may not exceed 2 hours per day or an average of 12 hours per week. Unless otherwise limited by a collective bargaining agreement, the law sets maximum permissible overtime hours in industrial sector firms at no more than 80 hours per quarter and 250 hours annually.

The law sets basic health and safety standards and guidelines for compensation for on-the-job injuries. EU directives on health and safety also have been incorporated into the law. Labor inspectors were from the public health service or from the Ministry of Labor, but they are few in number in view of the scope of their responsibilities. Accident rates were higher in the underground economy, which employed over 15 percent of the work force. Courts imposed fines and sometimes prison terms for violation of health and safety laws. Workers have the right to remove themselves from dangerous work situations without jeopardizing their continued employment.

f. Trafficking in Persons.—A July law prohibits trafficking in persons; trafficking previously had been prosecuted through other articles of the Penal Code. Trafficking in persons for prostitution and forced labor was a problem, which the Government took steps to address. Government officials did not participate in, facilitate, or condone trafficking.

The new law increases sentences to 8 to 20 years imprisonment for trafficking in persons (old definition of 'trade in slaves' carried a 5- to 20-year penalty) and for enslavement (previously 5- to 15-year penalty). For convictions in which the victims were minors, destined for prostitution, or slated for organ harvesting, sentences were increased by one-third to one-half, i.e., the minimum sentencing range in these cases is approximately 10.5 to 26.5 years; the new maximum range is 12 to 30 years. The law mandates strong penalties to combat alien smuggling and human trafficking; smugglers face sentences of 4 to 12 years, and fines up to approximately \$18,750 (15,000 euros) for each alien smuggled. Immigration legislation passed in 2002 created an agency to coordinate border police operations and combat alien smuggling.

In 2002, Parliament approved a permanent law applying special prison conditions to traffickers. The measures, previously limited to Mafia members, were designed to limit criminals' ability to continue their operations from jail. In 2001, the most recent year for which statistics were available, magistrates charged 235 people with over 123 crimes under the enslavement and exploitation statutes; 19 were convicted of enslavement. The Government also cooperated with foreign governments investigating and prosecuting trafficking cases.

Police and prosecutorial investigations, focusing on traffickers who smuggled young women from Albania, Bulgaria, Romania, Ukraine, Moldova, and China and forced them into prostitution, resulted in the arrests of almost 200 citizens and foreign nationals. In March, carabinieri arrested a Ukrainian woman on charges of exploiting prostitution and alien smuggling after an investigation indicated she had organized a trafficking ring for women to engage in prostitution. In August, the Ministry of Interior announced the arrest of 138 immigrants involved in trafficking. By September, police had arrested 18 people on charges of exploitation and alien smuggling for trafficking at least 67 children from Albania to Italy for sale to childless couples.

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 NGOs concerned with trafficking, among which Parsec and Caritas were the most active, cooperated with this body. There were no statistics from either the Government or from NGOs to show the extent of the trafficking problem.

The country was a destination and a transit point for trafficked persons. According to the social research institute, Parsec, exact statistics on women and children involved in prostitution have not been updated since 1998. Estimates were in the range of 2,000 persons a year.

Trafficking in persons for the purpose of sexual exploitation involved immigrants, mostly from Nigeria, Albania, Eastern Europe (Moldova, Ukraine, Russia, Romania, Bulgaria), China, and South America (Ecuador, Peru, Colombia). Press reports estimated that over 80 percent of prostitutes in the country were immigrants, primarily from Eastern Europe and North Africa. Victims of trafficking were lured to the country with promises of a job, or sold by relatives or acquaintances, then forced into prostitution, sweatshop labor, or begging. Traffickers enforced compliance by taking their documents, beating and raping them, threatening their families, or frightening them with voodoo rites. Some trafficked women were killed when they showed opposition or went to the authorities.

There were between 1,880 and 3,000 minors who worked as street prostitutes, of whom 1,500 to 2,300 were trafficked into the country and forced into prostitution. Trafficking in children for sweatshop labor was a particular problem in Tuscany's expanding Chinese immigrant community, where children were considered to be part of the family "production unit" (see Section 6.d.). The domestic NGO Social Service International assisted in repatriating unaccompanied immigrant minors.

Criminal organizations and prostitution rings routinely moved trafficked persons and prostitutes from city to city, making it harder for police to identify and track trafficked persons. Organized criminal groups were behind most trafficking in the country. Three north-south axes (focused along the Adriatic and Tyrrhenian coasts) and three east-west axes were identified as routes that gangs used. In February, German and Italian police arrested 22 Nigerians involved in trafficking women for prostitution in Florence. The women had been shuttled between the two countries to avoid investigations and detection.

A number of government employees remained under investigation in connection with the sale of visas. There was no evidence of official, institutional, or government involvement in trafficking.

Victims of trafficking who were in the sex trade faced the attendant health risks resulting from unsafe or unprotected sex. They usually were out on the streets day and night in all sorts of inclement weather. They generally did not go to health centers or doctors. Trafficking victims in the Tuscany region working in sweatshops possibly were exposed to dangerous chemicals in the leather industry. Due to the long hours they worked in close proximity to possibly dangerous machinery, there were health risks to life and limb.

The law provides temporary residence/work permits to persons who seek to escape their exploiters. Victims were encouraged to file complaints, and there are no legal impediments for them to do so. If a complaint is lodged, victims usually did not face prosecution for any laws they had broken. There was still some deportation of victims, particularly involving Nigerian prostitutes. Repatriated victims faced problems in their home countries, particularly in Nigeria and Albania. As more deportations occurred during the year, NGOs raised concerns about the recognition of victims' rights when the victims had broken immigration laws. The NGOs alleged that not enough time was allowed: Between apprehending illegal immigrants and deporting them; discovering if the people who had broken immigration laws also had been trafficked; obtaining information on their traffickers; and informing them of their rights as victims before they were deported.

The Government provided legal and medical assistance once a person was identified as having been trafficked. There were shelters and programs for job training. There also were assistance and incentive programs for those willing to return to their home country. New trafficking legislation created a separate budgetary category for victim assistance programs. The legislation also empowers magistrates to seize convicted traffickers' assets to finance legal assistance, vocational training and other social integration assistance to trafficking victims.

The Government, in conjunction with other governments and NGOs, worked to orchestrate awareness campaigns. New trafficking legislation directed the Foreign Ministry, together with the Equal Opportunity Ministry, to conclude additional anti-trafficking agreements with trafficking source countries.

KAZAKHSTAN

The Constitution of Kazakhstan concentrates power in the presidency. President Nursultan Nazarbayev was elected to a 7-year term in a 1999 election that fell far

short of international standards. President Nazarbayev was the dominant political figure. The Constitution permits the President to control the legislature and judiciary, as well as regional and local governments; changes or amendments to the Constitution require the President's consent. The law allows the President to maintain certain policy prerogatives and a seat on the Security Council after he leaves office. The Constitution limits Parliament's powers by precluding it from appropriating state money or lowering taxes without executive branch approval, although Members of Parliament (M.P.s) have the right to introduce legislation. Parliamentary elections in 1999 were an improvement over the presidential election, but fell short of the country's commitments as a member of the Organization for Security and Cooperation in Europe (OSCE). Maslikhat elections in September and October were marked by irregularities, and most analysts agreed that non-OSCE compliant electoral legislation disadvantaged opposition candidates. The judiciary remained under the control of the President and the executive branch, and corruption remained deeply rooted.

The Committee for National Security (KNB) is responsible for national security, intelligence, and counterintelligence. The Ministry of Interior (MVD) supervises the police. In September, the President appointed a civilian as Interior Minister for the first time in the country's history. Civilian authorities maintained effective control of the security forces. Members of the security forces committed human rights abuses.

The country undertook significant market-based economic reforms since independence: The Government privatized many businesses and industries, removed restrictions on currency convertibility, and allowed wage rates to be determined by market forces. The population was approximately 14.9 million. The economy was primarily driven by revenue from the country's vast energy and mineral resources. In June, the President signed a new Land Law allowing for private ownership. As of the second quarter, approximately 26.9 percent of the population lived below the minimum subsistence level, compared with 29.4 percent during the same period in 2002. Inflation was 6 percent, and the official unemployment rate was 8.2 percent during the year. Real GDP grew by 9.1 percent during the year.

The Government's human rights record remained poor, and it continued to commit numerous abuses. The Government severely limited citizens' right to change their government and democratic institutions remained weak. Members of the security forces, including police, tortured, beat, and otherwise mistreated detainees on some occasions. Some officials were punished for these abuses, including the first convictions under the 2002 amendment to the criminal code on torture. Prison conditions remained harsh; however, the Government took an active role in efforts to improve prison conditions and the treatment of prisoners. The Government continued to use arbitrary arrest and detention and selectively prosecute political opponents, and prolonged detention was a problem. Amendments to several laws governing the authority of prosecutors further eroded judicial independence. The Government infringed on citizens' privacy rights, and new legislation grants prosecutors broad authority to monitor individuals.

The Government continued to restrict freedom of the press. There were instances when the Government harassed independent media, including the convictions of two prominent independent journalists; as a consequence, some media outlets remained closed and many journalists practiced self-censorship. The Government restricted freedom of assembly and association and limited democratic expression by imposing restrictions on the registration of political parties. Freedom of religion improved during the year. National and regional officials worked to correct incidents when local authorities harassed nontraditional religious groups or their members; as a consequence, such incidents declined significantly during the year. Some human rights observers reported that the Government monitored their activities. Violence against women, including domestic violence, was a serious problem. Discrimination against women, persons with disabilities, and ethnic minorities remained problems. The Government discriminated in favor of ethnic Kazakhs. Child labor persisted in agricultural areas. Trafficking in persons, primarily teenage girls, was a problem, which the Government took steps to address.

RESPECT FOR HUMAN RIGHTS

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

a. Arbitrary or Unlawful Deprivation of Life.—There were no reports of political killings by the Government or its agents; however, there was at least one report that police used excessive force that led to a person's death. During the first 9 months of the year, the Government reported two deaths in the military that may have been the result of mistreatment but reported no details.

On July 1, off-duty Almaty police officer Bakhyt Krykbayev shot and killed 17-year-old Daniyar Beysov with his service firearm after an altercation on the street. On September 25, Krykbayev was charged with murder, and the Almaty Oblast court convicted Krykbayev of second-degree murder on October 23. The court sentenced him to 10 years in prison, although the prosecutor asked for a first-degree murder conviction and a 19-year sentence.

Daniyar Nagaybayev, a private in the Otar battalion in Zhambyl Oblast (province), died in early May. The press reported that Nagaybayev's sergeant killed him while disciplining him for disobedience. The sergeant allegedly hit Nagaybayev in the throat with the edge of his hand, leading to asphyxiation. The Government launched an investigation of this incident but reported no conclusions.

On June 19, the Prosecutor General again closed the case of the 2001 death of Kanat Beyimbetov, who died in a Turkestan hospital following an alleged beating in the custody of the KNB. The Government reported that Turkestan district KNB officers had violated the law and two officers were fired, but it brought no criminal charges against them. The MVD had previously closed the case, but the Prosecutor General reopened it in 2002.

On March 19, the head of the detention center and a medical assistant were convicted and received 2-year prison terms for criminal negligence in the September 2002 death in police custody of Vladislav Shishov. Two of Shishov's cellmates were arrested in December 2002 for beating him continuously for 4 days. On November 5, one of the cellmates, Ruslan Koturov, was convicted and sentenced to 6 years in prison.

In April 2002, police reported the identity of a suspect in the 2001 killing of Dilbirim Samsakovaya, director of a charitable Uighur foundation and a well-known Uighur community activist; however, no arrest had been made by year's end. Police stated earlier that they believed that the killing was related to Samsakovaya's personal or business dealings.

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

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.—The Constitution prohibits such practices; however, police at times tortured, beat, and otherwise abused detainees, often to obtain confessions. Prison officials beat and mistreated prisoners; human rights observers reported that beatings and abuse of prisoners increased during the year.

A law commonly referred to as the Humanization of Criminal Justice Law expands the definition of torture and criminalizes the deliberate infliction of physical or psychological suffering by an investigator or other official aimed at extracting a confession. The 2002 law, developed with assistance from human rights groups, also amended the Criminal Code to provide for more extensive use of alternative sentencing by reclassifying punishment requirements for more than 100 crimes.

In August, the first known conviction under the new torture section of the Criminal Code occurred when the Terekтин district court (in Western Kazakhstan Oblast) convicted police officers Ruslan Burpiyev and Baurzhan Sarsenov for torturing in 2002 two brothers, Azamat and Zhasulat Sadykov. The police officers received a 2-year suspended sentence, although the maximum sentence for torture not involving grave injury or death under the new law is 5 years' imprisonment. The torture in this case involved beatings and placing a plastic bag over one of the brothers' head to force a confession. Prosecutors told the media that the officers resorted to torture because they knew of no other way to investigate the crime.

In early December, the Uralsk City Court convicted police officers Yerlan Bisembayev and Dmitriy Topchiy for torturing teenager Maksim Chastukhin in August 2002. The criminal case was opened 1½ months after Bisembayev and Topchiy had broken Chastukhin's back during an interrogation; the two officers were arrested in January. Before the conviction, human rights activists alleged that the court was allowing a senior law enforcement official, the father of one of the defendants, to influence improperly the case. Bisembayev was sentenced to 1 year in prison, Topchiy to 1½ years in prison.

Army personnel continued to subject conscripts to brutal hazing, including beatings and verbal abuse. There were two reported cases of a death resulting from mistreatment in the military (see Section 1.a.). The December 2002 Humanization of Criminal Justice Law strengthened sections of the Criminal Code relating to hazing. The military began providing statistics for the first time during the year on the extent of mistreatment in its ranks. The Main Military Prosecutor reported close to 100 suicides among conscripts during the year. The Army reported that 128 hazing cases were opened during the first 9 months of the year, 13 of which were classified as particularly severe. In the first 6 months of the year, 50 service members were convicted of hazing; and the Government reported that in 2002 military courts con-

victed 275 individuals of hazing or abuse. No further details were available on the circumstances of any of these cases, the victims involved, or the names of those convicted. The Government continued a training program for military forces on social and legal issues, which included mandatory anti-hazing training, and in September, it established oversight at the Ministry level of psychological services in each army unit.

Prison conditions remained harsh and sometimes life threatening. Mistreatment occurred in pretrial detention facilities and in prisons, and nongovernmental organizations (NGOs) and international organizations reported that abuses of prisoners began to increase after the head of the penitentiary system was replaced in May. Guards were poorly paid and often did not have sufficient experience to supervise large groups of prisoners. Violent crime among prisoners was common. During the year, the number of prisoners declined significantly. At year's end, there were 49,300 prisoners in facilities designed to hold 70,590. At the end of 2002, there were approximately 65,000 prisoners. Much of the decrease was associated with the 2002 Humanization of Criminal Justice Law, which prescribes punishments other than imprisonment for more than 100 crimes.

Human rights groups estimated that approximately one-third of prison administrators were replaced following the appointment of a new head of the prison system in May, after which mistreatment in some prison facilities began to rise. The Ministry of Justice (MOJ) oversees the prison system and took an active role in reforms beginning in 2002 to improve prison conditions, including through an extensive rehabilitation program of facilities, and began an extensive program of human rights training for prison system administrators in each oblast. The training, implemented in conjunction with international organizations, required prison administrators to conduct a gap analysis between international human rights standards and the practices of their facilities by 2004.

In the past several years, the adequacy of prison diets and availability of medical supplies improved. In addition, the Government initiated training programs for prison medical staff. There were 5 tuberculosis colonies and 3 tuberculosis hospitals for prisoners; 6,480 prisoners were housed in the colonies. While the incidence of tuberculosis stabilized, HIV/AIDS was a growing problem. The Government, together with the U.N. Development Program, continued during the year the implementation of a project to prevent HIV/AIDS and other sexually transmitted diseases in penitentiaries.

Prisoners were permitted to have visitors, although the number and duration of visits depended on the security level of the prison and the type of sentence received. This could range from unlimited visits of short- (3 hours) and long-term (up to 3 days) duration for some prisoners to two each of short- and long-term duration a year for prisoners at maximum-security facilities. Prisoners have the right to use telephones and generally were able to do so, although there were reports that prison officials sometimes denied the use of telephones in politically sensitive cases (see Section 1.d.).

Prisoners were held in close proximity, barracks-style facilities; however, a government program to build new correctional facilities and rehabilitate existing facilities continued throughout the year. In April, construction and rehabilitation began on penitentiaries in the Solnechniy village of Eastern Kazakhstan Oblast, the Zhem village in Aktobe Oblast, and the cities of Taraz and Kyzl-Orda. Plans were finalized, and funds committed, for a new prison facility in Pavlodar designed to hold prisoners sentenced to life terms, although construction did not begin by year's end. Approximately 50 percent of the prison population served their terms in facilities that, contrary to the law, were not near their places of residence.

The prison system under the MOJ consisted almost exclusively of dormitory-style penitentiaries (including general, maximum-security facilities, women's, and juvenile facilities). There were separate facilities for men and women, and juveniles were held separately from adults. There were no special prisons for political prisoners. The pretrial detention system has a capacity of 14,900 inmates. Conditions and treatment in pretrial facilities remained harsh, although the Ministry actively participated in training seminars on international human rights standards for the directors of such facilities. There was also one maximum-security prison (Arkylyk).

The MVD continued to administer both pretrial detention facilities and police detention facilities, which were separate from facilities for convicted criminals administered by the MOJ (see Section 1.d.). Although the Minister of Interior stated in 2002 that such facilities were a key tool of investigators in uncovering crimes and therefore should stay under the MVD, the President announced in September that pretrial detention facilities would also be transferred to the MOJ, and the process was nearly complete by year's end. In anticipation of their move to the MOJ, pretrial detention facilities began, on a limited basis, to implement standards similar

to those in the prison system during the year. In July, the first visiting room in a pretrial detention facility opened in Pavlodar.

Incidents of self-mutilation in prisons to protest conditions increased in frequency and severity during the latter part of the year. The Government reported that in the first 9 months of the year 41 incidents of self-mutilation occurred, 15 of which involved multiple prisoners. Authorities did not release statistics on similar incidents in pretrial detention facilities. On February 11, one prisoner reportedly died of a self-inflicted wound and 39 other prisoners mutilated themselves during the course of a riot at a prison in Taraz. On October 24, one prisoner, Andrey Pashkov, died as a result of a self-inflicted wound and 60 other prisoners mutilated themselves to protest the severe beatings that they reported receiving for months at the Arkylyk maximum security prison. In general, the Government responded to incidents of self-mutilation by insisting that prisoners had simply been demanding unreasonable rights or not following the legitimate rules of the institutions in which they were held.

In September, prisoners held at a maximum security colony in Astana began rioting, and relatives reported that scores of MVD officers entered the facility to restore order and severely beat prisoners. Several of the prisoners attempted suicide as a consequence. In one case, the administration of the facility reportedly refused to call an ambulance. The prison warden did not permit reporters entry into the prison and denied the riot and attempted suicides. Later, the head of the prison system confirmed a suicide attempt and told reporters that an investigation would be launched. By year's end, there was no evidence that authorities conducted a serious investigation, and the Government brought no charges. The prison administration reported that it took unspecified disciplinary actions.

Although there is no known statutory requirement, human rights observers and journalists wishing to visit prisons must receive authorization; observers and journalists reported that authorities increasingly denied such requests. The MVD usually denied access to pretrial detention centers. The Kazakhstan International Bureau for Human Rights and Rule of Law visited men's, women's, and juveniles' facilities during the year, although they also reported that their requests were denied more often in the second half of the year.

d. Arbitrary Arrest, Detention, or Exile.—The Constitution prohibits arbitrary arrest and detention; however, arbitrary arrest and detention remained problems. In February, the Chairman of the Constitutional Council stated that 3,788 groundless arrests were recorded in 2002.

The KNB also play a law enforcement role in border security, internal security, and anti-terrorism efforts and oversee the external intelligence service, Barlau. The Chairman of the KNB reports directly to the President. The Minister of Interior supervises the national police force, who were poorly paid and widely believed to be corrupt. However, a new Minister of Interior, appointed in September, took steps that had an impact on corruption, particularly among traffic and migration police. The Minister assigned high-salaried Internal Security officers in the capital and in all regional police stations around the country and set up widely publicized phone numbers for citizens to call to report complaints about police.

Government officials acknowledged the seriousness of the problem of police abuse and undertook some efforts to combat it, for example, by punishing violators through the criminal justice system. According to the Government, during the first 9 months of the year, courts considered 41 criminal cases, involving 63 law enforcement officers, for violations of citizens' rights. Of those cases, 19 law enforcement officers were convicted, with sentences ranging from fines to imprisonment. Human rights observers believed that these cases covered only a small fraction of the incidents of police abuse of detainees, which they characterized as routine. Training standards and pay for police were very low, and individual law enforcement officials often were supervised poorly. Minimum pay for law enforcement during the year was \$40 (5,600 Tenge) per month, while average salaries were \$130 (18,288 Tenge). Law enforcement officers noted in 2001 that beatings by officials were common in pretrial detention facilities (see Section 1.d.).

The Constitution provides that arrests and detentions may occur only with the sanction of a court or a prosecutor. Human rights observers alleged that police routinely failed to register the name of a person arrested in order to extend the maximum 72-hour period that a person could be held without the approval of the prosecutor.

The Constitution also provides that every person detained, arrested, or accused of committing a crime has the right to the assistance of a defense lawyer from the moment of detention, arrest, or accusation (see Section 1.e.). Police were not required under the law or in practice to inform detainees that they had the right to an attorney. Human rights observers alleged that law enforcement officials dis-

sued detainees from seeing an attorney or gathered evidence through preliminary questioning before the person's attorney arrived and the formal interrogation began.

A bail system exists but was rarely used, and individuals generally remained in pretrial detention until their trial. According to the Government, 45 persons were released on bail during the first 9 months of the year, a slightly lower figure than in the previous 2 years.

The Government arrested and detained government opponents and critics, sometimes for minor infractions of the law such as unsanctioned assembly, and selectively prosecuted political opponents (see Sections 1.e., 2.a., and 2.b.).

On January 28, the Karasay district court in Almaty Oblast convicted journalist Sergey Duvanov on a rape charge and sentenced him to 3½ years in prison, on charges that observers considered politically motivated and after a trial with serious procedural irregularities (see Sections 1.e. and 2.a.).

On September 11, the Government filed tax evasion charges against the leader of the Republican National People's Party (RNPK), Amirzhan Kosanov (see Sections 1.e. and 3). On October 13, a district court in Almaty convicted him and gave him a 1-year suspended sentence and fine of approximately \$2,670 (374,000 Tenge). Kosanov appealed the verdict, but the appeal had not been heard by year's end. The charges were the latest in a pattern of harassment and politically motivated charges against him.

In November, Yermurat Bapi, the editor of SolDat, a newspaper affiliated with RNPK, was separately convicted of tax evasion (see Sections 1.e. and 2.a.). The Government opened 16 lawsuits against Bapi during his editorship of SolDat. On January 13, tax police filed forgery charges against him, which were later dismissed, and the Government also brought tax evasion charges against him and the newspaper in 2002.

There were credible reports of arbitrary detention of members of the political opposition (see Section 1.e.).

In the summer of 2002, the Government tried and convicted two founding members of the Democratic Choice for Kazakhstan (DVK) movement, Mukhtar Ablyazov, former Minister of Energy, and Galymzhan Zhakiyanov, former Akim (Governor) of Pavlodar Oblast (see Sections 1.e. and 3). Their arrests came years after the alleged crimes (abuse of power and corruption) were committed, but only months after Ablyazov and Zhakiyanov founded an opposition political movement. The Government maintained that their prosecutions were simply an effort to punish corrupt officials. However, on May 17, the Supreme Court found former Minister of Transport and Communications, Ablay Myrzakhmetov, guilty of stealing approximately \$8.2 million (1.15 billion Tenge) of state funds. Although the monetary value of the alleged crime was far higher than in either Zhakiyanov's or Ablyazov's case, Myrzakhmetov received a 5-year suspended sentence and 3 years' probation.

Police reportedly often detained foreigners without official charges, sometimes mistreating them. The Kyrgyz press reported that police held 500 Kyrgyz, Uzbek, and Tajik citizens accused of illegal migration in jail for 4 days without food and deported them, with police firing into the air to force them to leave.

In July, authorities released on parole Oleg Okhulkov, a lawyer known to provide legal assistance to opposition figures who was held in pretrial detention for 16 months before being convicted in 2002 for fraud in connection with a civil suit. The Supreme Court turned down his appeal of his conviction on December 26.

The law sanctions pretrial detention. The Constitution allows police to hold a detainee for 72 hours before bringing charges. The Criminal Procedure Code allows continued detention for much longer periods with the approval of the Prosecutor General; lower-ranking prosecutors may approve interim extensions of detention. The Criminal Procedure Code allows persons to be held for up to 1 year in pretrial detention facilities after they have been charged while awaiting trial, with the sanction of the prosecutor. There were no reports that authorities detained suspects longer than the legal limits, although individuals could still be held for weeks or months.

The number of persons in pretrial detention facilities continued to decline during the year. Fewer than 10,000 were held in pretrial detention centers during the year, a reduction of several thousand from previous years. Local human rights NGOs reported that authorities generally denied them access to pretrial detention facilities.

The Constitution prohibits forced exile, and the Government did not employ it.

e. Denial of Fair Public Trial.—The court system's independence was compromised by legislative, administrative, and constitutional arrangements that in practice subjugate the judiciary to the executive branch of government. In 2002, new legislation covering the authority of prosecutors went into effect, further undermining the independence of the judiciary. The new law grants a quasi-judicial role to the Prosecutor General by, among other provisions, allowing him and his deputies

to suspend court decisions. There was no time period specified for referral to the court for a retrial.

Corruption was evident at every stage and level of the judicial process. Lawyers and human rights monitors alleged that judges, prosecutors, and other officials solicited bribes in exchange for favorable rulings in nearly all criminal cases. Nonetheless, judges were among the most highly paid government employees. District court judges earned approximately \$325 (45,540 Tenge) per month and oblast court judges earned almost \$550 (75,900 Tenge) per month; Supreme Court judges could earn more than twice that amount. In 2002, according to the Supreme Court, nine judges were charged with bribery and abuse of office, four of whom were convicted.

There are three levels in the court system: District, oblast, and the Supreme Court. District courts are the court of first instance in nearly all criminal cases. Oblast courts hear cases involving more serious crimes—those that carry a possible death penalty—and may handle cases in rural areas where no local courts were organized. Judgments of the district courts may be appealed to the oblast courts, while those of the latter may be appealed to the Supreme Court. There are also military courts.

According to the Constitution, the President proposes nominees for the Supreme Court to the upper house of Parliament (the Senate) through the Supreme Judicial Council, which includes the Chairman of the Constitutional Council, the Chairman 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 MOJ. The list was based on recommendations from the Qualification Collegium of Justice, an institution made up of deputies from the lower house of Parliament (the Mazhilis), judges, public prosecutors, legal experts, and MOJ officials. The President appoints the Collegium chairman.

The law provides for life appointment of judges, although in practice this means until mandatory retirement at age 65. A 2000 law establishes procedures to remove judges and specifies that the Chairman of the Supreme Court can initiate disciplinary cases against judges; Oblast Court Chairmen may initiate the procedure for judges within an oblast. Judicial collegiums review the cases and can recommend dismissal. Presidential decrees make dismissal decisions, except in cases of members of the Supreme Court, for whom the Senate must confirm a presidential proposal for dismissal. The law lists the grounds for which a removal action can be taken.

The Constitution provides for the Constitutional Council to rule on election and referendum challenges, to interpret the Constitution, and to determine 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 (five) of its members vote to do so. Therefore, at least one presidential appointee must vote to overturn the President's veto for the Council to overrule the President. Citizens do not have the right to appeal to the Council regarding the constitutionality of government actions, although they were allowed to make such appeals to the former Constitutional Court. Under the Constitution, only the President, Chairman of the Senate, Chairman of the Mazhilis, Prime Minister, one-fifth of the M.P.s, or a court of law may appeal to the Constitutional Council. The Constitution states that a court shall appeal to the Council if it "finds that a law or other regulatory legal act subject to application undermined the rights and liberties of an individual and a citizen."

The Constitution and the law establish the necessary procedures for a fair trial; however, trials often were not fair in practice. Trials were 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 had to be protected. However, there were several reports during the year of journalists being denied access to open court hearings. The Constitution provides defendants the right to counsel and requires the Government to provide an attorney free of charge for those who cannot afford one. However, there was no system of public defenders, and as a consequence, lawyers were reluctant to take state-assigned cases when the Government often did not provide payment for their services. An MOJ official acknowledged in a November interview that defense attorneys participated in only half of all criminal cases, although he added that the Government was taking steps to improve the situation, including through the allocation of more than \$1.2 million (174 million Tenge) during the year to pay defense attorneys.

The Constitution also provides defendants the right to be present at their trials, to be heard in court, and to call witnesses for the defense. Defendants enjoy a presumption of innocence, are protected from self-incrimination, and have the right to appeal a decision to a higher court. Legal proceedings were conducted in the state

language, Kazakh, although Russian may also be used officially in the courts. Proceedings also may be held in the language of the majority of the population in a particular area. Although these language rights were generally respected, courts favored the prosecution over the defense in most other procedural matters.

At the Supreme Court's annual meeting on February 14, the Court announced that 130 verdicts by lower courts were found to be invalid in 2002. In January, the Chairman of the Supreme Court stated that more than half of the Supreme Court's reversals of verdicts were based on the inadequacy of the evidence presented in court. He also complained that lower courts convicted defendants despite procedural violations during the proceedings. He added that oblast courts were increasingly failing to reverse incorrectly decided lower court verdicts.

During the October trial of RNP leader Amirzhan Kosanov, the judge did not compel key defense witnesses to appear, and the prosecution did not provide an accounting of the alleged tax liability (see Sections 1.d. and 3).

On March 11, on appeal by both the defense and prosecution, the Almaty Oblast Court affirmed the 3½ year prison term of the journalist Sergey Duvanov but changed the charge to the rape of a minor (see Section 2.a.). At the sentencing, the presiding judge noted procedural violations during the trial. Independent legal experts, at the behest of the OSCE Chairman-in-Office, concluded that the trial had included serious procedural violations, that there was insufficient evidence for a conviction, and that the defense's theory of government entrapment had not been disproven. In December 2002, the President publicly declared that Duvanov was guilty, denying him the right to the presumption of innocence and harming his chances for a fair trial. In July, the collegium of the oblast court refused to send the case back to either the oblast or the district court to investigate possible procedural violations. On October 22, the Supreme Court refused to consider Duvanov's appeal, insisting that proper procedures were followed throughout the investigation and the trial. On December 29, a court ordered Duvanov's release on parole; according to parole procedures, he was first transferred on December 30 to a light regime facility, where he remained in custody at year's end. A further appeal of the criminal charge remained pending at year's end.

Both domestic and international observers at the 2002 trials of political opponents Galymzhan Zhakiyanov and Mukhtar Ablyazov reported that both the judicial process and the judges themselves, particularly in the case of Zhakiyanov, heavily favored the State's case (see Sections 1.d. and 3). The judges applied the force of subpoena during the trials only to prosecution witnesses, and many of the witnesses, primarily government officials, stated during testimony in court that they had been intimidated during the investigation by the threat of legal action. Many witnesses also contradicted in court their testimony during the investigations. The judges denied most motions filed by the defense.

At year's end, Zhakiyanov remained in a prison facility in Kostanay Oblast. He appealed for a presidential pardon in August; however, the pardon committee announced in October that it had suspended consideration of his pardon pending the investigation of possible new corruption charges that the Government claimed had only just then surfaced. Ablyazov was released from prison on May 13 after applying for a presidential pardon the month before. At a press conference the day after his release, Ablyazov announced that he would devote his time to his businesses and refrain from active participation in politics. President Nazarbayev had stated before the Zhakiyanov and Ablyazov trials that he would consider exercising his constitutional power of pardon should the courts find them guilty and should they ask him for it.

There were no other reports of political prisoners.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence.—The Constitution prohibits such actions; however, the Government at times infringed on these rights. The Constitution provides that citizens have the right to confidentiality of personal deposits and savings, correspondence, telephone conversations, postal, telegraph, and other messages; however, laws allow prosecutors to approve limitations of these rights when they are necessary for investigative purposes. Courts may hear an appeal on such decisions by prosecutors, but cannot issue an immediate injunction to cease the limitation of rights.

The law provides prosecutors with great authority to limit citizens' constitutional rights. The KNB, Ministry of Interior, Financial Police, and other agencies, with the concurrence of the Prosecutor General's Office, maintained their authority under the new law to infringe on the secrecy of writings, telephone conversations, telegraphic communications, and postal dispatches, as well as the inviolability of the home. The new law expanded that list to include access to confidential bank records, the freezing of bank assets, and explicit authorization to record conversations secretly and to wiretap and record communications by telephone and other devices. The Criminal

Procedure Code continues to allow for investigative measures affecting the legally protected secrecy of telephonic conversations without a prosecutor's warrant only in certain urgent cases; in such cases, the Prosecutor is to be notified of the interception of conversations within 24 hours. The new law adds the explicit definition of methods.

On occasion, government opponents reported that the Government monitored their movements and telephone calls. After a court found opposition activist Nurbulat Masanov guilty of slander in 2002 based on comments on a tape originating from an alleged wiretap on his cellular phone, and ordered him to pay a fine and publish an apology, a criminal contempt case was opened against him for failure to fulfill the sentence. In July, the case was closed even though Masanov did not pay the fine and did not publish an apology.

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Speech and Press.—The Constitution and the Media Law provide for freedom of speech and of the press; however, observers reported that after the Government eliminated most media outlets willing to directly criticize the President in 2002 through a variety of means, including criminal and administrative charges, physical attacks, and vandalism, these events continued to have a chilling effect on journalists, most of whom practiced self-censorship. Judicial actions against journalists and media outlets continued during the year, including civil suits filed by government officials, and contributed to journalistic caution.

According to government statistics, there were 947 privately owned newspapers and 380 privately owned magazines, compared with 841 and 319, respectively, in 2002. The Government ran one of the two national Russian-language newspapers and the only national Kazakh-language newspaper that appeared as many as five times a week. In addition, members of the President's family were believed to control a number of privately owned media. Many newspapers that nominally were independent, particularly Kazakh-language print media, received government subsidies. Each major city had at least one independent weekly newspaper. The centrist opposition Ak Zhol political party continued to publish two national weeklies during the year. The Government continued to be in a strong position to influence most printing and distribution facilities and to subsidize periodicals, including many that supposedly were independent. In addition, many publishing houses were government-owned.

The Government controlled nearly all broadcast transmission facilities. There were 101 independent television and 35 radio stations, compared with 77 and 35, respectively, in 2002. Only three combined radio and television companies could broadcast nationwide; of these, one was completely government-owned, one was 50 percent government-owned, and one was nominally independent. Regional governments own several frequencies; however, independent broadcasters have arranged with local governments to use the majority of these. There were several electronic media organizations, including the Association of Independent Electronic Media of Central Asia and the National Association of Broadcasters.

The extent of government influence over mass media was not clearly defined. Many media outlets considered to be independent were controlled by holding companies that did not make public the names of their controlling investors. Most independent observers believed that members of the President's family and close circle of friends controlled all of the large media outlets through holding companies. However, according to government statistics, there were 1,915 mass media and information agencies in the country as of October, nearly 80 percent of which were privately owned. Officially, the national Government completely controlled only one Kazakh-language newspaper, one Russian language newspaper, one national radio and television station, and one news agency.

The 2001 Media Law amendments limit the rebroadcast of foreign-produced programming by imposing a graduated reduction in rebroadcast of foreign programming: 50 percent beginning January 2002 and 20 percent by the beginning of the year. No media outlets were sanctioned under this provision during the year, although several were in 2002 under the more lenient requirement.

The Media Law reaffirms the constitutional provision for free speech and prohibits censorship; however, the law enabled the Government to restrict media content. For example, amendments enacted in 2001 codify the constitutional prohibition on the mass media from undermining state security or advocating class, social, race, national, or religious superiority or "a cult of cruelty and violence." The amendments also establish that owners, editors, distributors, and journalists may be held civilly and criminally responsible for content, regardless of the source of information, unless it came from an official source. The law also prohibits violence and all pornography from television broadcasts; and it requires all media to register with

the Government, although websites were exempted from this requirement. During the year, there was wide public debate on the Government's proposal for a new Media Law. The draft law was submitted to Parliament on August 26. Parliament's lower house proposed hundreds of changes to the draft law, and then passed a modified version of the law on December 25; the Senate had taken no action on the law by year's end. Both international organizations and a wide range of local NGOs and professional associations maintained that the Government's draft would further restrict media freedom and would not meet OSCE commitments.

The Government did not permit individuals to criticize the country's leadership, and regional leaders increasingly sought ways to limit local media outlets' criticism of them. The Constitution provides for the protection of the dignity of the President, and the law prohibits insulting the President and other senior officials.

From July to October 2002, independent journalist Sergey Duvanov was the subject of an investigation under a section of the Criminal Code that prohibits insulting the honor and dignity of the President (see Section 1.d.). The investigation stemmed from a May 2002 article Duvanov had published on an opposition website criticizing the President. The article also referred to allegations of corruption by the President that had appeared elsewhere. No charges were formally filed as a result of this investigation. Duvanov was also the victim of an August 2002 attack by three unknown persons, who carved a cross and several other marks on his chest and allegedly told him that he was aware of why they were attacking him. President Nazarbayev denounced this attack, calling it a provocation. No arrests were made in the case by year's end. On January 28, a court convicted Sergey Duvanov on a rape charge and sentenced him to 3½ years' imprisonment, after a trial with serious procedural irregularities (see Section 1.e.). Duvanov remained in custody at year's end, although he was transferred to a light regime facility on December 30. International organizations and human rights groups were critical of the rape charge and pressed the Government to honor Duvanov's right to due process. Media outlets and journalists viewed the series of events that befell Duvanov as evidence of the risk inherent in criticizing the President.

In 2002, almost all media outlets willing to criticize the President directly were either closed, intimidated, or the subjects of law enforcement actions and/or civil suits. While these events continued to cast a chilling effect on all media outlets, criticism by national media outlets of almost all of the national Government's policies was reported during the year. Those outlets critical of the President that remained during the year continued to be the subjects of harassment and judicial actions.

On June 3, the Almaty city Court rejected a complaint by the Assandi Times that the Ministry of Information repeatedly rejected the registration of the newspaper's owner on frivolous grounds. The company of the newspaper's previous owner had been liquidated by a court ruling on January 21. On July 2, police in Rudniy (Kostanay Oblast) detained a distributor of the Assandi Times and Soz newspapers, informing him that they were illegal. The Assandi Times had the same editorial staff as two other opposition newspapers: Respublika and Ekonomika, Finansy i Rynki. The newspaper continued to change its name to avoid what it termed illegal judgments against it. In May 2002, a court ruling liquidated Respublika's parent company, PR Consulting. In 2002, following Respublika's publication of articles cataloging allegations of corruption against the President and his circle, the newspaper and its editor, Irina Petrushova, were subjected to an intense campaign of intimidation, including a decapitated dog with an attached threatening note left at the newspaper and a dog's head with another note left at Petrushova's home. In May 2002, Respublika's Almaty offices were firebombed; authorities announced in July 2002 that one of the newspaper's cofounders had masterminded the attack. Petrushova was convicted of licensing violations in July 2002, although her prison term was suspended.

In August, the Almaty city court convicted Sharip Kurakbayev, editor of the opposition Soz newspaper, of covering political issues, which prosecutors had charged violated the newspaper's charter. The court fined Kurakbayev nearly \$125 (17,440 Tenge) and ruled that the newspaper print runs of May 7 and May 14 be confiscated.

In September, police seized copies of Ekonomika, Finansy i Rynki from a private printing house in Almaty, although they had no authority to do so. Some journalists alleged that the KNB or tax police threaten publishing houses if they print opposition media; concern over criminal or civil proceedings influenced publishing houses. In February and March 2002, Respublika newspaper could not find printing presses in Almaty and Astana to publish it, after it had given extensive coverage to a convention of an opposition political movement (DVK). The Al Zhayik printing house in Atyrau that printed the newspaper of the same name, as well as other newspapers in the oblast, was firebombed in May 2002. Police arrested a suspect, who

confessed that he accidentally firebombed the newspaper while intoxicated. In late March, the Atyrau City Court convicted him and sentenced him to 2 years in prison and ordered him to receive treatment for alcoholism.

On November 17, an Almaty district court convicted Yermurat Bapi, editor-in-chief of the opposition newspaper SolDat and a member of the executive committee of the RNPk, of tax evasion and barred him from practicing journalism for 5 years. The Almaty Financial Police and Tax Committee filed the charges against the newspaper in April, announcing that it had failed to pay approximately \$480,000 (67.5 million Tenge) in taxes, although the assessment was lowered when the case came to trial. On April 28, an Almaty district court ruled against the newspaper in a libel lawsuit filed by an M.P. and awarded the M.P. \$10,700 (1.5 million Tenge). On May 22, the Almaty City Court increased the amount of that judgment to \$28,500 (4 million Tenge), forcing the newspaper to close. In May 2002, the Almaty offices of the newspaper were attacked, resulting in the theft of equipment and the hospitalization of one of SolDat's employees. In 2001, an Almaty district court convicted Bapi of insulting the honor and dignity of the President for two articles printed in SolDat in 2000.

The law establishes that the amount of time television and radio stations broadcast in the state language (Kazakh) must not be less than the sum of the quantity of transmissions in other languages. The Ministry of Information (which was established during the year after the reorganization of the Ministry of Culture, Information, and Public Accord) monitored compliance with this requirement, to be enforced from the beginning of 2002. The Ministry did not sanction violators during the year, but had done so in 2002 with 6-month license suspensions.

Officials used the law's restrictive libel and defamation provisions to force media outlets to refrain from publishing information deemed unflattering. Both the Criminal and Civil Codes contain articles establishing broad libel liability. Owners, editors, distributors, and journalists were held responsible for the content of information conveyed and had the burden of proving its veracity, regardless of its source, which promoted self-censorship at each level. At times, fines for libel were exorbitant and bankrupted small media outlets. Publishing houses, which also were responsible legally for the information that they publish, were reluctant to publish anything that influential officials might perceive as undesirable. Senior-level officials initiated several of these judicial actions.

In May, Rakhat Aliyev, the President's son-in-law and the country's ambassador to Austria and the OSCE, filed a defamation suit for an April 25 article published in the Assandi Times that speculated about Aliyev's possible future government positions. On July 1, an Almaty district court awarded Aliyev approximately \$2,140 (300,000 Tenge), although he had sought \$71,400 (10 million Tenge) as compensation for moral damage. In 2002, Aliyev sued the Navigator website and the NGO Internews for libel. Navigator had published an article in September 2002 speculating that Aliyev was plotting to seize power. On January 15, the Almalinskiy district court in Almaty ruled in favor of Aliyev; the judge awarded him \$2,140 (300,000 Tenge), even though the website had already published a retraction. On February 27, the Almaty City court upheld the ruling. Internews published a story in 2001 in its web-based bulletin repeating allegations that Aliyev and his wife, Dariga Nazarbayeva (the President's daughter), controlled several TV and radio networks in the country. In August 2002, Internews was forced to publish a retraction when it lost its case, and exhausted its appeals.

On December 23, an Almaty court began hearing a criminal libel case against journalist Genadiy Benditskiy of the national newspaper Vremya. The charges were based on a complaint by former Minister of Energy Asygat Zhabagin, who objected to two articles Vremya published in November. The articles alleged that the organization that Zhabagin headed held bank accounts containing approximately \$1.5 million (2.15 million Tenge) in state funds that had been allocated for another purpose. No decision on the criminal case was reached by year's end.

Freedom of speech groups claimed that actions against regional news outlets increased during the year. In February, a police officer in Kostanay filed a defamation lawsuit against KTK Television reporter Yuriy Khalikov for a comment he allegedly made on air. In March, a Kostanay court ruled in favor of the state gas company in another libel case against Khalikov. In April, police took Khalikov to a psychiatric institution and released him after 1 hour. On April 21, the oblast Governor (Akim) held a press conference to deny that Khalikov was singled out for official harassment and called for libel cases to be settled out of court. Khalikov and his police officer accuser settled their libel case out of court in September.

In June, multiple court rulings against Vesti Pavlodara forced the newspaper to close. Pavlodar police filed one of the libel lawsuits for a 2002 article on the case

of Kanat Tusupbekov of Irbis Television. The winning candidate in the December 2002 parliamentary by-election filed a second libel lawsuit (see Section 3).

In September, 34 bailiffs filed civil suits against the Taraz (Zhambyl Oblast) newspaper *Noviy Region* for an article that they alleged had criticized their work.

Media outlets generally practiced self-censorship regarding information on the President and his family to avoid possible legal problems. The section of the Criminal Code that prohibits insulting the honor and dignity of the President remained on the books, although it was not used since an investigation of independent journalist Sergey Duvanov began in July 2002 and after the President pronounced it unnecessary in August 2002. Most media did not report the story, which had been widely reported internationally, about foreign investigations into possible illicit payments from abroad to senior government officials, including President Nazarbayev. Local media outlets, when they did report on the case, informally dubbed it *Kazakhgate*.

The State Secrets Law establishes a list of government secrets, the release of which is proscribed in the Criminal Code. For example, the law defines 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 includes all information about the health, financial, and private life of the President and his family. Also defined as state secrets is economic information such as the volumes of national mineral reserves and the amount of government debt owed to foreign creditors.

The Media Law defines websites based in the country as media outlets. During the year, the content of websites was material in libel lawsuits and criminal charges. The Government periodically blocked clients of the two largest Internet providers, Kaztelecom and Nursat, from direct access to several opposition websites, including *Evrasia*, *Navigator*, and *Kub*, although access was still available through anonymous proxy servers.

The Government generally did not restrict academic freedom; however, as was the case for journalists, academics could not violate certain restrictions, such as criticizing the President and his family.

b. Freedom of Peaceful Assembly and Association.—The Constitution provides for freedom of assembly; however, the Government and the law impose significant restrictions on this right. The Law on National Security defines as a threat to national security unsanctioned gatherings, public meetings, marches, demonstrations, illegal picketing, and strikes that upset social and political stability.

Under the law, organizations must apply to the local authorities for a permit to hold a demonstration or public meeting at least 10 days in advance, or the activity is considered illegal. In some cases, local officials routinely issued necessary permits; however, opposition and human rights monitors complained that complicated procedures and the 10-day notification period made it difficult for all groups to organize public meetings and demonstrations. They also reported that local authorities, especially those outside *Almaty*, turned down most applications for demonstrations in central locations. During the year, certain religious groups were denied permits for conventions or large public gatherings. Organizers of unsanctioned gatherings, including religious gatherings, frequently were detained briefly and often fined (see Section 2.c.).

On May 14, police detained 58 participants in an unsanctioned rally in the town of *Kentau* in Southern Kazakhstan Oblast. Court proceedings were held against 18 of the 58. The judge reportedly did not allow any of the 18 to present a defense and fined each of the 18.

The Constitution provides for freedom of association; however, the Government and the law imposed significant restrictions on this right. Any public organization set up by citizens must be registered with the MOJ, which also has branches in each of the oblasts. Participation in activities of non-registered public organizations can result in administrative or even criminal liability. Membership organizations, such as religious groups and many others, must have 10 members and establish branches in more than half of the oblasts (there were 14 oblasts; *Almaty* and *Astana* cities were special administrative districts with the status of oblast, making 16 such districts in all) for national registration. Registration at the local level required a minimum of 10 members. Political parties and labor unions were considered membership organizations, but each had specific registration requirements established by legislation. The Political Parties Law requires parties to have 50,000 members, including 700 in each oblast.

The law does not clearly define nonmembership organizations, generally NGOs, as a group. Different laws define different categories, including noncommercial organizations and public associations. The Government put forward a draft law during the year that would have defined an NGO as an organization that works for the

public good and does not engage in political activity. NGOs almost universally spoke out against the draft, and the Government withdrew it in October. The Government also created a Civic Forum of NGOs during the year, which some viewed as an attempt to increase government control over NGOs.

A registration fee of approximately \$115 (16,460 Tenge) was required for both membership and nonmembership organizations; half that amount was required for reregistration, which became necessary if the organization changed its charter, its address, or its leadership. Most organizations had to hire lawyers or other consultants to expedite their registrations through the bureaucracy, which increased the registration cost considerably. Some groups considered these costs to be a deterrent to registration. Government regulations provide that registration be granted within 15 days; however, local NGOs reported that registration often took 1 month to a year because the Government may return applications for additional information or require investigations into certain portions of the application. The registration of some religious groups took much longer than 1 year (see Section 2.c.).

Authorities often did not object to the existence of groups that were not formally registered as organizations. However, the prohibition on unregistered organizations could provide the pretext for authorities to interfere with the activities of organizations to which they objected. In July, a district court in Aktybinsk Oblast fined Yerbolat Satybaldy approximately \$31 (4,360 Tenge) for establishing an illegal public association. Human rights organizations maintained that the organization had existed for several years, and that it became of interest to authorities only after it began to advocate against the new Land Law (see Section 3).

The 2002 Political Parties Law requires that all parties registered at the time of its enactment complete a reregistration process early in the year. Many of the 19 parties registered at that time of the law's passage did not meet these new requirements, while others decided not to attempt reregistration. By year's end, 8 of the 19 parties previously registered had successfully reregistered. On December 19, a new party, Asar, led by the President's eldest daughter, became the ninth and final party to be registered by the MOJ during the year. The law prohibits political parties established on an ethnic, gender, or religious basis; parties established on a religious basis are specifically prohibited by the Constitution. Three political parties officially reregistered by the end of 2002; eight more attempted to reregister in January and February, four of which were successful. In February, the MOJ rejected the other four parties' applications for reregistration. Although the applications were rejected on technical grounds, three of the four parties also appeared to violate another of the law's restrictions: Alash was a Kazakh ethnic nationalist party; the Compatriot Party was known as the Russian Party until July 2002; and Yel Dana was the Democratic Party of Women until October 2002. The head of the Revival Party formed a new party, Rukhaniyat (Spirituality), which the MOJ formally registered in October. Three opposition parties (RNPK, Azamat, and the People's Congress of Kazakhstan) announced in September 2002 that they would merge and also that they would boycott the new law.

Joining a political party requires members to provide personal information, including date and place of birth, address, and place of employment. For many citizens, the requirement to submit such personal data to the Government tended to inhibit them from joining political parties. There were credible allegations that persons entering government service were required to join the pro-presidential Otan party, and one report that students at a state university were being similarly compelled.

The Constitution prohibits public associations, including political parties, whose goals or actions were directed at a violent change of the Constitutional system, violation of the integrity of the republic, undermining of the security of the state or fanning of social, racial, national, religious, class, and tribal enmity. The major religious and ethnic groups had independently functioning cultural centers.

The Constitution prohibits membership in trade unions or political parties and actions in support of political parties to members of the armed forces, employees of national security and law enforcement organizations, and judges. The Constitution prohibits foreign political parties and foreign trade unions from operating, as well as the financing of political parties and trade unions by foreign legal entities and citizens, foreign states, and international organizations (see Section 6.a.).

c. Freedom of Religion.—The Constitution provides for freedom of religion, and the various religious communities worshiped largely without government interference; however, local officials attempted on occasion to limit the practice of religion by some nontraditional groups. The intervention of higher-level officials or courts often corrected such attempts. The Constitution defines the country as a secular state. While the Government unsuccessfully sought on several occasions to amend the National Religion Law to give the Muslim Spiritual Association (a national Muslim or-

ganization) a quasi-official role, both the Government and the association denied that there was any official connection between them.

In contrast to laws governing other public associations, the National Religion Law does not explicitly require religious organizations to register with the Government (see Section 2.b.). It states that all persons are free to practice their religion alone or together with others. Because the clause makes no reference to registration, legal experts interpret it as ensuring the right of members of unregistered groups to practice their religion. However, it does specify that religious organizations must register to receive legal status. Religious organizations must have legal status to buy or rent real property, hire employees, or engage in other legal transactions.

The administrative code allows national and local authorities to suspend the activities or fine the leaders of unregistered religious organizations, although legal experts disagreed on whether it supercedes the National Religion Law on the obligation of religious groups to register. Government officials also had varying interpretations of the discrepancy between the administrative code and the Religion Law. Lower courts cited the administrative code in sanctioning religious organizations for nonregistration, but fewer cases were brought under this charge during the year due to the number of such decisions overturned on appeal. One religious rights activist estimated that more than 80 percent of cases brought on the administrative code violations were dismissed by prosecutors, lower courts, or on appeal.

In practice, local officials, particularly in remote locations, often insisted that religious organizations register at the local level, despite the fact that registration at the national or the oblast level legally was sufficient to obtain the rights that registration offers. Although the law specifies a maximum of 30 days for authorities to complete the registration process, some religious groups reported delays of several months or years.

During the year, the Government dropped criminal cases and did not fulfill court orders that would have compelled congregations affiliated with the Council of Churches of Evangelical Christians and Baptists to register. The Council has a policy of not seeking or accepting registration in former Soviet countries.

The national Jehovah's Witnesses Religious Center reported that it has attempted unsuccessfully to register in Northern Kazakhstan Oblast since 1997. In November 2002, a city court in Petropavlovsk ruled in favor of Jehovah's Witnesses regarding registration in the North of the country; however, the local branch of the MOJ did not implement the court order by year's end. In April, the MOJ ordered its Northern Kazakhstan Oblast branch to register the group; however, it did not do so by year's end. In April, Atyrau Oblast authorities formally turned down the 2001 registration application by Jehovah's Witnesses; the group resubmitted it in November. The group is already formally registered nationally and in the country's other 12 oblasts.

In May, police in the Zharminskiy region of Eastern Kazakhstan Oblast opened a criminal case against Baptist pastor Sergey Nizhegorodtsev, who was charged with nonpayment of a fine levied on him in February 2002 by a district court for failure to register his congregation. On May 28, prosecutors dropped the case, agreeing with his assertion that the 2002 court decision had been illegal.

Followers of the Hare Krishna movement faced continued police harassment during the year. In one instance, a follower from a neighboring country was ordered deported by a district court on July 19; however, the same court reversed the deportation order several days later. Police also raided a Krishna commune in an Almaty Oblast district on November 2 and reportedly confiscated two foreign members' passports (see Section 2.d.). Krishna followers said that prosecutors returned the passports two days later. The movement's followers also reported ongoing negative coverage in the press.

The President and other senior officials continued to regard with concern the presence of what they consider religious extremism; however, unlike in previous years, none of them has publicly discussed the issue of registration of religious groups during the year. In November, the Government announced that it would draw up a list of banned organizations, and that Hizb ut-Tahrir would be included on it. The KNB subsequently acknowledged that no legal authority existed to ban organizations for alleged extremist activities. Authorities reported an increasing number of incidents during the year of Hizb ut-Tahrir activity in the country. There were approximately one dozen known detentions of alleged members, and one occasion when the security service shut down an alleged Hizb ut-Tahrir printing press in the South of the country and arrested three individuals they claimed were operating it. Formal charges were filed against them, but their cases had not come to trial by year's end.

On July 7, a district court in Almaty convicted two alleged members of Hizb ut-Tahrir, Asan Shegibayev and Baurzhan Kultayev, and sentenced them to 3 years in prison. They were charged with participating in the activities of an illegal organization and inciting social, national, tribal, race, or religious hatred. Both defendants

denied belonging to Hizb ut-Tahrir and maintained that the KNB fabricated the evidence of their membership. Religious rights activists maintained that the law provides no basis for declaring Hizb ut-Tahrir an illegal organization. On August 19, the Almaty city court denied their appeal.

Other than the brief detentions of a New Life Church missionary in the southern town of Arys in March and approximately one dozen alleged Hizb ut-Tahrir members during the year, and the arrests of three alleged Hizb ut-Tahrir members in October, there were no reports of religious prisoners or detainees.

Law enforcement authorities conducted inspections of religious groups throughout the country, claiming the right to do so as a means of preventing the development of religious extremism and ensuring that religious groups pay taxes. These inspections also provided the authorities with information about the registration status of the groups being inspected. There were no reports during the year of authorities suspending the activities of unregistered groups, pending their registration, as there had been in previous years.

Local KNB officials disrupted some meetings in private homes of unregistered groups of Jehovah's Witnesses, Adventists, Baptists, and other Protestants, as well as other nontraditional groups throughout the country.

The national Jehovah's Witnesses Religious Center alleged continuing incidents of harassment by a number of local governments. It claimed that city officials in Kostanay, Karaganda, Aktubinsk, Petropavlovsk, Atyrau, Kokshetau, Pavlodar, Semipalatinsk, and Taraz sometimes blocked the group from renting stadiums or other large public or private sites for religious meetings. However, the Center also reported that such denials were inconsistent and that officials in these and other jurisdictions have at times granted such permits.

The Government exempted registered religious organizations from taxes on church collections and income from certain religious activities. The Government donated buildings and provided other assistance for the construction of new mosques, synagogues, and Russian Orthodox churches.

The law does not prohibit foreign missionary activity. On July 17, the Government published a new regulation intended to standardize the procedures for local authorities to use to register missionaries; however, the regulation was unclear on whether missionaries were required to register. There were no reports of officials requiring missionaries to register since the passage of the regulation.

The Government invited the leaders of the two largest religions, Islam and Russian Orthodoxy, to participate jointly in some state events. The leaders of the Catholic and Jewish religions, which were represented by small proportions of the population, also participated in some official events. Leaders of other faiths, including Baptists, Adventists, and other nontraditional groups, have at times also participated in some events; events organized by the city administration in Almaty exclude no religions. In February and September, President Nazarbayev convened international conferences promoting harmonious relations and dialogue among religious groups. In each of these conferences, delegations from numerous countries and religious groups participated.

There existed general wariness within the population, particularly in rural areas, of nontraditional religions.

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

d. Freedom of Movement within the Country, Foreign Travel, Emigration, and Repatriation.—The Constitution provides the right to those who were legally present in the country to move freely in its territory and freely choose a place of residence except in cases stipulated by law; however, in practice, citizens were required to register to prove legal residence and obtain city services. Registration in most of the country generally was routine, but it was difficult to register in Almaty and Astana due to their relative affluence and local officials' fears of overcrowding. Persons who were suspects in criminal investigations were often required to sign statements that they would not leave their place of residence. Many individuals were detained for identity checks without suspicion of a criminal offense (see Section 1.d.).

Although the Government formally abolished the exit visa requirement for temporary travel of citizens in 2001, there remained certain instances in which exit from the country could be denied, including if there were pending criminal or civil legal proceedings, unserved prison sentences, evasion of duty as determined by a court of law, presentation of false documentation during the exit process, and travel by active-duty military. In September, authorities denied the requests of Yermurat Bapi and Amirzhan Kosanov to travel to Poland, where they were to testify at a major international conference on the human rights situation in the country (see Sections 1.d. and 2.a.). Both had previously signed letters agreeing not to leave the country because of pending criminal cases before them. The Law on National Secu-

city requires that persons who had access to state secrets obtain permission from their employing government agency for temporary exit from the country.

The Constitution provides for the right to emigrate and the right to repatriate, and the Government generally respected these rights in practice; however, the Law on National Security prohibits persons who had access to state secrets from taking up permanent residence abroad for 5 years after leaving government service. A permanent exit visa still was required for emigrants and required criminal checks, documents from every creditor stating that the applicant had no outstanding debts, and letters from any close relatives with a claim to support giving their concurrence to the exit visa. There was one reported instance in 2002 of an individual being denied an emigrant exit visa for failing to document the continued support of dependents. Many individuals reported that without the assistance of a travel agency, obtaining permanent exit visas could take several months. Citizens have the right to change citizenship but were not permitted to hold dual citizenship.

Foreigners were required to have exit visas, although they received them routinely as part of their entry visa. Foreigners who overstayed their original visas, or who did not receive exit visas as part of their original visas, were required to get exit visas from the immigration authorities before leaving. Foreign visitors were required to register, depending on their circumstances, either with the immigration officials who admit them at the airport or with the local migration police (often referred to as OVIR, after the office that formerly had this function). Foreigners no longer were required to register in every city they visit; one registration was sufficient for travel throughout the country. Immigration authorities occasionally fined foreigners without proof of registration before allowing them to leave the country. Foreigners were required to obtain prior permission to travel to the country.

Foreigners were required to obtain prior permission to travel to some border areas with China and cities in close proximity to military installations. The Government continued to declare the following areas closed to foreigners until at least 2006 due to their proximity to military bases and the space launch center: Gvardeyskiy village, Rossavel village, and Kulzhabashy railway station in Zhambyl Oblast; Bokeyorda and Zhangaly districts in Western Kazakhstan Oblast; the town of Priozersk and Gulshad village in Karaganda Oblast; and Baykonur, Karmakshy, and Kazakly districts in Kyzl Orda Oblast. However, foreigners could visit these areas with prior permission from the MVD.

The Government accorded special treatment to ethnic Kazakhs and their families who fled during Stalin's era and wished to return. Kazakhs in this category were entitled in principle to citizenship and many other privileges. Other persons, including ethnic Kazakhs who were not considered refugees from the Stalin era, such as the descendants of Kazakhs who moved to Mongolia during the 19th century, had to apply for permission to return. It was government policy to encourage and assist all ethnic Kazakhs living outside the country to return; returnees were known as Oralmans. Since independence approximately 215,000 ethnic Kazakhs, mostly from other former Soviet republics, Iran, Afghanistan, Mongolia, Turkey, China, and Saudi Arabia have immigrated. In 2001, the Government introduced a quota for Oralmans that allowed 600 families to return annually. The Government helped provide these families with housing, stipends, and other benefits. The number of Oralmans in 2001 far exceeded the 600-family quota. As a result, the quota for 2002 was increased to 2,665 families and during the year was increased again to 5,000 families. However, even under the higher quotas, the number of immigrants continued to far exceed the quota. The Government struggled to find resources for integration programs for those who arrived outside the quota, many of whom lived in squalid settings. International organizations and local NGOs assisted in these efforts, and the Government supported them. On October 31, a presidential decree established a quota of 10,000 for 2004. The Government had previously announced that the quota for 2005 would be 15,000.

Oralman were automatically eligible for citizenship; however, the prohibition on dual citizenship prevented many of them from receiving it immediately. Amendments to the Citizenship Law in 2002 streamlined the acquisition of citizenship. Complicated procedures to renounce the citizenship of one's former country no longer delayed the process; the migration police simply turned in a new citizen's passport to the embassy of their former country at the conclusion of the citizenship process, which took 6 months on average. The Government made significant progress in granting citizenship before the implementation of the new procedure. There were reports that the Government did not always extend the benefits for which Oralman are eligible to family members who were not of ethnic Kazakh origin. An international NGO reported that unskilled Oralman who returned faced discrimination in work and housing.

The law provides for the granting of asylum or refugee to persons who meet the definition in the 1951 U.N. Convention Relating to the Status of Refugees and its 1967 Protocol; however, the absence of legislation to fully implement the Convention left unclear many aspects of the status of refugees, such as whether they had a right to work. In practice, the Government provided some protection against refoulement and granted refugee status, but not asylum. Following the passage of a 1997 Migration Law and the creation of the Agency for Migration and Demography, the Government began in 1998 to register asylum seekers and to determine their status, in consultation with the U.N. High Commissioner for Refugees (UNHCR).

The Government generally cooperated with the UNHCR and other humanitarian organizations in assisting refugees. The Government allowed the UNHCR access to detained foreigners and in practice was generally tolerant in its treatment of local refugee populations, except for citizens from former Soviet republics. Migrants from former Soviet republics were not considered to be refugees because they could ostensibly travel and settle freely within the Confederation of Independent States (CIS). The Government often did not allow refugees without passports or those who had entered the country illegally to register; in practice, it restricted registration almost exclusively to refugees from Afghanistan. All non-CIS citizens were considered to be intending immigrants. The Government generally respected the right of other CIS citizens to settle in the country; however, in practice, it frequently did not extend this right to laborers from other Central Asian republics. As the country's economic growth continued to outpace that of most of its neighbors, it increasingly attracted economic migrants. The Government struggled to deal with the increases, and periodically engaged in heavy-handed campaigns to round up noncitizens in technical violation of migration procedures. According to a U.N. reporting agency, the Government deported large numbers of migrants each month.

The Agency for Migration integrated the UNHCR and a local NGO, Kazakhstan Refugee Legal Support, into the process of reviewing refugee claims. Only the President can grant political asylum, and he did not do so during the year. Nonpolitical asylum claims could theoretically be processed anywhere in the country, after the Agency for Migration established a national refugee determination committee in Astana during the year; however, in practice, claims continued to be processed only in Almaty. By November, the UNHCR estimated that there were less than 16,500 refugees in the country, including 13,700 Chechens from Russia and 2,500 from Afghanistan. The remainder included Palestinians and Uighurs from China, among others.

The Government provides temporary protection for certain categories of refugees, including some Afghan refugees. Beginning with the renewal of conflict in Chechnya in 1999, a large population of Chechens fleeing the fighting came to the country; most remained during the year. Many Chechens had also entered the country during the earlier Chechen conflict and returned to Chechnya at its conclusion. Consistent with the Minsk Convention on Migration within the CIS, the Government did not recognize Chechens as refugees; however, the Government, in cooperation with the UNHCR and Chechen organizations, did grant temporary legal resident status to Chechens until they could return home to safe conditions. Despite reports that some Chechens had to pay bribes to receive registration, this arrangement functioned effectively until October 2002, when Chechen terrorist groups held civilians hostage in a Moscow theater, and the Government stopped its nationwide policy of issuing temporary residence permits to Chechens. By March, the Migration Police reported that more than 300 Chechens had received deportation orders by courts. The same month, the Government established a new temporary registration procedure; however, reports persisted that Chechens did not have the same access to registration as others. Officials frequently remarked that Chechens as a group were criminals and that they harbored terrorists, although according to the UNCHR, women and children comprised as much as 80 percent of the temporary Chechen population.

In 1999, the country agreed with China not to tolerate the presence of ethnic separatists from one country on the territory of the other. Human rights monitors were concerned with the impact of this agreement on Uighurs from China in the country, although there were no reports of Uighurs forcibly returned to China during the year. The Government did not consider any asylum claims by Uighurs; it was unlikely that any Uighurs applied. The Government allowed the UNHCR to resettle some Uighur refugees to other countries during the year.

There were no confirmed reports that the Government forcibly returned persons to a country where they feared persecution. However, it was unclear whether any of the more than 300 Chechens ordered deported since October 2002 were forcibly returned to Russia, although many were known to have departed the country. It was also unclear how many more Chechens were ordered deported after March,

when the Government stopped providing statistics on deportations. There were several occasions during the year and in 2002, when the Government complied with its international refugee obligations when faced with the choice of deporting political activists from other former Soviet republics. In such cases, the Government allowed international organizations access to the refugees and to arrange for their transportation to third countries. There were no reports of deportations without a court order during the year.

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

The Constitution provides for a democratic government with universal suffrage for those more than 18 years of age; however, in practice, the Government severely limited the right of citizens to change their government.

The Constitution concentrates power in the presidency, granting the President considerable control over the legislature, judiciary, and local government. The President appoints and dismisses the Prime Minister and the Cabinet. His appointment of the Prime Minister, but not of cabinet members, is subject to parliamentary consent. Presidential appointments of the Prosecutor General and the KNB Chief require the consent of the Senate. The President has the power to dismiss Parliament and to appoint judges and senior court officials. The President also nominates for approval by the Mazhilis (Parliament's lower house) the chairman and members of the Central Election Commission (CEC), who oversee presidential and parliamentary elections. The Mazhilis has never failed to confirm a presidential nomination. Modifying or amending the Constitution effectively requires the President's consent. On August 27, the President stated publicly that "all discussions and ideas about changes to the Constitution come from the Devil."

In September and October, elections for Maslikhats (oblast- and local-level councils) were held nationwide. Independent observers reported that opposition candidates were disadvantaged, although the CEC and the local election commissions attempted to project the appearance of fairness, such as equal access to airtime and flexible interpretations of election rules to register some candidates. In Almaty, none of the candidates of a prominent opposition bloc was elected. Many observers blamed the electoral legislation, as it allowed opposition candidates to be excluded in some areas for technical reasons. Independent observers also recorded numerous violations of procedures on the first- and second-round election days, particularly that an unprecedented number of voters were turned away from their long-time polling stations.

President Nazarbayev was elected to a 7-year term in a 1999 election that was held nearly 2 years earlier than scheduled and fell far short of international standards. The Government imposed onerous requirements on candidates for the 1999 presidential ballot, including requiring them to submit petitions with 170,000 signatures, pass a Kazakh-language test, and make a nonrefundable payment of approximately \$30,000 (2.4 million Tenge). Less than a week after the presidential election was called, the Government disqualified a number of potential contenders on the basis of a provision of the presidential decree on elections that prohibits persons convicted of administrative offenses from running for public office within 1 year of their conviction. Five opposition leaders, including former Prime Minister Kazhegeldin, were summoned and tried for participating in a nonregistered organization. A sixth was disqualified for a previous conviction. The Supreme Court upheld the disqualifications.

The OSCE Office for Democratic Institutions and Human Rights (ODIHR) concluded that the presidential election fell far short of international standards, citing 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.

Although in many ways an improvement over the presidential election, the 1999 elections for the Mazhilis were marred by election law deficiencies, executive branch interference, and a lack of transparent vote counts. There was convincing evidence of government manipulation of results in some cases. ODIHR concluded that they were a tentative step toward democracy but fell short of OSCE commitments.

In 1998, the President and the Parliament passed, without prior public notice, a series of constitutional amendments enabling them to call early presidential elections. Among other changes, the amendments extended the presidential term of office from 5 to 7 years and removed the 65-year age limit on government service. (The President will be 65 years of age before the end of his 7-year term.) Government opponents and international observers criticized the short-notice elections be-

cause they did not leave time for the Government to implement promised electoral reforms or for candidates to organize effective campaigns.

Numerous violations and serious irregularities marred the December 2002 Parliamentary by-elections for three vacant seats in the Mazhilis from single-mandate districts in Karaganda, Atyrau, and Pavlodar Oblasts; preliminary results of the elections conflicted with independent exit polling. Violations of the electoral law included registration of candidates, composition of election commissions, intimidation of election monitors, relocation of polling stations with little or no notice to voters, and manipulation of voter lists. In one of the contests, an opposition candidate had been excluded from the ballot hours before the polls opened. The CEC released the official results in January, showing government-favored candidates winning all three seats. In two races, independent exit polling showed that the margin of victory was inflated for the winning candidate. In the third, exit polls showed Karlygash Zhakiyanova—the wife of imprisoned former oblast akim Galymzhan Zhakiyanov—receiving more than half the votes, although Maksimonko was declared the winner (see Section 1.e.).

Changes and amendments to the Election Law were the subject of intense public debate throughout the year. On November 27, the Government submitted its draft of the new law to Parliament. The CEC, the primary drafter of the government draft of the law, worked in close cooperation with ODIHR throughout the year. However, according to ODIHR's analysis, the government draft did not meet OSCE commitments, including the composition of electoral commissions and the lack of a clear mechanism for resolving disputes among candidates or violations by candidates of the law. ODIHR's recommended changes were not adopted in the November revisions. The leading opposition parties and movements also published a joint statement noting significant flaws in the government draft and calling for revisions. Parliament established a joint Senate-Mazhilis working group to propose changes to the Government's draft that was continuing its deliberations at year's end.

Parliament exercised little oversight over the executive branch, although it has the constitutional authority to remove government ministers and to hold a no-confidence vote in the Government. The Government may also instigate a no-confidence vote, as it did in May in response to parliamentary revisions to the draft Land Law it had submitted. Although a majority voted against the Government, Parliament failed to achieve the required two-thirds of votes to dismiss the Government. Although Parliament must approve the state budget, the Constitution precludes Parliament from increasing state spending or decreasing state revenues without executive branch approval. Nearly all laws passed by Parliament originated in the executive branch. The executive branch controls the budget for Parliament's operations; it has not provided funds for M.P.s to hire staff, a situation generally viewed as decreasing Parliament's effectiveness. The executive branch also blocked legislation on establishing Parliamentary staff; the law was found unconstitutional because Parliament may not make additions to the state budget.

If Parliament fails to consider within 30 days a bill designated urgent by the President, the President can issue the bill by decree. Although the President has never resorted to this authority, it gave 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, of which the President appoints three of seven members (see Section 1.e.).

Many activities of Parliament remained outside public view. During the year, Parliament continued to become more open by publishing some draft laws, some parliamentary debates, and in some instances, its voting record. After Parliament failed to get its changes included into the Land Law, a group of 16 deputies from both houses of Parliament asked the President to initiate a referendum on private land ownership, which the President refused to do. During the year, a group of parliamentary deputies called on the Government to explain its role in the Kazakhgate indictments (see Section 2.a.). The Government responded to the request, which was published on Parliament's website. No news media covered the response.

According to the Constitution, the President selects oblast akims (governors) based on the recommendation of the Prime Minister; they serve at the discretion of the President, who may annul their decisions. The oblast akims then appoint the county-level equivalent and city leaders below them. The Constitution permits direct election of such officials and in 2001 experimental local district akim (county-level equivalent leader) elections were held, representing the first tentative movement away from appointment of local district akims. In each of the 14 oblasts, elections were held to fill 2 positions. The local akims were elected by secret ballot by a group of electors chosen by local residents through a public show-of-hands vote. The OSCE

noted that the procedure violated international standards requiring a secret ballot and did not provide transparency while counting and registering election results.

The introduction of 10 proportionally allocated Mazhilis seats for the 1999 parliamentary elections enhanced the role of political parties, which, with the exception of the Communist Party, were previously very weak. The Communist Party and three pro-presidential parties—Otan (Fatherland), the Civic Party, and the Agrarian Party—shared the 10 new party-list seats in the 1999 parliamentary election. After the 2002 law on political parties required all parties to reregister, only 8 of the 19 previously registered parties successfully reregistered by year's end (see Section 2.b.).

The Government restricted the functioning of the political opposition. One opposition group, the DVK movement, was founded in 2001 by 11 senior government leaders, M.P.s, and prominent businessmen. Four of the senior government officials were fired several days after the founding at the request of the Prime Minister, and in December 2001 parliamentary deputy Bulat Abilov was expelled from his party slate seat in Parliament. During the year, the DVK was unable to register successfully with the MOJ as a public association, although it had received nationwide registration in January 2002. Two of DVK's leaders were convicted and imprisoned in 2002 (see Section 1.e.). One remained imprisoned at year's end, while the other was pardoned by the President and freed in May. At a press conference after his release, he announced that he would focus on business rather than politics. Many DVK activists presumed that a condition of his pardon was to refrain from active involvement in politics.

A political party, Ak Zhol, split off from DVK in 2002; it was granted formal registration under the restrictive new Law on Political Parties in December 2002 (see Section 2.b.).

The Government tried and convicted other opposition politicians during the year (see Section 1.e.).

The Communist party alleged several incidents of harassment during its drive to reregister under the Law on Political Parties (see Section 2.b.). In January, five members of the party reported that police detained them after they left a party meeting in Almaty. The national leader of the party alleged in February that detentions of local party leaders were occurring throughout the country, and that police had confiscated party lists in some locations. He further alleged that law enforcement officials had attempted to induce party members into signing statements saying they had been forced to join the party.

At year's end, three women held ministerial portfolios. There were no female oblast akims. Of 39 Senate members, 3 were female; 8 of 77 Mazhilis members were female. There were no legal restrictions on the participation of women and minorities in politics; however, the persistence of traditional attitudes meant that few women held high office or played active parts in political life.

Although minority ethnic groups were represented in the Government, ethnic Kazakhs held the majority of leadership positions. According to official statistics, non-Kazakhs accounted for 44 percent of the population (see Section 5). Ethnic minorities held 1 of 3 deputy prime minister positions and headed 1 of 16 government ministries and the national bank. Non-Kazakhs were underrepresented in Parliament, with only 8 senators and 20 members of the Mazhilis.

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

A number of domestic and international human rights groups generally operated without government restriction, investigating and publishing their findings on human rights cases; however, some human rights observers reported that the Government monitored their movements and telephone calls (see Section 1.f.). Human Rights Watch reported that harassment included intimidating police visits and arbitrary tax investigations, in addition to surveillance. Many NGOs publicly advocated during the year that the Government withdraw its draft law on NGOs, which they believed would severely restrict their right to operate. The Government withdrew the draft in October (see Section 2.b.).

The Kazakhstan International Bureau for Human Rights and Rule of Law (KIBHR) and the Almaty Helsinki Commission were the most active of a small number of local nongovernmental human rights organizations. They cooperated with each other on human rights and legal reform issues. Although these groups operated largely without government interference, limited financial means hampered their ability to monitor and report human rights violations. Some human rights observers periodically received threatening or harassing telephone calls; however, the source of these calls was unknown.

The Director of the KIBHR, Evgeniy Zhovtis, reported that a package of what appeared to be marijuana was placed in his car on May 2, the eve of his planned participation in an international conference. Zhovtis said that he immediately reported the incident to Almaty police, but that they refused to pursue an investigation after determining that the substance was not in fact marijuana.

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. The Government tended to deny or ignore charges of specific human rights abuses that were levied by both international and domestic human rights monitors and by individual citizens, although it often acknowledged that human rights abuses existed in general.

The Civil Code requires NGOs to register with the Government, and most NGOs were registered (see Section 2.b.); however, some continued to operate without legal standing.

The Government permitted international and foreign NGOs and multilateral institutions dealing with human rights to visit the country and meet with local human rights groups as well as government officials. The International Labor Organization (ILO), the International Federation of Red Cross and Red Crescent Societies, the UNHCR, the International Organization for Migration (IOM), and the OSCE, have permanent offices in the country.

The Presidential Commission on Human Rights was a 15-member consultative and advisory body that included members from the public. A March 19 presidential decree redefined the Commission's duties, making it responsible for coordinating governmental responses to human rights concerns instead of investigating individual complaints from citizens. The Commission also monitored fulfillment of international human rights conventions. On November 17, the country signed the U.N. Covenants on Civil and Political Rights; and Economic, Social, and Cultural Rights, and the Commission was given the responsibility for implementing them.

The Human Rights Ombudsman is responsible for investigating complaints by citizens of violations of their rights, although the Ombudsman was not authorized to investigate any complaint dealing with the President, Parliament, the Government, the Constitutional Council, the Prosecutor General, the CEC, or the courts. In June, the Ombudsman reported that he received a complaint from the wife of imprisoned opposition politician Galymzhan Zhakiyanov (see Section 1.e.). He stated he turned down the complaint, since his institution had no authority to challenge court verdicts. During the year, the Ombudsman gave regular briefings to the press and reported receiving a total of 758 complaints in the first three quarters of the year. The Ombudsman reported that the majority of complaints were economic or social in nature, such as nonpayment of benefits or salaries and housing conditions; it also received complaints relating to conditions of military service, education, abuses by investigative authorities, and nonenactment of court decisions. NGOs believed that the Ombudsman was influenced by the Government and downplayed cases.

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

The Constitution states that everyone is equal before law and court and that no one may be subjected to any discrimination for reasons of origin, social position, occupation, property status, sex, race, nationality, language, convictions, place of residence, or any other circumstances; however, the Government did not enforce this provision effectively on a consistent basis. The Government favored ethnic Kazakhs in government employment and, according to many citizens, in the process of privatizing state enterprises.

Women.—Violence against women, including domestic violence, was a problem. The MVD stated in November that domestic rape incidents increased each year for the past several years. In the capital, Astana, police reported that there were 931 crimes against women in the first 10 months of the year, including 10 killings and 40 violent rapes. Nationwide, according to independent statistics, 534 women were killed in 2002 as a result of domestic violence, 54 in Almaty, the largest city. In Astana, 6 women on average appealed to police as a result of violence each day during the year. In June, the National Commission on Women and Family reported that 64 percent of women have been victims of violent crime. A 2002 MVD survey found that 52 percent of women had reported some form of domestic abuse, with the highest incidence in rural areas, and only 30 percent of domestic violence cases were prosecuted. NGO activists and prison officials stated that domestic violence was a significant factor in the majority of cases of women serving sentences for murder.

There is no specific law on domestic violence; however, it can be addressed under assault and battery provisions of the Criminal Code. The maximum sentence for

wife beating is 10 years in prison, the same as for any beating. The punishment for rape ranges from 3 to 15 years imprisonment. The Government reported that it opened 1,650 criminal rape cases in 2002, of which 1,095 were prosecuted and 1,040 convictions were obtained. Police often were reluctant to intervene in domestic disputes, considering them to be the family's business, unless they believed that the abuse was life threatening. Under the Criminal Procedure Code, prosecutors can not initiate a rape case, absent aggravating circumstances such as gang rape, unless the victim files a complaint. There were unconfirmed reports that prosecutors sometimes interpreted this provision to require rape victims to pay for forensic testing, pay the expenses of prosecution, and prosecute rape cases personally. Police also cannot detain a suspect legally for more than 72 hours unless the victim provides a written complaint, which women often refused to do. The press rarely reported on rape.

One Almaty crisis center (there were three, two of which operated shelters) reported that it received 100–150 calls from women per month for domestic violence, and that a very small percentage followed through with charges. No NGO operated a crisis center in Astana, the country's capital; however, the four-officer domestic violence unit of the city's police department reported receiving five to six calls a day from victims of domestic violence. Police indicated that victims of domestic violence often asked only for officers to talk with their spouses. When victims did decide to press charges for domestic violence or rape, police sometimes tried to persuade them not to pursue it. There were domestic violence units within police departments of all cities, which cooperated with the crisis centers, and most cities had crisis centers. When domestic violence cases did come to trial, the charge was most often for light beating, the penalties for which include fines of up to \$535 (82,300 Tenge) or 3 months' imprisonment. The Government reported that in 2002 police had registered 2,710 domestic violence crimes, of which 2,307 were referred to courts. In 2002, 1,000 persons (including 152 women) were convicted for domestic violence crimes.

Prostitution is not prohibited by law and is not legally regulated; however, forced prostitution or prostitution connected to organized crime is illegal. Prostitution was a serious problem.

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

The Criminal Code and the Labor Code prohibit only some forms of sexual harassment, and legal and gender-issue experts regarded the legislation as inadequate to address the problem. The Government did not show any interest in improving legislation to prevent sexual harassment. There were reports of such harassment, but none of those reports constituted situations where victims were protected under the law. Prosecutors, law enforcement agencies, and victims were generally not aware of the problem, and there were no reports of any cases being prosecuted.

The law prohibits discrimination against women, but traditional cultural practices limited their role in society and in owning and managing businesses or property. The President and other members of the Government spoke in favor of women's rights, and the official state policy held that constitutional prohibitions on sex discrimination must be supported by effective government measures; however, women were underrepresented severely in senior positions in state enterprises and overrepresented in low-paying and some menial jobs. The head of the National Commission on Women and Family noted that women's salaries were, on average, 62 percent that of men's. Women had unrestricted access to higher education.

There were approximately 150 women's rights organizations registered in the country. These included the Feminist League, Women of the East, the Almaty Women's Information Center, the Union of Crisis Centers, and the Businesswomen's Association.

Children.—The Government was committed to children's rights and a new Children's Rights Law was enacted in August 2002; however, budget limitations and other priorities severely limited the Government's effectiveness in dealing with children's issues. The new law codifies many rights already contained in the Constitution and provides little in the way of funding or specific programs. Education is mandatory through age 16, although students could begin technical training after the ninth grade. Primary and secondary education was both free and universal. The law provides for equal access to education by both boys and girls.

There were reports of child abuse, although there was no societal pattern of such abuse. The Government has cooperated with UNICEF since 2000 on an educational program to combat child abuse.

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

Rural children normally worked during harvests (see Section 6.d.).

There was one local NGO that worked with juveniles released from prisons.

Persons with Disabilities.—Citizens with disabilities were entitled by law to government assistance, and the law prohibits discrimination against persons with disabilities; however, in practice, employers did not give them equal consideration. Assisting persons with disabilities was a low priority for the Government. Laws mandate the provision of accessibility to public buildings and commercial establishments for persons with disabilities; however, the Government did not enforce them. There have been some improvements to facilitate access in Almaty and Astana, such as wheelchair ramps.

Mentally ill and mentally retarded citizens could be committed to state-run institutions, which were poorly managed and inadequately funded. The NGO Kazakhstan International Bureau for Human Rights observed that the Government provided almost no care for persons with mental disabilities due to a lack of funds.

National/Racial/Ethnic Minorities.—According to the Government, the population consisted of approximately 56 percent Kazakhs and 32 percent ethnic Slavs (Russians, Ukrainians, Belarusians, and others), with many other ethnic groups, including Uzbeks, Germans, Tatars, Uighurs, Koreans, Azeris, Turks, and others represented. Approximately 220,000 Uighurs lived in the country, comprising the largest Uighur diaspora outside of China. The Government continued to discriminate in favor of ethnic Kazakhs in senior government employment, where ethnic Kazakhs predominated. President Nazarbayev has emphasized publicly that all nationalities were welcome to participate; nonetheless, many non-Kazakhs remained concerned about what they perceived as expanding preferences for ethnic Kazakhs (see Section 3).

Most of the population spoke Russian and approximately half of all ethnic Kazakhs spoke Kazakh fluently. According to the Constitution, the Kazakh language is the official state language. The Constitution states that Russian may be used officially on an equal basis with Kazakh in organizations and bodies of local self-administration. The Government continued to move toward using Kazakh for official business. By year's end, Kazakh became or was the lingua franca in local law enforcement offices in all oblasts with majority Kazakh populations (Kyzyl Orda, Southern Kazakhstan, Zhambyl, Atyrau, and Aktobe). Police departments in the northern oblasts, several with majority ethnic Russian populations, planned to adopt Kazakh by the end of 2004. Most ethnic Russians believed that Russian should be designated as a second state language. The Government encouraged more education of children in the Kazakh language but did little to provide Kazakh-language education for adults. The Language Law was intended to strengthen the use of Kazakh without infringing on the rights of citizens to use other languages; however, it has not been funded sufficiently to make Kazakh-language education universal.

Section 6. Worker Rights

a. The Right of Association.—The Constitution and the Labor Code provide for basic worker rights, including the right to organize; however, the Government at times infringed on these rights. The largest trade union association, the Federation of Trade Unions, contained the vestiges of formerly state-sponsored trade unions established during the Soviet period. It claimed a membership of 2 million workers. The Confederation of Free Trade Unions (CFTUK), formerly the Independent Trade Union Center of Kazakhstan, underwent a leadership change during the year and was unable to provide statistics on the size of its membership. In 2002, it reported 320,000 members. Many members of the CFTUK reportedly joined the Trade Union Center of Kazakhstan, which split from the Federation in 2002 and aligned itself with the former leader of the CFTUK during the year. Observers agreed that the Government exercised considerable influence over organized labor.

To obtain legal status, a trade union had to apply for registration with the MOJ. The registration procedure followed largely that of other membership organizations (see Section 2.b.); branches of unions were each required to register, which could be accomplished at MOJ branches in each oblast. In 2002, 20 new trade unions were registered, including the Trade Unions of Aviation Employees, the Trade Unions of Central Kazakhstan Small Businesses, and the Trade Unions of Astana. The Federation of Trade Unions, the Confederation of Free Trade Unions, and the Trade Union Center of Kazakhstan were all registered. The MOJ did not deny registration to any union during the year. Courts can cancel a union's registration; however, there were no such cases during the year.

The Constitution prohibits the operation of foreign trade unions and prohibits the financing of trade unions by foreign legal entities and citizens, foreign states, and international organizations. The CFTUK received financing from foreign sources because it was registered as a public association and not a labor union. The law does

not prohibit other nonmonetary types of assistance such as training; participation in training programs increased in recent years.

Under the Constitution, workers are protected against anti-union discrimination. The Law on Trade Unions reiterates this right and makes no distinction between different kinds of labor unions. However, in practice, there were violations of this right. Members of some trade unions have been dismissed, transferred to lower paying or lower status jobs, threatened, and intimidated. The three trade union associations were competitive with one another and sometimes alleged that members of the other association were given precedence for layoffs.

By law, unions may freely join federations or confederations and affiliate with international bodies. The CFTUK joined the Worldwide Labor Union Organization in 2002.

In April 2002, the Federation of Trade Unions filed a complaint against the Government with the ILO Committee on Free Association alleging various violations involving freedom of association in connection with efforts to organize workers at the Tengizchevroil company. In November 2002, the Committee requested that the Government take actions that would allow workers at the company to organize in accordance with international rules. The Federation raised no further complaint by year's end.

b. The Right to Organize and Bargain Collectively.—The law permits collective bargaining and collective agreements; however, collective bargaining was not widely understood and only occasionally practiced during the year. Unions may have a minimum of 10 members; however, registration requirements created obstacles to organization. If a union's demands were not acceptable to management, it could present those demands to a tripartite commission, composed of the Government, employer associations, and labor union representatives. The tripartite commission was instituted under the Law on Social Partnerships of 2000 and was to develop and sign a general agreement each year governing approximately 80 aspects of labor relations. The Labor Law provides for an individual contract between employers and each employee. Collective bargaining agreements were allowed as long as they did not reduce protections afforded to workers in individual contracts or under law; previously the terms of contracts were set only by law and collective bargaining agreements.

On January 27, the national tripartite commission signed a general agreement, which was intended to remain in effect until the end of 2004. The presidents of both the Federation of Trade Unions and the CFTUK, the major employer associations represented on the commission, and a Deputy Prime Minister signed the agreement.

The Law on Collective Bargaining and Strikes gives workers the right to join or form unions of their choosing. It also establishes that workers may request in writing to have their union dues paid by direct payroll deductions of 1 percent. Amendments to the Labor Law that went into force in 2000 stipulate that the consent of an employee's union is no longer required to fire a worker (the old Law on Trade Unions had required a union's consent to fire a worker). Employers increasingly used the new Labor Law to fire workers without a union's consent; however, the general agreement contained a provision limiting the proportion of a company's workforce that could be dismissed at once to 9 percent. The Labor Law requires advance notice of dismissal. An employee still could choose to be represented by a union in a labor dispute; however, the employee had the option of choosing other representation as well.

The Constitution provides for the right to strike; however, there was a list of enterprises where strikes were not permitted. Unions and individual workers exercised the right during the year, primarily to protest the nonpayment of wages and unsafe working conditions and to recover back wages. According to the law, workers may exercise the right to strike only if a labor dispute has not been resolved through existing compulsory arbitration procedures. In addition, the law requires that employers be notified that a strike is to occur no less than 15 days before it commences. According to the Ministry of Labor, the incidence of labor disputes declined significantly in recent years.

There are no export processing zones.

c. Prohibition of Forced or Bonded Labor.—The Constitution and law prohibit forced and bonded labor, except at the sentence of the court or in the conditions of a state of emergency or martial law, but there were reports that such practices occurred (see Section 6.f.).

The Constitution prohibits forced or bonded labor by children; however, child labor was routinely used in agricultural areas (see Section 6.d.).

d. Status of Child Labor Practices and Minimum Age for Employment.—The minimum age for employment is 14 years, but only for part-time work (5 hours a day)

that is not physically onerous. Children from the ages of 16 to 18 could work full-time provided that they are not required to do any heavy work. The Government has acknowledged that children in this age group worked in construction and other heavy industries but reported that duties for children were limited to washing windows, general cleaning, laying tile, and similar nonstrenuous activities.

A child between the ages of 14 and 16 can work only with the permission of his or her parents. The law stipulates harsh punishment for employers who exploit children under the age of 16. The Ministry of Labor is responsible for enforcement of child labor laws and for administrative offenses punishable by fines; the MVD is responsible for criminal offenses. Child labor was used routinely in agricultural areas, especially during harvest season; but abuse of child labor generally was not a problem.

e. Acceptable Conditions of Work.—The Government set the monthly minimum wage at \$36 (5,000 Tenge), an increase from the \$30 (4,181 Tenge) minimum wage of 2002. The minimum wage was roughly equal to the monthly subsistence level of approximately \$35.50 (4,943 Tenge), as determined by the Government for October. The average monthly wage in the third quarter was nearly \$162 (22,487 Tenge), 13.6 percent higher than for the same period in 2002. In June, the Government increased the minimum monthly pension to approximately \$39.50 (5,500 Tenge). By mid-year, the average monthly pension rose to more than \$56 (7,823 Tenge) a month during the year, 38.3 percent higher than in the beginning of the year. Growth in average wages has outpaced inflation, in many periods substantially so, since 1999.

The Labor Law stipulates that the workweek should not normally exceed 40 hours, but specifies no maximum for other than normal circumstances. The Law limits heavy manual labor or hazardous work to no more than 36 hours a week. The Labor Law requires overtime to be paid at a rate of not less than one-and-a-half times normal wages for hours worked in excess of the normal 40-hour week. The Labor Law requires that overtime not exceed 2 hours in a calendar day or 1 hour a day for heavy manual labor. Overtime is prohibited for work in hazardous conditions. The Constitution provides that labor agreements may stipulate the length of working time, vacation days, holidays, and paid annual leave for each worker.

The Ministry of Labor enforced minimum wages, work hour restrictions, and limits on overtime established under the Labor Law. Ministry labor inspectors conducted random inspections of employers to enforce all laws and regulations under their purview.

The Constitution provides for the right to “safe and hygienic working conditions;” however, working and safety conditions in the industrial sector were often substandard. Safety consciousness in both employees and employers was low. Workers in factories usually did not wear protective clothing, such as goggles and hard hats, and worked in conditions of poor visibility and ventilation.

Management largely ignored regulations concerning occupational health and safety, which were not well enforced by the Ministry of Labor. A Law on Safety and Protection of Labor passed Parliament’s lower house in October, although it remained pending in the Senate at year’s end. Several M.P.s criticized the draft when the Ministry of Labor introduced it in January, saying that the Ministry did not have enough labor inspectors and was unable to adequately enforce the Labor Code. In 2002, the Ministry reported a staff of 360 inspectors. Although the frequency of inspections remained insufficient to provide fully for occupational health and safety, the number of fines, penalties, and warnings to employers increased. According to a news report, 355 persons were killed due to unsafe working conditions in 2002. The Labor Law requires employers to suspend work where its continuation could endanger the life or health of workers and to warn workers about any harmful and dangerous work conditions and about the possibility of any occupational disease. The Chairman of the Constitutional Council stated at a February conference that there were 107,000 violations of labor legislation in 2002.

There were no reports of workers suffering physical or sexual abuse, although it is probable that limited employment opportunities contributed to the underreporting of abuses. There are no laws protecting workers who file complaints about work conditions.

Foreign workers (those legally present with labor permits) are provided the same minimum wages and labor standards as local workers under the law. Legal foreign labor is limited by a yearly quota of workers, which generally was filled by Turkish, Western European, and American workers in the oil industry. These highly skilled workers earned more on average than local workers and enjoyed work and living standards above local standards. Several foreign corporations reported difficulty in

obtaining work permits for their expatriate workers, saying the Government favored local workers for the positions.

Labor laws do not cover illegal workers, who did not receive the same legal protections as those with permits. Illegal workers were generally unskilled migrant laborers from Uzbekistan, Kyrgyz Republic, and Tajikistan, who crossed into southern areas seeking agricultural or construction jobs. They frequently were paid considerably less than local workers and worked in substandard conditions. Law enforcement agencies periodically conducted campaigns to deport illegal workers; employers were often fined as well during such campaigns. Several hundred illegal laborers were deported during the year.

f. Trafficking in Persons.—The law prohibits trafficking in persons; however, trafficking in persons remained a problem during the year. There was no evidence of a pattern of official complicity in trafficking, although corruption of law enforcement officials was widespread.

There are several articles of the Criminal Code that cover most forms of human trafficking. Article 128 criminalizes the recruitment of any person for sexual or other exploitation and was expanded in July to include all forms of trafficking. It is punishable by a maximum 2-year prison term. If a minor is involved, the maximum penalty is 5 years in prison. If the exploited person is transferred abroad, the maximum penalty is 8 years in prison. Article 330, added to the Code in 2002, also strengthened existing law. Article 330 prohibits the organization of illicit migration by providing transportation or fraudulent documents, or residence or other services for the illicit entry, exit, or movement on the territory of the country. It also covers the operation of a tourist or excursion agency for the purpose of illicit migration. The Criminal Code (Article 133) also prohibits the sale of children.

Prosecutions under these articles of the Criminal Code were rare, despite the fact that the Law Enforcement Coordination Council (under the leadership of the Prosecutor General) issued detailed guidelines in August to law enforcement and prosecutors nationwide on how to investigate crimes under these sections of the Code. However, prosecutors reported that several investigations under these sections of the Code were ongoing in various parts of the country at year's end and that the Government brought formal charges under Section 128 of the Criminal Code in six cases. Several arrests were made in connection with these investigations, many of which were reported in the press.

Prosecutors also used other articles of the Criminal Code to charge suspects whose activities may have included trafficking, such as the illegal involvement in prostitution (Article 270), which carries punishment of up to 3 years in prison, and prostitution connected with organized crime (Article 271), punishable by up to 5 years in prison. Prosecutors often use Article 271, although it was difficult to estimate what percentage of investigations under Article 271 involved trafficking. Prostitution is not explicitly prohibited under the law, nor was it legally regulated. Under Article 125 of the Code, kidnapping is punishable by a prison term of up to 7 years. Several victims of trafficking lost a civil suit against a travel agency for breach of contract during the year. However, the civil trial led to the arrest of the woman who ran the travel agency, and criminal charges against her remained pending at year's end.

In August, the Government appointed the Minister of Justice to coordinate all of the Government's anti-trafficking activities and created an anti-trafficking Commission led by the Minister that included the Interior Minister, the KNB Chairman, the Prosecutor General, the Foreign Minister, Education Minister, and the Presidential Commission on Women and Family. The commission was in the process of developing a comprehensive National Plan to combat trafficking at the year's end. A lower-level working group, formed by the Government in 2001 with NGO participation, developed the trafficking legislation that was signed into law in July.

The Government maintained that it seeks cooperation from authorities in destination countries for its citizens who have been trafficked and in the source countries of trafficking victims brought into the country. During the year, the Foreign Ministry issued instructions to its Embassies abroad on assisting victims of trafficking. There was at least one report of an Embassy overseas assisting a trafficking victim. There were no cases where the Government has been asked to extradite a person charged with trafficking in another country.

The country was a source, transit, and destination country for victims of trafficking. Internal trafficking was also a problem. No reliable statistics were available on the number of victims each year, but some NGOs have estimated that there were several thousand. Individuals were trafficked to the United Arab Emirates, South Korea, Turkey, Greece, Cyprus, France, Italy, Portugal, Switzerland, Belgium, Israel, and Albania. They were trafficked from the Kyrgyz Republic, Uzbekistan, and Tajikistan.

Traffickers primarily targeted young women in their teens and 20s. According to the Kazakhstan Crisis Center for Women and Children, most women were recruited with promises of good jobs or marriage abroad. Travel, employment, and marriage agencies often recruited victims through advertisements promising lucrative jobs in other countries. Offers to participate in international beauty contests also were used. Previously trafficked women reportedly have recruited new victims personally. There was also evidence that young and middle-aged men have been trafficked from the country, either for sexual exploitation or for labor. Many trafficking victims appeared to be aware or at least to suspect that they were going to work as prostitutes, but not that they would be working under slavery-like conditions. Most trafficked persons traveled to their destinations on passports obtained abroad, most often from Russia or the Kyrgyz Republic.

There was no evidence of a pattern of official complicity with trafficking, although corruption of law enforcement officials was widespread.

The Government did not assist trafficked women who returned to the country; however, NGOs ran crisis support centers that provided legal and material assistance and counseling. Trafficking victims from other countries, if they had entered the country illegally, were fined and deported. There are no special provisions in the law to allow foreign victims of trafficking to be treated as anything but illegal migrants.

The IOM, in conjunction with 19 NGOs across the country, continued an information campaign on the dangers of trafficking and set up hotlines for its victims. The MOJ set up additional hotlines nationwide for trafficking victims to report crimes and to receive information. The Ministry of Interior's Gender Crimes Division provided instruction to its units around the country on recognizing trafficking cases.

The Prosecutor General's Office enforced mandatory licensing for tourist agencies and conducted inspections throughout the year in an effort to uncover agencies involved in trafficking. Many of the criminal cases launched for trafficking crimes originated as a result of these inspections.

The Government began airing a series of public service announcements provided by international organizations in August. Some privately owned media outlets ran the series as well. The Government also produced its own public service announcements and ran them on official television stations in November and December. In most regions of the country, NGOs reported that local officials and law enforcement have been willing participants in training programs on trafficking and that officials have provided access to schools for the same purpose. The Government also supported training programs for judges and prosecutors on dealing with trafficking cases.

KYRGYZ REPUBLIC

Although the 1993 Constitution defines the form of government as a democratic republic, President Askar Akayev continued to dominate the Government. Serious irregularities marred the 2000 parliamentary and presidential elections, as well as the 2002 parliamentary by-elections. Serious irregularities also marred a national constitutional referendum in February that resulted in further control by the President and weakened the Parliament and the Constitutional Court. The Constitution provides for an independent judiciary; however, the executive branch dominated the judiciary, and the Government used judicial proceedings against prominent political opposition and independent media figures in numerous instances.

Law enforcement responsibilities are divided among the Ministry of Internal Affairs (MVD) for general crime, the National Security Service (SNB) for state-level crime, and the procurator's office for both types of crime. Civilian authorities generally maintained control of the MVD and the SNB, and maintained full control of the State Border Guard Service (SBGS). Some members of the security forces committed serious human rights abuses.

The country had an economy based on a mixed balance of agricultural and industrial production, and a population of approximately 5 million. The Government carried out progressive market reforms, although some intended reforms were not implemented fully. Gross domestic product declined by 0.5 percent. Foreign assistance played a significant role in the country's budget. Unemployed workers and government workers with low salaries or unpaid benefits continued to face considerable hardship. Pensions were paid, but the amount provided only for subsistence living. The average annual income was \$230, while the subsistence level income was estimated at \$366 per year. Sixty percent of the population lived below the poverty level. Corruption was pervasive and affected every segment of society.

The Government's human rights record remained poor and worsened in some areas; although there were improvements in some areas, it continued to commit numerous abuses. The Government severely limited citizens' right to change their government and democratic institutions remained weak. Members of the security forces at times beat and otherwise mistreated persons. Prison conditions remained very poor, but improved slightly during the year. Although impunity remained a problem, numerous MVD officials were dismissed or prosecuted for abuses or misconduct. There were many cases of arbitrary arrest or detention. Executive branch domination of the judiciary limited citizens' right to due process, and its interference affected verdicts involving prominent opposition figures. The Government restricted some privacy rights. The Government restricted freedom of speech and of the press, although it allowed an independent printing press and television station to begin operations. The Government used bureaucratic means to harass and pressure the independent media, some nongovernmental organizations (NGOs), and the opposition. The Government restricted freedom of assembly and freedom of association.

At times, the Government placed restrictions on some religious groups. Citizens were usually able to move freely in the country; however, the Government attempted to block the travel of citizens to politically significant events on several occasions. The Government continued to harass and pressure some human rights groups, although a government Ombudsman's Office actively worked to advocate for individual rights. Violence and discrimination against women were problems. Violence against children was a problem, and there were growing numbers of street children. Discrimination against ethnic minorities was a problem, as was child labor. Trafficking in persons was a persistent problem, which the Government took steps to address.

RESPECT FOR HUMAN RIGHTS

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

a. Arbitrary or Unlawful Deprivation of Life.—There were no reports of the arbitrary or unlawful deprivation of life committed by the Government or its agents; however, there was one death under suspicious circumstances.

The Osh Media Resource Center reported that Ernis Nazalov, a journalist in the southern part of the country who had been investigating government corruption, died in September under suspicious circumstances. *Vecherniy Bishkek*, an independent, pro-government newspaper, concluded that Nazalov drowned after falling into a canal following a wedding. Local authorities said an autopsy showed no signs of foul play; however, Nazalov's father reported that his son's body had knife wounds and a broken arm. An investigation was ongoing at year's end.

There was limited accountability for MVD forces that opened fire on groups of unarmed demonstrators in Aksy in March 2002, killing 6 and injuring 24. On May 16, a court overturned the convictions of the four police officers convicted of the killings in December 2002, although the officers were fired from their jobs and one other higher-ranking official was demoted. Procurator General Chubak Abyshkov was fired in October 2002, but during the year he was appointed procurator of the Chui Province. Citizens continued to call for higher-ranking officials to face accountability for the Aksy events (see Section 2.b.).

During the year, one person was killed by landmines laid by Uzbekistan forces in Kyrgyz territory in response to the Islamic Movement of Uzbekistan (IMU) incursions into both countries in 1999 and 2000 (see Section 1.c.).

In March, 19 Uighur (members of an Islamic Turkic group native to western China) citizens of China, who were traders, were killed during an attack on a Chinese bus. Authorities suspected two Uighur nationalist extremists, who were believed to be hiding abroad. An investigation remained ongoing at year's end.

By year's end, one suspect was in custody for the killing of a Chinese diplomat in 2002; he was undergoing psychiatric evaluation to see if he was fit to stand trial.

During the year, Uzbekistan border patrols shot eight Kyrgyz civilians, killing six persons and injuring two, in incidents near nondemarcated border areas.

b. Disappearance.—On September 7, Sadykjan Rahmanov, a Kyrgyz citizen and mullah of a mosque in the southern town of Uzgen, disappeared. Local police investigating the disappearance reported that a vehicle seen leaving the scene belonged to an officer of the Uzbek National Security Service. An investigation by the Institute for War and Peace Reporting (IWPR) also concluded that Rahmanov was likely kidnapped by the Uzbek National Security Service. Prior to 1993, Rahmanov lived in Namangan, Uzbekistan.

An international NGO reported that the Uzbek National Security Service abducted six Kyrgyz citizens in Kyrgyzstan. Local human rights advocates reported that there were 260 Kyrgyz citizens serving sentences in Uzbek prisons who were

kidnapped from Kyrgyzstan by the Uzbek Security Services. Most of these individuals had earlier lived and studied religion in Uzbekistan.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.—The Constitution prohibits torture, mistreatment, and inhuman or degrading punishment; however, police and SNB forces committed abuses including beatings and other mistreatment. At times, police used beatings to extract confessions. There were several credible reports that police beat human rights activists and demonstrators while in detention. The supervision of conditions for pretrial detainees was poor; police were supervised poorly, were not always paid promptly, and at times committed crimes.

On September 8, the Supreme Court overturned a lower court's acquittal of Belovodsk police officers for the 2001 torture and forced confession of a prisoner. At year's end, the case was pending further investigation and retrial by the garrison military court where it originated.

The police at times used force to disrupt opposition demonstrations (see Section 2.b.). There were reports that low-level officials harassed and discriminated against persons seeking asylum, including Uighurs, and on at least one occasion police beat a woman who was representing the Uighur community (see Sections 2.d. and 5).

Some corrupt police officers reportedly targeted homosexuals in Bishkek by extorting money through blackmail and intimidation. The NGO Oasis, which works for the protection of the rights of homosexuals, reported that such an incident occurred in October; the victim did not report the incident to the police, claiming that the police had failed to act on previous complaints he had made.

Prison conditions were very poor and included overcrowding, food and medicine shortages, poor health care/disease prevention facilities, and lack of heat and other necessities, although they improved slightly since their transfer to the Ministry of Justice (MOJ) in 2002. While the Directorate Supervising Penal Institutions (DSPI) reported that there were no deaths among prisoners due to malnutrition during the year, the MOJ reported that 20 percent of inmates died each year, primarily due to disease and malnutrition. However, during the year the state budget significantly increased the daily food allowance for prisoners from \$.20 to \$.50 (8 soms to 21 soms).

In August, Parliament adopted the law on Bodies and Institutions of the Penitentiary System, which provides for the primary principles underlying the operation of the penitentiary system. Based on the law, the DSPI developed the internal rules for correction facilities and two more documents regulating the work of prisons. The MOJ developed and enacted a new DSPI staffing pattern complying with international standards for penitentiary systems. The MOJ also reorganized the DSPI Executive Office and established a Medical Services Department. In addition, the DSPI, working with a number of international and local NGOs, established a Training Center for the staff of correctional facilities.

The tuberculosis incidence rate declined by 26.8 percent during the year (700 cases versus 956 in 2002), while the tuberculosis mortality rate declined from 439 to 205. During the year, 38 HIV cases were diagnosed in prisons; the total number of HIV infected prisoners is 102. The incidence of STDs declined to 454 from 479 in 2002. According to the Directorate, the total mortality rate among prisoners declined by 47 percent during the year: to 275 from 513 in 2002. Tuberculosis was the primary cause of death among prisoners, accounting for 90 percent of deaths.

The MOJ continued to oversee the non-SNB prisons. Prisoners detained by the SNB were kept in SNB facilities; after conviction they were held in a regular prison. During the year, the MOJ pursued a program of prison reform to train prison staff and improve the conditions of prisoners. According to officials from the DSPI, they began implementing reforms designed to: Ensure humane treatment of prisoners, bring prison conditions in compliance with international standards, introduce alternative punishments, and provide medical and social rehabilitation. The DSPI paid particular attention to improving conditions of underage and female prisoners. As part of these reforms, prisons were generally more accessible to international organizations.

Countrywide, 34 corrections facilities held approximately 17,500 prisoners. Many prisoners had serious diseases; approximately 2,500 prisoners had tuberculosis and 185 had HIV/AIDS. Male and female prisoners were held separately. Conditions in the women's prison were less overcrowded than in those for men, and inmates were allowed to perform menial labor to earn money needed to provide necessities. Juveniles were held separately from adults. There were no special facilities for political prisoners. Pretrial detainees were held separately from convicted prisoners. Pretrial detention facilities were extremely overcrowded, and conditions and mistreatment generally were worse than in regular prisons.

The law provides that 1-day in solitary confinement counts towards 2 days of a prison sentence. However, after approximately 1,000 days in solitary confinement, prison authorities moved opposition leader Feliks Kulov to a low-security prison, without reducing the length of his prison sentence (see Section 1.e.).

Prison visits by family members were at the discretion of the investigator during the investigation phase. After a conviction, family members were allowed to visit a prisoner regularly.

The Government usually permitted domestic and international human rights observers to visit prisons. The International Commission of the Red Cross (ICRC) reached an agreement with the MOJ in August 2002 allowing free access to visit detainees in prisons under its jurisdiction. The ICRC was allowed to visit detainees in SNB prisons and pretrial detention centers in accordance with the ICRC's standard procedures. However, the ICRC was not allowed to visit jailed opposition leader Feliks Kulov during the year (see Section 1.e.).

d. Arbitrary Arrest, Detention, or Exile.—The law and the Constitution prohibit arbitrary arrest and detention; however, police at times used ill-defined charges to arrest persons and could be bribed to release them.

The SNB handles state crimes and the MVD handles general crime. Within the MVD there are nine regional offices, one in each of the seven oblasts and the cities of Bishkek and Osh. Under them are town and local police departments. These regional offices and their sub-offices report to both the MVD and to their respective local authorities such as the Governors of the Oblasts and town mayors.

Impunity remained a problem; however, during the year numerous MVD officials were dismissed and prosecuted for various offenses, including corruption, abuse of authority, and police brutality. The MVD could not provide statistics on the number of police charged with brutality because the Criminal Code classifies "police brutality" under articles outlawing abuse of power and exceeding authority. According to the MVD, during the year, 73 criminal cases were opened against 110 police officers, of which 47 were for abuse of power or exceeding authority; 7 cases resulted in convictions, and 17 police officers were punished for taking bribes. Disciplinary actions were taken against 2,288 MVD employees, including 1,507 cases of negligence to official duties, 95 cases of being drunk while on duty, 36 cases of rude and tactless treatment of persons; 248 employees were fired and 122 demoted. Corruption, particularly the payment of bribes to avoid investigation or prosecution, was a major problem at all levels of the law enforcement organizations. Both the MVD and the SNB deal with corruption and organized crime.

In the spring, Ar-Namys co-Chair Emil Aliev claimed that police detained him briefly before releasing him due to lack of evidence. He reported that he was followed daily while driving his car but reported no other harassment.

The procurator's office determined who could be detained, arrested, and prosecuted. The procurator must issue an arrest warrant before a person may be detained, and there were no reports that this provision was abused. The Criminal Code permits law enforcement officials to detain suspects for 72 hours before releasing them or charging them with a crime. The Criminal Procedure Code requires notification of a detainee's family by the investigator within 12 hours of detention; however, this requirement often was not observed in practice. Persons arrested or charged with crimes had the legal right to defense counsel; if a suspect was charged, the procurator was required to advise defense counsel immediately. Defense counsel should be permitted to visit the accused within the first 3 days of incarceration; however, at times the accused did not see defense counsel until trial.

Human rights groups noted that children who were arrested usually were denied lawyers. Police often did not notify parents of children who were arrested, and generally neither parents nor lawyers were present during questioning, despite laws to the contrary. Children often were intimidated into signing confessions.

Economic crimes such as tax evasion, embezzlement, and theft of government property were common; prosecution for these crimes was rare but at times appeared to be directed at opponents of the Government.

The SNB, the MVD, and the General Procurator carried out investigations. The accused usually remained in detention while the procurator investigated and prepared the case for trial. The procurator had the discretion to keep the accused in pretrial detention for as long as 1 year, but there were regulations that provided for provisional release before trial. After 1 year, the procurator was required to release the accused or ask Parliament to extend the period of detention. There have been no known instances in which Parliament was asked to extend a detention.

The Government continued to express concern about groups that it viewed as extremist with either radical religious or political agendas. Security forces detained 89 persons during the year for membership in the illegal Hizb ut-Tahrir Islamic organization and distribution of its literature (see Section 2.c.).

Authorities detained some demonstrators during the year (see Section 2.b.).

On February 27, authorities detained Coalition for Democracy and Civil Society President Edil Baisalov against his will in a hospital for 4 days, beginning the day before a scheduled Freedom House conference on political freedom, allegedly for treatment of medical conditions that exempted him from military service.

Azimbek Beknazarov, a Member of Parliament, who was detained in January 2002 and held in pretrial detention until March 2002, was given a 1-year suspended sentence in May 2002 and resumed his parliamentary duties during the year.

In the past, the SNB arrested Uighurs on ill-defined charges; however, there were no reports of such arrests during the year (see Section 2.c.).

The law does not provide or prohibit forced exile, and there were no reports that the Government employed it in practice. The president of the Kyrgyz Committee for Human Rights (KCHR) went into self-imposed exile abroad in May (see Section 4).

e. Denial of Fair Public Trial.—The Constitution provides for an independent judiciary; however, the executive branch continued to dominate the judiciary. The courts were perceived widely as a rubber stamp for the procurator and for high-ranking government officials.

Very low judges' salaries led to a credible view among lawyers and citizens that all but a very few scrupulously honest judges were open to bribes or pressure. The Constitution gives the President the authority to appoint and dismiss judges. The President appoints judges at all levels, who must be confirmed by the lower house of Parliament. The President may dismiss judges on the Supreme Court and Constitutional Court only with the approval of a two-thirds majority of the lower house of Parliament. The Constitution provides that local laws determine provisions for dismissal of judges of local courts.

Cases originate in local courts; they can move to appeals courts at the district or regional level and finally to the Supreme Court. There are separate military courts and a separate arbitration court system that handled economic disputes.

The amended Constitution, adopted on February 2, increases the power of the Supreme Court, making it the highest judicial body for civil, criminal, and administrative judicial proceedings. It eliminated the highest court in the arbitration court system and transferred its powers to the Supreme Court. The Constitutional Court has responsibility for determining the constitutionality of laws, resolving disputes concerning the interpretation of the Constitution, and determining the validity of presidential elections. Under the new Constitution, the Constitutional Court can no longer intervene with actions of the Supreme Court, except in cases related to the Constitution. The new Constitution narrowed the jurisdiction of the Constitutional Court by eliminating access for citizens seeking to defend their rights. Only the President, Parliament, the Cabinet of Ministers, and the Central Election Commission can now appeal to the Constitutional Court. In its place, the Court was given specific authority to determine the constitutionality of activities by NGOs, political parties, and religious organizations.

Traditional elders' courts consider property and family law matters and low-level crime. Cases are submitted by agreement of the parties; decisions of elders' courts can be appealed to the corresponding municipal court. Local elders' courts are under the supervision of the procurator's office but do not receive close oversight since many are located in remote regions. The procurator, not the judge, is in charge of criminal proceedings. The procurator brings cases to court and tries them before a judge and two people's assessors. The court compares the facts as presented by the procurator and the defense and in most cases makes its decision after receiving all available information in each case. The court may render one of three decisions: Innocent, guilty, or indeterminate. If indeterminate, a case is returned to the procurator for further investigation. The decision of a court to return a case to the procurator for further investigation may not be appealed, and accused persons were returned to the procurator's custody, where they could remain under detention.

The law provides for defendants' rights, including the presumption of the innocence of the accused; however, such rights were not always respected. The judicial system continued to operate, in many cases, under Soviet laws and procedures in which there was no presumption of innocence and the focus of pretrial investigation was to collect evidence sufficient to show guilt. The Criminal Procedure Code provides for an unlimited number of visits of unlimited duration between an attorney and a client. Although official permission for such visits still is required, such permission usually was granted.

The law permits the accused and the defense counsel the right to access to all evidence gathered by the procurator, attend all proceedings, which were usually public, to question witnesses, and to present evidence. However, these rights were not always respected in practice. All members of the court had equal rights and

could question witnesses. Witnesses did not have to present their testimony in court; instead they could affirm or deny their statements in the procurator's files.

The Constitution provides terms for judges that range from 10 years for Constitutional and Supreme Court judges to 7 years for local judges. Judges of the highest courts are nominated by the President and approved by Parliament. The President appoints local court judges.

Under the revised Constitution, former presidents have criminal and civil immunity and cannot at any time be detained, searched, interrogated, or arrested. On June 26, Parliament passed a law extending immunity to the family of Akayev as recognition of his historic role as the country's first President. Judges enjoy limited immunity under the revised Constitution and they may only be arrested or searched if caught in the act of committing a crime. Prosecution of a judge requires the approval of the Supreme Court, and prosecution of a Supreme Court Judge requires consent of the legislature. In previous years, legislators used their parliamentary immunity to avoid being brought to court; however, a 1998 amendment to the law in theory limited their immunity to official acts only.

Defendants were afforded the same constitutional protections in both military and civilian courts, although military court proceedings could be closed to the public. A civilian could be tried in a military court if one of the co-defendants was a member of the military. Military court cases could be appealed to a military appellate court and ultimately to the Supreme Court.

In May, Tynchtyk Duulatov, a member of the political council of the Ar-Namys party, fled the country to avoid prosecution for kidnapping. The charges were likely politically motivated and stemmed from an incident that occurred while Duulatov was monitoring the polls on February 2 during the constitutional referendum. The alleged kidnapping took place when Ar-Namys election observers questioned an individual from a group that was engaged in multiple voting. After admitting on videotape to the observers that he was part of a group that authorities were bussing around to vote at multiple polling stations, the alleged victim said he was forcibly detained. Police questioned Duulatov at the scene and took him into custody on March 24 on charges of attempting to take a hostage. He was released on bail on March 27 and subsequently left the country.

Feliks Kulov, leader of the Ar-Namys Party and former parliamentary and presidential candidate, continued to serve concurrent sentences of 7 and 10 years for his abuse of power convictions in 2001 and 2002 that resulted from apparently politically motivated prosecutions (see Sections 1.c. and 1.d.). On August 15, the Supreme Court upheld Kulov's 2002 conviction; the Supreme Court had earlier upheld his 2001 conviction.

There were no reports of other political prisoners.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence.—The Constitution prohibits such actions; however, the Government at times violated these prohibitions. The Constitution prohibits unlawful entry into a home against the wishes of the occupant and protects a person's private life, privacy of correspondence, telephonic, and telegraphic communications; however, these provisions were not always respected in practice. The law and procedures require the General Procurator's approval for wiretaps, searches of homes, interception of mail, and similar acts; however, the procurator can give approval over the telephone for searches, which means that in such cases no written proof exists to verify that the search was approved. In certain cases, law enforcement officers can carry out a search first and then get approval within 24 hours. If approval was not given, any evidence seized is inadmissible in court.

Relatives and fellow villagers of political prisoner Felix Kulov reported SNB surveillance, harassment, and employment loss because of their alleged support for him. Authorities reportedly pressured employers to dismiss Kulov's supporters in Bishkek and his native village of Baitik.

The SNB continued to monitor the Uighur community (see Section 1.d.). There were unconfirmed reports by citizens active in politics or human rights monitoring that the privacy of their communications was violated. The Government continued to conduct widespread document checks of some foreigners. These checks often resulted in the detention and deportation of those who were not in the country legally (see Section 2.d.).

Organizational structures responsible for violations of privacy rights during the Soviet era largely remained in place.

Family members of Tynchtyk Duulatov, a member of the political council of the Ar-Namys party, reported that unidentified persons threatened them numerous times over the telephone and that police visited them several times during the year (see Section 4).

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Speech and Press.—The new Constitution and the law provide for freedom of speech and of the press; however, the Government restricted these rights. The new Constitution also prohibits censorship and compelling citizens to express their ideas or opinions. The law on mass media prohibits the dissemination of government and commercial secrets; inciting war, violence, or intolerance toward ethnic or religious groups; desecration of national norms, ethics, and symbols (such as the national seal, flag, or anthem); pornography; and encroachment on the honor and dignity of a person (libel).

Government newspapers, television, and radio continued to receive government subsidies, which permitted the Government to influence their coverage and to apply financial pressure on independent media by fostering unfair competition for scarce advertising revenue. Increasingly, individuals with close ties to the Government owned and controlled partly or fully news outlets.

There were approximately 25 to 30 newspapers and magazines with varying degrees of independence, including some that had only local circulation. Eight of these were state owned. The state printing house, Uchkun, was the primary newspaper publisher in the country, with several small presses located inside and outside of the capital.

The nongovernmental Media Support Center (MSC), which the Government registered in 2002, opened an independent printing press on November 14. The press was a full-service printing house focusing on newspapers. By year's end, the press was printing 4 politically oriented newspapers and 6 commercial newspapers.

During the year, the Government registered four new independent radio and television stations; by year's end, three had begun operating. However, the son-in-law of President Akayev was a partial owner of one of those outlets, Love Radio in Bishkek. Foreign media, including the British Broadcasting Corporation, Associated Press, Reuters, and Agency France Press, generally operated freely. However, Radio Azattyk, the country's affiliate of Radio Free Europe/Radio Liberty, reported that police harassed and detained its journalists in the past, particularly when reporting on demonstrations. A number of Russia-based media outlets, such as Rossiskaya Gazeta and Komsomolskaya Pravda, also operated freely in the country, but because they were registered with the MOJ the Government considered them local media.

The Government used its influence over printing and distribution of print media to impede the dissemination of information by the independent print media. In May, the Leninsky District Court in Bishkek confiscated 15,000 copies of Moya Stolitsa Novosti from the Uchkun printing press. That issue reportedly included articles on the commercial activities of the President's son-in-law and alleged violations of press freedom.

Unknown persons continued to commit acts of violence and intimidate members of the media. In September, freelance journalist Ernis Nazalov, who was investigating local government corruption, was found dead in a canal in the southern city of Osh, with some suspicion of foul play (see Section 1.a.).

On January 20, Alexandra Chernykh, a Moya Stolitsa Novosti journalist and daughter of the newspaper's chief editor Rina Prijivoit, was assaulted in the street. In June, a car belonging to Moya Stolitsa Novosti editor-in-chief Alexander Kim was set on fire. On October 16, two assailants attacked Abduvahad Moniyev, Osh-based reporter for independent Kyrgyz-language newspaper "Agym." Although the journalist recognized one of the attackers, the police did not actively pursue an investigation until the journalist made the case public. After the investigation began, one of the attackers came forward and filed suit against Moniyev stating that he started the fight. The journalist believed that he was attacked due to his independently written articles. In addition, southern journalists reported increasing harassment by Uzbek border guards when attempting to cross into Uzbekistan.

All media were required to register with the MOJ and wait for ministry approval before beginning to operate. The Media Law states that the registration process should take no longer than 1 month, but the process often took much longer. Part of the registration process included background checks on each media outlet's owner and source of financing, including international donor organizations. The Government denied registration to Moya Stolitsa in December.

Although the new Constitution prohibits censorship, government interference with independent television and radio stations continued. New processes were implemented requiring frequencies to be distributed on a competitive basis, which led to longer time periods before authorization to use a frequency was granted. In September, the Government created a media council to arbitrate government-media disputes, which consists of government and media representatives. Media organizations and journalists criticized the formation of the council. During the year, the Council urged the President to sponsor legislation that would introduce a fee on lawsuits

filed against media outlets and to decriminalize libel. At year's end, Parliament was debating both bills.

News reports on Pyramida television, which was the only truly independent television station in Bishkek, became less independent due to a new news director who used to work for government media and reportedly had close ties with government leaders. Pyramida also was involved in an ongoing dispute with the National Communication Agency over its broadcasting license.

Libel was a criminal, not a civil, action. The Government, acting through compliant courts, used the prohibition of material that encroaches on the honor and dignity of a person to harass and apply pressure on the independent media. Honor and dignity lawsuits filed by government officials against newspapers increased dramatically in the first part of the year on both the national and regional levels but decreased in the second half of the year following widespread international criticism of the practice. Since November 2002, 34 suits were filed against independent newspaper Moya Stolitsa Novosti. The total sum of court fines due to these suits was approximately \$100,000 (4,300,000 som); the high costs of these fines forced the newspaper to close on June 12. The newspaper reopened as MSN, and published its first issue on June 27. Kyrgyz Ordo newspaper, an opposition Kyrgyz-language newspaper, also closed during the year due to high court fines.

A local government official filed a lawsuit for libel against Alisher Toksonbaev, an Osh journalist with the NGO Protection of the Rights of Journalists, for a February article. The lawsuit, which was pending at year's end, was the thirty-fourth lawsuit against Toksonbaev since 1990.

There are no laws regarding Internet media. There were no credible reports that the Government censored or blocked access to the Internet. In March, Foreign Ministry officials sued the independent newspaper Obshestvennyi Rating for posting an anonymous letter on a website that detailed alleged professional irregularities within the Ministry.

The Government restricted academic freedom by removing from all public schools a locally written health teacher's manual prior to the start of the 2003–2004 school year. Schools had been using the book during the previous 4 school years. The Ministry of Education received complaints from parents about the text's discussion of HIV/AIDS and condom usage. The Ministry has not replaced the book with any other health text.

b. Freedom of Peaceful Assembly and Association.—The Constitution provides for freedom of assembly; however, on occasion the Government restricted this right in practice and used force to disrupt peaceful demonstrations.

The law and the new Constitution require that authorities receive notification of public gatherings and give authorities the right to prohibit gatherings under certain conditions. Permits are required for public marches and gatherings, which usually were available; however, in some cases authorities refused to issue permits to opponents or critics of the Government. At times authorities, including those at local levels, used these requirements to prevent rallies and demonstrations.

Rallies and demonstrations were held regularly in front of the White House, Parliament, and in other places. During the year, numerous protests, demonstrations, and pickets took place in different areas of the country, including Bishkek, Osh, Jalal-Abad, and Naryn. In most cases, demonstrations took place without interference from authorities; however, there were instances in which security forces forcibly disrupted demonstrations and meetings.

On May 16, 18 women from Aksy were proceeding to Government House in Bishkek to deliver a petition to President Akayev demanding prosecution of those responsible for the Aksy violence in March 2002 (see Section 1.a.). Police beat three women and detained the entire group for 10 hours for failing to have proper identification. The women staged a hunger strike through May 22 to express their continuing dissatisfaction with the impunity granted to the officers responsible for the incident.

In August, the Government denied prominent members of the opposition permission to hold a "kurultay" (public forum) in Bishkek, after allowing them to hold a kurultay in 2002. Local authorities allowed an alternative kurultay only in the southern city of Kerben, 300 kilometers outside of Bishkek, and the event took place on August 23.

In September and October, the Government denied investors in the defunct Renton Company permission to hold a demonstration in front of the President's Office, arguing that such a demonstration would disrupt public order. However, since October, the investors were allowed to hold other demonstrations, including one in front of the President's Office.

The Constitution provides for freedom of association; however, at times local authorities restricted this right in practice. The Law on Public Organizations—which

include labor unions, political parties, and cultural associations—requires registration of these organizations with the MOJ.

In May, the Government denied the Ar-Namys political party's application for space to hold a party conference. Also in May, nine participants at a peaceful meeting on "problematic border issues" were detained, two of whom were tried and fined \$23 (1,000 soms).

The new Constitution prohibits activities of foreign political parties and NGOs, including their representative offices and branches that pursue political goals. The OSCE expressed concern that this provision could limit domestic monitoring and human rights groups, in addition to political parties.

During the year, the Government required the Coalition for Democracy and Civil Society to reregister after it amended its charter in December 2002. On August 4, the MOJ used the constitutional provision on activities of foreign political parties to deny the Coalition's first application for reregistration, which it submitted in July. As part of the reregistration process, the Government required that the Coalition provide a list of all its members, which it did in August. The Government approved the reregistration on October 2, after four unsuccessful attempts. On August 13, the MOJ required the KCHR to apply for reregistration and accepted the registration of a splinter group with new leadership on September 24, thereby stripping the group of its leader and registration (see Section 4.).

The law on NGOs distinguishes them from political parties, labor unions, and religious organizations and lowers the required number of members for registration. The registration of an NGO requires at least 3 members; the registration of a political party requires at least 10. There was widespread domestic NGO activity throughout the country on issues ranging from human rights to environmental protection (see Section 4).

c. Freedom of Religion.—The Constitution and the law provide for freedom of religion, and the Government generally respected this right in practice; however, there were some restrictions on freedom of religion, particularly the activities of Islamic groups that it considered to be extremists and a threat to the country. Islam was the most widely practiced faith.

Since 2001 the Government worked with representatives of various religious faiths and NGOs to develop a draft law on religion. The draft law has been debated in the Parliament and passed two readings. The third reading is scheduled to occur during the spring 2004 session. Representatives of religious communities expressed concern that some Muslim believers could be named extremists under the law. In April 2002, the Central Asian Eparchy of the Russian Orthodox Church issued a statement strongly opposing the draft law, citing concerns that its passage would result in a flood of foreign missionaries.

The State Commission on Religious Affairs (SCRA) was responsible for promoting religious tolerance, protecting freedom of conscience, and overseeing laws on religion. Under the law, all religious organizations were required to register with the SCRA, which was required to recognize the registrant as a religious organization. Each congregation was required to register separately. Religious organizations, including religious schools, were required to register with the MOJ to obtain status as legal entities, which was necessary for them to own property, open bank accounts, and otherwise engage in contractual activities. Under the tax code, religious organizations were required to pay taxes on commercial activities. The Ministry's registration process was cumbersome, taking a month on average. In practice, the Ministry never registered a religious organization without prior registration by the SCRA.

Several religious organizations reported delays registering with the SCRA. The majority of these were small Christian congregations and Islamic organizations. All of them were eventually registered. According to the SCRA, it registered all churches that applied for registration during the year. The Church of Jesus Christ reported that 10 of its churches succeeded in registering by year's end, with another 6 applications pending.

The Government was concerned about political extremism disguised as conservative Islam, particularly Wahhabist interpretations. Armed incursions by militants of the IMU in the summers of 1999 and 2000 increased the Government's apprehension about radical Islam and the actions of its followers. The Government, leaders of the Russian Orthodox Church, and the Muftiate expressed concern over new religious movements posing a threat to stability, such as Hizb ut-Tahrir, the Unification Church, Falun Gong, and other Christian "sects." The Muftiate issued a fatwa (legal decree) denouncing the activity of Hizb ut-Tahrir in December 2002.

Religious leaders noted with concern that the SCRA frequently used the term national security in its statements. Law enforcement authorities, including the MVD and the SNB, often played a role in investigating religious organizations and resolv-

ing inter-religious disputes. Representatives of smaller churches, such as the Church of Jesus Christ, complained of government attempts to hamper their activities. However, a pastor of the Catholic Church denied that the Government had attempted to hamper the Church's activities during the year.

The arrest and prosecution of persons accused of possessing and distributing literature of the Hizb ut-Tahrir organization increased during the year. Most arrests occurred in the South and involved ethnic Uzbeks; those arrested typically were charged with violation of Article 299 of the Criminal Code, which prohibits the distribution of literature inciting ethnic, racial, or religious hatred. The SCRA chairman stated in 2002 that there were approximately 2,000 Hizb ut-Tahrir followers in the country. The MVD reported that during the year 89 persons were detained for distribution of Hizb ut-Tahrir literature.

In May, the head of the local administration closed six of the nine mosques in a Jalal-Abad district, claiming that they were on state-owned land and that their imams were preaching contradictory views, although he later reopened two mosques. Of the remaining seven, four were turned into housing for poor families, while the other three remained closed and unused. After their closure, he stated that he could monitor the remaining imams' activities and ordered the closed mosques' destruction, which began in October.

Members of the Church of Jesus Christ reported that government pressure was aimed at closing their Church. On August 15, the Ministry of Finance denied the Church's appeal of the demand of the tax inspectorate of Bishkek's Oktyabr oblast for payment of \$110,000 (4.8 million sums) on member donations to the Church. Authorities allegedly threatened to confiscate the Church's building as payment. The Church's pastor contended that the tax bill was an attempt to punish and shut down the Church because one-third of its 9,500 members are ethnic Kyrgyz, who are traditionally Muslim. In December, the Church reported that during a meeting between its representatives, Tax Police officials, and officials from the Tax Commission, they agreed with the Church that donations were not taxable and sent the case back to the Tax Inspectorate.

A number of missionary groups operated in the country. Missionary groups were required to register with the Government, and the SCRA registered 119 foreign missionary groups during the year. A missionary from Korea and 10 missionaries from Qatar were prohibited from further activities as missionaries for violating the law.

The Government expressly prohibits the teaching of both religion and atheism in public schools. In 2001, the Government instructed the SCRA to draw up programs for training clergy and to prepare methodologies for teaching about religion in public schools. These instructions came in response to concerns about the spread of Wahhabism and what the Government considered to be unconventional religious sects.

In December 2002, the Muftiate announced the formation of an expert commission to review and standardize Islamic educational literature printed and distributed in the country, the construction of mosques, and activity of Islamic groups.

In April, some teachers in the Jalal-Abad region at the Khamza school told children not to perform daily prayers, even at home. A teacher at the school harassed the children who admitted that they prayed at home by singling them out and hitting them on the head. Teachers at the Babur school in the Bazarkorgon district also told students not to pray.

In the spring, teachers in several schools in the Osh region prohibited pupils from wearing the religious headscarves (hijab) in school. At the Lomonosov school in the Karasuu district of the Osh Province, girls were prohibited from wearing hijabs. School authorities held meetings with students, where police threatened the girls with arrest if they continued to wear the hijab. After some of the parents sought assistance from the school principal, they were told that their children should leave school if they continued to wear the hijab.

There was anecdotal evidence of periodic tension between followers of conservative Islam and foreign missionaries in rural areas. Converts from Islam at times faced discrimination. Muslim and Russian Orthodox spiritual leaders defended such actions with criticism of nontraditional Christian groups' proselytizing activities. The SCRA chairman called for tolerance on all sides.

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

d. Freedom of Movement within the Country, Foreign Travel, Emigration, and Repatriation.—The Constitution provides for these rights, and the Government generally respected them in practice; however, certain policies continued to complicate internal migration, resettlement, and travel abroad.

The law requires that citizens have an official government permit (*propiska*) to work and settle in a particular area of the country. Applicants for such a residence

permit must file a request for registration with the local police and be able to prove that they have a permanent residence in the area. In addition, home and apartment owners can sell their property legally only to buyers with such permits. During the year, law enforcement agencies conducted sweeps and random checks to verify the proper registration of residents (see Section 1.f.). Authorities fined or imprisoned individuals without residence permits stamped in their passports. Local administrations tied the availability of utilities and social services to registration; individuals who did not register could be denied access to water, heat, light, subsidized health care, or schooling. The linkage between obtaining a residence permit and obtaining community services disproportionately affected the growing number of internal migrants. Many employers refused to hire applicants residing illegally.

A 2002 law on internal migration provides for an end to the travel permit system. The working group established to implement the new law met four times during the year, and by year's end had produced three regulations to supplement the law covering internal migration.

There is no law on emigration. The SNB reviewed all passport applications. There are no exit visa requirements and citizens can travel abroad without an exit visa; however, travel abroad requires an "international page" in one's passport. Unlike in previous years, travelers were not required to present letters of invitation to receive the page if they had never traveled abroad. After the validation of the passport, travel was unrestricted. The law prohibits emigration within 5 years of working with state secrets; however, there were no reports that anyone was barred from emigration under this statute during the year.

On October 31, the SNB refused to provide Dilbar Momunkulova's passport the "international page" required for foreign travel. An activist who protested impunity for the 2002 Aksy shootings, she was planning to attend an OSCE conference on torture in Vienna in November.

Although official figures were not available, press reports indicated that the emigration of both ethnic Russians and Russian speakers continued during the year, primarily as a result of the lack of economic opportunities. According to the International Organization for Migration (IOM), approximately 50,000 Kyrgyz labor migrants worked in Kazakhstan and 300,000 in Russia.

Emigrants were not prevented from returning to the country, and there reportedly was a small but steady flow of returnees.

The law provides for the granting of asylee or refugee status to persons who meet the definition in the 1951 U.N. Convention Relating to the Status of Refugees and its 1967 Protocol. In practice, the Government provided some protection against refoulement and granted asylum or refugee status. The Government cooperated with the office of the U.N. High Commission on Refugees (UNHCR) and other international humanitarian organizations in assisting refugees. UNHCR registered 116 Afghan asylum seekers, 7,047 Tajik refugees, 4 Uighur refugees and 2 Uighur asylum seekers, and 6 Iranian refugees. The Government registered all refugees, except the Uighurs and the Iranian refugees. The Government denied refugee status to 37 Afghans. All of the Iranians reportedly left for other countries.

During the year, there were 7,805 refugees, with an additional 625 whose applications were pending at year's end. The Government repatriated 73 Chechens to Chechnya and 28 Afghans to Afghanistan. An additional 29 Afghans were settled in a third country. In total, UNHCR closed 1,170 cases due to repatriation, naturalization, or resettlement.

According to the UNHCR and the Ministry of Foreign Affairs Migration Services Department, authorities provided temporary protection to 457 refugees from Chechnya. The Government did not grant Chechen refugees official refugee status, but it allowed them to obtain asylum seeker status, which provided them with some legal protection. Chechen refugees reported experiencing low-level harassment from law enforcement officials.

The UNHCR maintained programs to provide medical aid, legal advice, and other services to refugees. The UNHCR also worked closely with the Government to develop documents for legal protection.

The Government maintained new controls on the movement of some foreign nationals and conducted sweeps in order to find undocumented foreigners. During the year, a total of 85 undocumented foreigners, primarily Pakistanis, Indians, and ethnic Chinese and Uighur citizens of China were reportedly arrested for visa violations. Of the 85 arrested, 31 were deported. During the year, refugees and asylum seekers continued to be subject to heightened security measures. The UNHCR intervened in several cases on behalf of individuals detained by the MVD until their status could be determined and documented.

There were no reports of the forced returns of persons to a country where they feared persecution, although there were reports in earlier years of Uighurs opposed

to Chinese policies being repatriated forcibly to China where they feared persecution. According to the UNHCR, Uighurs remained at risk of deportation, particularly if they were involved with political and religious activities in China.

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

The Constitution provides citizens with the right to change their government peacefully; however, in practice, the Government restricted citizens' ability to do so.

A Constitutional referendum held on February 2 was highly flawed and marred by serious irregularities, as were parliamentary and presidential elections held in 2000. During the referendum, election observers noted widespread electoral violations and disputed the Government's turnout and vote count figures. Observed violations included: Manipulation of the ballot count, forged voting results, individuals voting multiple times, and individuals voting without documents. There were many occasions where election officials prevented independent observers from monitoring the election process.

After President Akayev announced the formation of a Constitutional Council made up of government officials and civil society representatives in 2002 to propose various amendments to the Constitution, the Council proposed numerous changes. These proposals were given to an Expert Group of government officials and legal scholars to finalize the work of the Constitutional Council and draft an amended Constitution that would be voted on as a referendum by a straight yes-or-no vote. The government-prepared final text of the amended Constitution differed significantly from what had been offered by the Constitutional Council, with many of the Council's recommendations ignored and many others added by the Expert Group. Observers criticized the new Constitution for strengthening the President's authority at the expense of the Constitutional Court and Parliament, which was scheduled to be reduced to a unicameral body after parliamentary elections are held in 2005. The new Constitution gives the President the authority to appoint and dismiss members of the Government and to dismiss Parliament.

President Askar Akayev continued to dominate the Government. The amended Constitution approved in February further increases the President's powers. Under the new Constitution he has a virtual veto on any legislative act and additional powers to dissolve the legislature, as well as immunity after leaving office. Nevertheless, on several occasions during the year President Akayev pledged publicly to honor the constitution and step down at the end of his current term in 2005. Despite constitutional limitations, Parliament has demonstrated a degree of independence by overriding two presidential vetoes of legislation.

October 2002 parliamentary by-elections in four electoral districts were generally orderly and competitive in three districts, but serious voting irregularities were observed in one district where the race was strongly contested. Irregularities included voting without identity documents, multiple voting using the supplemental list, and distribution of ballots upon presentation of a student card.

In 2000, President Akayev was elected to a third term as President. Although the Constitution specifies a 2-term limit for the President, the Constitutional Court ruled that Akayev could serve a third term because he had been elected to his first term under the Soviet-era Constitution. The Office of Democratic Institutions and Human Rights of the Organization for Security and Cooperation in Europe (OSCE/ODIHR) stated that international standards for equal, free, fair, and accountable elections were not met. The Government took steps to disqualify otherwise qualified candidates by charging and convicting them on questionable criminal charges. 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 and NGOs negatively influenced the fairness of the campaign.

In two rounds of parliamentary elections in 2000, four political parties were blocked from competing because their charters did not state specifically that they could compete in elections for state bodies. The OSCE noted that executive and judicial branch interference in the electoral process continued through the runoffs. A number of opposition candidates were harassed and opposition leader Felix Kulov was imprisoned on politically motivated charges, preventing him from being a candidate (see Sections 1.d. and 1.e.). Although there were improvements in overall election administration on the day of the vote, there were allegations of ballot tampering, government intimidation of voters, and harassment of campaign officials in the elections of a number of opposition leaders.

The Government continued to impede the functioning of opposition political groupings and the expression of opposition views in the media (see Section 2.b.). Opposition politicians and members of prominent NGOs reported incidents of harass-

ment and that officials harassed opponents who criticized the referendum (see Section 1.d.). The government-controlled printing press periodically refused opposition newspapers printing services, and journalists and media outlets faced libel suits from government officials (see Section 2.a.).

During the year, there were 43 registered political parties. The new Constitution prohibits election of candidates to the Parliament on the basis of party list voting. Some parties have criticized this provision as potentially weakening political parties.

The Constitution provides for parliamentary elections every 5 years. The amended Constitution approved in February will create a unicameral legislature with 75 deputies following the 2005 elections, which critics contend may weaken the Parliament. Deputies will be directly elected from geographic districts. Unlike the 2000 parliamentary elections, there will no longer be any seats distributed proportionally based on party lists. On December 25, Parliament adopted a new election code that the OSCE determined did “not establish a legal framework that provides for democratic elections.”

There were 7 women in the 105-seat legislature. Women held several high-level government posts, including the Chief Justices of the Constitutional Court and the Supreme Court, the Minister of Education and Culture, the Minister of Labor and Social Welfare, and the Governor of Issykul Oblast. The Democratic Party of Women participated in the parliamentary elections in 2000 and won two party seats, earning 13 percent of the party-list votes.

There were 19 seats in the legislature held by members of minority groups. Russians and Uzbeks were underrepresented in government positions, although members of minority groups held several top posts, including the Prime Minister, Minister of Agriculture, and Chief Justice of the Supreme Court. Russian-speaking citizens (those who do not speak Kyrgyz) alleged that a ceiling existed in government employment that precludes their promotion beyond a certain level and that, in elections in previous years, some otherwise qualified candidates were disqualified on the basis of exams, the fairness of which was questioned (see Section 5).

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

Human rights groups generally operated in a hostile environment and were faced with continuous government pressure to curtail their activities. Despite this pressure, most domestic independent human rights organizations, including the Coalition for Democracy and Civil Society, were able to continue investigating and publishing their findings on human rights cases.

After the Government registered the Coalition for Democracy and Civil Society, the Coalition reported that law enforcement officials intimidated and harassed its members, including through threatening telephone calls and visits to members' homes (see Section 2.b.). On September 30, an MOJ official reported obtaining letters of resignation of five Coalition members.

Members of KCHR reported that police were monitoring their offices and frequently visited them asking questions about the whereabouts of KCHR president Ramazan Dyryldaev.

Authorities harassed NGO members who criticized the constitutional referendum. NGOs reported that authorities compelled several dozen NGO leaders to sign letters recanting their past criticism of the referendum. On February 1, before the referendum, police detained KCHR activist Ryskeldi Mombekov and prevented him from observing the voting process. In April and May, government officials threatened Galina Kaisarova, a lawyer with the Helsinki Group, with the loss of her law license. In May, an unknown assailant attacked Dmitry Kabak, a human rights activist who monitored Kaisarova's trial.

In May, KCHR president Dyryldaev left the country again, saying he feared imminent arrest. By year's end, the Prosecutor General had reopened its investigation, but no charges were filed. On May 11, Dyryldaev was reelected as head of KCHR. On August 13, the MOJ required reregistration and accepted the registration application of a splinter group with different leadership and membership than the original. Dyryldaev, members of KCHR, and international NGOs protested that the Government used these tactics to strip the leadership and registration of the group's original membership. The Government used similar tactics against the group in 1999 and later reinstated the original leadership and registration of KCHR.

Authorities threatened criminal prosecution of and violence toward high-profile activists involved in human rights and civil society related NGOs and their family members. On March 5, during his father's lawsuit against the Prime Minister, the 10-year-old son of human rights activist Tursunbek Akunov was beaten up on the street (see Section 1.f.).

There was no action taken on the 2001 assault on the executive director of the Coalition for Democracy and Civil Society.

A number of international groups reported on human rights problems in the country, although none had offices in the country.

A pro-government NGO called the Association of NGOs worked closely with UNICEF on children's programs during the year. According to the Head of Penitentiaries, it also helped implement projects aimed at rehabilitating prisoners.

The Ombudsman's Office, created in 2002, actively worked to advocate for individual rights. The Office's mandate is to act as an independent advocate for human rights on behalf of private citizens and NGOs. The Ombudsman has the authority to recommend cases for review to courts, including the Constitutional Court and Supreme Court. On one occasion, the Ombudsman successfully appealed a wrongful dismissal case to a military court that the court had previously refused to hear. After review, the court ruled in favor of the plaintiff. The Ombudsman also appealed directly to the Supreme Court on behalf of the newspaper *Moya Stolitsa*, but was waiting for a reply from the court at year's end. During the year, the Ombudsman met with 857 persons to discuss complaints and received over 14,000 appeals on various matters. A large part of the Ombudsman's work was focused on prison reform; he appealed to the President to establish separate prison facilities for female minors and to improve TB testing and treatment for prisoners.

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

The Constitution provides for the rights and freedom of individuals and prohibits discrimination, including that based on language. The Government expressed a strong commitment to protecting the rights of members of all ethnic and linguistic groups, as well as those of women; however, in practice it did not always ensure these rights effectively.

Women.—The law specifically prohibits domestic violence and spousal abuse; however, violence against women, including domestic violence, remained a problem. Interior Ministry statistics indicated that during the year there were over 300 sexual crimes against women, but actual figures were probably significantly higher. Many crimes against women were not reported due to psychological pressures, cultural traditions, and apathy by law enforcement officials.

Activists noted that rape was becoming more common, although it was not clear whether the incidence of rape or only the reporting of such attacks was becoming more common. There were 247 rapes reported during the year. Authorities often ignored such attacks. There were reports that police raped women in custody. The Government did not take specific action to deal with this problem of violence against women.

Several local NGOs provided services for victims of domestic violence. Organizations involved with battered women also lobbied for new laws on domestic violence. The Association of Crisis Resolution Centers for Women and Children (ACRC) operated with continued support from the Soros Foundation. ACRC has member organizations in Bishkek, Osh, Jalal-Abad, Naryn, Batken, Cholpon-Ata, and Talas. Another center in Bishkek, Sezim, maintained a staff of lawyers, psychologists, and doctors and operated a crisis hotline for the public. Staff members conducted training, debates, and seminars on women's rights and family planning. Sezim opened a women's shelter in Bishkek in October. There also were internationally funded crisis centers in both Talas and Jalal-Abad. A crisis center in Naryn operated by the NGO Tendesh maintained a hotline to support women affected by violence and provided psychological, legal, and medical assistance.

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

Some rural inhabitants continued the traditional practice of kidnapping women and girls for forced marriage; the MVD reported that each year between 10 and 30 women were kidnapped and forced into marriage.

Sexual harassment is prohibited by law and is covered in the Criminal Code. Penalties range from fines to imprisonment.

Discrimination against women persisted. Family law prohibits divorce during pregnancy and while a child is younger than 1 year of age. The law gives equal status to women, and they were represented well in the work force, in professions, and in institutions of higher learning.

Women were prominent in law, medicine, accounting, and banking and played an active role in the rapidly growing nongovernmental sector. However, deteriorating economic conditions had a severe effect on women, who were more likely than men to lose their jobs. According to government statistics, the unemployment rate was 3.6 percent for women, compared with 2.6 percent for men. The average wages for women were substantially less than for men. Women with children under the age

of 16 accounted for approximately two-thirds of unemployed women. Women made up the majority of pensioners, who have felt the negative effects of the country's economic downturn, which led to inflation and the erosion of pensions that often were paid late. Women's groups expressed particular concern about the situation of rural women. With the end of communism, traditional attitudes toward women reasserted themselves strongly in the countryside, where women were relegated to the roles of wife and mother, and educational opportunities were curtailed. Data indicated that women were becoming less healthy, more abused, less able to work outside the home, and less able to dispose of their earnings independently.

The Congress of Women operated legal clinics for women throughout the country to help counsel women on legal issues and women's problems. The Mercy Center ran a program to find employment in handicraft production for mothers of large families. The Center for Women's Initiative, Aigerim, had programs to assist needy families. Over 200 NGOs dealing with women's problems operated in the country during the year. Women's organizations focused on violence against women, gender equality, women's reproductive health, women's involvement in politics, and education in women's rights. One NGO, Diamond Association, focused on promoting the participation of women in traditional courts of elders.

Children.—There were government programs, many of them financed from abroad, directed at improving the condition of children; however, the Government lacked resources to address fully basic needs for shelter, food, and clothing.

The country had a 97 percent literacy rate. The Constitution states that education is compulsory and free of charge for the first 9 years. The Law on Education and the Law on Protection of Children's Rights require that secondary education be free and universal.

Financial constraints prevented the Government from implementing free basic education for all students. Those families that kept their children in public schools had to pay burdensome administrative fees. Girls and boys attended school in equal ratios. According to UNICEF in 2002, the primary school enrollment ratio was 98 percent for both girls and boys. The secondary school enrollment ratio was 75 percent for boys and 83 percent for girls. The Criminal Code penalties for infringing on a student's right to obtain free secondary education range from receiving a public reprimand to 1 year of forced labor; the law penalizes parents who do not send their children to school or who obstruct their attendance. Many of those families who could afford it chose to send their children to more expensive private schools.

The Government has established two funds, Jetkinchek and Kadry XXI Veka (Cadres of the 21st Century), to provide educational benefits for low-income children and children with disabilities. Jetkinchek, a 1999 presidential educational program provided assistance such as pens, books, and clothes to low-income children. The program was primarily government-funded but received assistance from international organizations. Kadry XXI Veka was financed by international organizations and helped some youth continue their education abroad.

According to the Government, deaths from tuberculosis accounted for almost half of all deaths among infants under 2 years of age, and the incidence of tuberculosis and vaccine-preventable diseases such as diphtheria, polio, and measles continued to grow. A range of serious nutrition-related problems affected a large number of children, particularly in rural areas. According to UNICEF, approximately 11 percent of infants were moderately or severely underweight. The infant mortality rate was 20.1 deaths per 1,000 live births, and the under-5 mortality rate was 28.7 deaths per 1,000 live births. The Government provided health care for children. According to UNICEF, the Government financed 18 percent of routine vaccinations. The system of residence registration restricted access to social services, including healthcare and education, for children that belonged to certain groups, such as refugees, migrants, internally displaced persons, and noncitizens (see Section 2.d.).

Child abuse continued to be a problem. Traditional social safety measures were inadequate to cope with the social pressures that affect families. During the last 3 years, 36 persons were convicted for involving a child in prostitution, sexual actions, and for the production of pornography, and 10 persons were convicted for sale and trafficking of children.

There were increasing reports of abandonment due to parents' lack of resources to care for children, which led to larger numbers of children in institutions, foster care, or on the street. According to UNICEF, the children most at risk were those in these 3 categories, with 10- to 14-year-olds the highest-risk age group. State orphanages and foster homes faced a lack of resources and often were unable to provide proper care. The Kyrgyz Children's Fund (KCF) was particularly concerned about the growing number of street children, many of whom left home because of abusive or alcoholic parents or desperate economic conditions. The Government reported that the number of street children nationwide varied between 2,000 and

15,000 depending on the season of the year. UNICEF estimated there were 2,000 street children in Bishkek. The majority of street children found temporary shelter at bazaars and bus or train stations. Approximately 80 percent of street children were internal migrants (see Section 6.f.).

There were over 300 child inspectors (MVD policemen) in the country charged with enforcing the law with respect to juveniles, but the MVD reported that this was not sufficient for the workload (see Section 6.f.). Several government programs, such as "New Generation," "Youth," and the Special Program for Prevention of Homelessness and Juvenile Delinquency, addressed children's issues during the year. These programs focused on preventive work by the MVD Inspectorate, NGOs, schools, and the public, including identifying families where children are neglected or have criminal records, visiting and counseling families, and sweeping the streets for homeless children. Detained street children were either sent home (if an address was known) or to a rehabilitation center. The MVD maintained two centers, one each in Bishkek and Osh. Children were kept at a rehabilitation center for no more than 30 days, after which they were either sent back to their families, or, if needed, to orphanages. The two rehabilitation centers were in poor condition and lacked sufficient food, clothes, and medicines. The police took 1,203 street children either to their families or to rehabilitation centers during the year.

The KCF had one shelter in Bishkek to provide food, clothing, and schooling to approximately 30 children. The Svetlii Put shelter received training assistance from UNICEF and cared for 244 children during the year. The SOS Children's Village, funded by the Austrian organization Kinder Dorf International and other foreign and domestic organizations, cared for orphans. Approximately 120 children lived in this village, which offered housing and a kindergarten. KCF also maintained a Children's Village in Issyk-Kul Oblast with capacity for 120 children. In August, the Meerim Fund established the Altyn Balalyk (Golden Childhood) Village. At year's end, only part of the Village was operating, providing medical services for the near-by city of Cholpanata. The Village does not intend to accept orphans until 2004.

The forced marriage of underage girls is illegal; however, it has become more common, and authorities often tacitly approved this practice. Cultural traditions and social structures discouraged victims from going to the authorities.

Trafficking of children for prostitution and labor remained a problem (see Section 6.f.).

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

Human rights groups and the KCF monitored the condition of children and advocated for child rights. The Government's Commission on the Affairs of Under-Age Children, under the Office of the Prime Minister, worked as a focal point for the Government's activities to protect the rights of children and provided a forum for discussing and coordinating responses to children's problems.

The Government and its Commission continued to disseminate information regarding children's rights among both children and adults. The Ministries of Justice, Education, Culture, and Health, as well as the state television and radio company and various NGOs, also helped disseminate such information, including by translating information into Kyrgyz, Russian, and Uzbek to reach different segments of the population. The Children's Media Centre (CMC), a Bishkek-based NGO, produced magazine and video stories about children's rights and the situation of children in the country. Student journalists participating in the CMC were required to receive training on the main principles of the U.N. Convention on the Rights of the Child. The state-run television channel, KTR, donated airtime twice a month to the CMC's programs.

Persons with Disabilities.—The laws provide for convenient access to public transportation and parking for persons with disabilities, subsidies to mass media sources that make their services available to the hearing or visually impaired, and free plots of land for the construction of a home. The National Human Rights Program 2002–10, adopted by presidential decree in January, contains provisions for protection of the rights of children with disabilities.

In practice, few special provisions were in place to allow persons with disabilities access to transportation, public buildings, and mass media. In addition, persons with disabilities often had difficulty finding employment because of negative societal attitudes and high unemployment among the general population. The lack of resources made it difficult for persons with disabilities to receive adequate education. Social facilities for persons with mental disabilities were strained severely, because budgets have fallen and workloads remained heavy.

The Government provided support to a network of enterprises operated by the Society for Blind and Deaf and education programs for persons with disabilities. Numerous NGOs worked to improve conditions and provide services for children with disabilities.

National/Racial/Ethnic Minorities.—There were reports of discrimination in the treatment of citizens who were not ethnic Kyrgyz. Minorities alleged discrimination in hiring, promotion, and housing and that officials at all levels favored ethnic Kyrgyz. The latest statistical data released in August reflected the following ethnic breakdown of the population: 66.9 percent Kyrgyz; 10.7 percent Russian; 14.1 percent Uzbek; 1.1 percent Dungan (ethnic Chinese Muslims); and 1 percent Uighur. Other ethnic groups, including Tatars and Germans, comprised 6.2 percent of the population. Since independence more than 294,908 ethnic Russians and nearly 91,390 ethnic Germans have emigrated (see Section 2.d.).

Low-level authorities harassed and discriminated against Uighurs (see Section 2.d.). During the year, authorities beat Nadezhda Raimova for advocating on behalf of the Uighur community. Some Uighurs reported that police harassed and discriminated against them. In August, at an international conference on fighting crime and terrorism, Vice Prime Minister Kurmanbek Osmonov pointed to a growing threat from Uighur separatists who he alleged worked closely with international terrorists and their sponsors. The local Uighur cultural center protested the Vice Prime Minister's comments and accused him of attempting to "sow discord between general Kyrgyz society and ethnic Uighurs." Some Uighurs reported discrimination in employment and negative societal attitudes and media coverage of their community, although there was a large number of Uighur-owned small businesses and restaurants in Osh and Bishkek that operated without harassment during the year.

According to participants at a May conference sponsored by the Soros Foundation, the primary concerns of ethnic minorities in the country included limited representation in the executive branch of government, nationalistic attitudes, and biased media coverage. On July 20, Jalal-Abad businessman Kadyrjan Batyrov initiated an Assembly of Uzbeks to express demands for political representation at national and local levels and request greater cultural rights, such as Uzbek programs on state television and more Uzbek schools.

The Constitution designates Kyrgyz as the state language and Russian as an official language. It also provides for preservation and equal and free development of other languages spoken in the country. Kyrgyz increasingly replaced Russian, and the Government announced that by 2010 all government documents are to be in Kyrgyz. Russian-speaking citizens who do not speak Kyrgyz alleged that a ceiling existed in government employment that precluded their promotion beyond a certain level (see Section 3). In elections in previous years, some otherwise qualified candidates were disqualified on the basis of exams, the fairness of which was questioned. The Government did not take any action on a 2002 request by ethnic Uzbeks requesting that Uzbek be granted the status of a state language. University education continued to be carried out largely in Russian (although Kyrgyz instruction was available in some departments in some universities where textbooks were available), so that Russian-language capability remained an important skill for those who wished to pursue higher learning.

Section 6. Worker Rights

a. The Right of Association.—The Labor Law provides for the right of all workers to form and belong to trade unions, and there were no reports that the Government tried to obstruct the formation of independent unions. The Federation of Trade Unions (FTU), the successor to the former official union, remained the only trade union umbrella organization in the country, although unions were not required to belong to it. The Federation had 1.2 million members. According to the Federation, approximately 94 percent of workers in the country belonged to unions.

The Federation was critical of government policies, particularly privatization, and their effect on working class living standards. According to the Federation, the Government has taken no action in response to this criticism. Growing numbers of smaller unions were not affiliated with the umbrella organization. One of the largest of these was the Union of Entrepreneurs and Small Business Workers, with a membership of approximately 15,000.

The law protects union members from anti-union discrimination, and there were no reports of discrimination against persons because of union activities.

The law permits unions to form and join federations and to affiliate with international trade union bodies; however, no meaningful affiliation with international trade union bodies took place.

b. The Right to Organize and Bargain Collectively.—The law recognizes the right of unions to negotiate for better wages and conditions; however, there were no cases of workers exercising this right during the year. Although overall union structure and practice has changed only slowly from those of the Soviet era, there was growing evidence of active union participation in state-owned and privatized enterprises.

The Government set the minimum wage, after which each employer set its own wage level.

While the right to strike was not codified, strikes were not prohibited. There were no retaliatory actions against strikers, nor were there instances of abuse directed specifically at unions or individual workers. Between September 29 and October 2, the Trade Union of Merchants held a strike to protest the Government's decision to require all bazaar vendors to use cash registers. As a result of the strike, the Government held negotiations with the Trade Union and postponed the introduction of cash registers until December.

There are Free Economic Zones (FEZs) that are used as export processing zones. The minimum wage law does not apply to the approximately 3,000 workers in ordinary FEZs.

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

The press continued to report that citizens were forced to work without pay on tobacco farms in Kazakhstan. In August, an official delegation from the Kyrgyz Migration Service visited Kazakhstan and inspected the situation of Kyrgyz workers on tobacco farms. They found Kyrgyz workers who received very low salaries and were provided with inadequate housing, but did not find any evidence of persons working entirely without pay.

There were reports that patients in psychiatric hospitals were routinely used for unauthorized labor in hospital grounds and domestic service for doctors and local farmers. The patients allegedly did not have a choice to refuse and were only paid with food, not money. The NGO Mental Health and Safety was working with the Ministry of Health to develop programs aimed at improving conditions in psychiatric hospitals; however, no reforms had been enacted by year's end.

The law prohibits forced and bonded labor by children; however, some tobacco fields were located on school grounds, and schools required children to participate in the harvest (see Section 6.d.). The income earned went directly to the schools, not to the children.

d. Status of Child Labor Practices and Minimum Age for Employment.—The Labor Code provides for the protection of children from economic exploitation and from work that poses a danger to their health, or spiritual, physical, mental, or academic development. The minimum age for employment varied with the type of work, but was no lower than 14. According to the Labor Code, the minimum age for basic employment was 18. This was consistent with the age for completing educational requirements.

The Labor Code is contradictory in the requirements it sets for the minimum age of employment of children in work that could harm their physical and moral well being (such as employment in casinos, bars, and night clubs). Article 285 states that such work is prohibited for those under age 21; however, Article 319 prohibits such employment for those under age 18. The Government submitted legislation to resolve this contradiction by lowering the age to 18, but Parliament had not yet adopted the new legislation. The Labor Code permits children under the age of 16 to perform strenuous work with parental consent; however, minors younger than age 18 could not work in underground conditions. For children between ages 14 and 16, Article 319 sets the maximum daily hours of work at 5 to 7 hours, respectively; children under 16 could not work during night shifts. These laws also applied to children with disabilities who work. A 2002 decree banned the employment of persons under 18 in a wide variety of categories of employment involving difficult or dangerous conditions, including such sectors as the metal or oil and gas industries, mining and prospecting, food industry, entertainment, and machine building. The National Human Rights Program for 2002–10 also contains provisions aimed at eradicating exploitative child labor.

Child labor was a problem and was becoming more widespread both in towns and rural areas (see Section 6.f.). According to participants in a 2002 conference on child labor, child laborers were prevalent in the following sectors: Construction, prostitution, narcotics, tobacco, cotton, rice, cattle breeding, heavy industry, gasoline sales, car washing, shoe cleaning, retail sales of tobacco and alcohol, and work involving pesticides and chemicals. Since many children worked for their families or were "self-employed" in such occupations as selling newspapers, pushing handcarts at markets, and selling cigarettes and candy on the streets, it was difficult for the Government to determine whether their work schedules and environment conformed to government regulations. Families traditionally were large, and they considered it necessary at times for children to work at an early age to help support the family on its farm or in its business.

According to reports from various NGOs, child labor was particularly evident in the South. During the fall, classes were cancelled, and children were sent to fields to pick cotton. During the summer, children worked during the tobacco harvest and were involved in all steps of production from the actual picking of the leaves to the preparation for shipping. Schools required children to participate in the tobacco harvest—some fields were located on school grounds—and the income earned went directly to the schools, not to the children. Children also were involved in family enterprises such as shepherding, bread baking, selling products at roadside kiosks, and growing fruits and vegetables.

The procurator's office and the State Labor Inspectorate were responsible for enforcing employers' compliance with the Labor Code laws. During the year, the State Labor Inspectorate received \$45,000 (1,946,000 soms) in state budget funding and had 54 inspectors throughout the country. The Legislative Assembly's Committees of Health Protection, Women and Family, and Education, Science, and Cultural Affairs oversaw the legal protection of the interests of minors whenever new laws were discussed in Parliament. Compliance with the labor code was enforced by trade unions; however, given its budget constraints and lack of resources, the Government was unable to enforce the child labor laws adequately. Although those employers caught violating the Labor Code may be charged with disciplinary, financial, administrative, or criminal penalties, the punishment was usually minimal. In recent years, the State Labor Inspectorate usually conducted 15 to 20 child labor inspections annually. The Federation of Trade Unions also had the right to carry out child labor inspections when it received a complaint; there were no inspections during the year.

On December 30, the Government ratified International Labor Organization (ILO) Convention 182 on the worst forms of child labor.

The Government supported several social programs to prevent the engagement of children in exploitative child labor. Araket, a national poverty reduction program, provided financial support for low-income families. New Generation, a children's rights program, worked to define suitable working conditions for children and to introduce new methods of monitoring employers' compliance with labor legislation. New Generation's Mandate is scheduled to expire in 2010.

The Government undertook additional initiatives to help protect minors from forced labor; however, since the budget was facing severe funding constraints, many children who were entitled to receive help did not receive it.

e. Acceptable Conditions of Work.—The Government mandated the national minimum wage. During the year, the legal minimum wage remained approximately \$2.30 (100 som) per month. In practice, this wage was insufficient to ensure a decent standard of living for a worker and family. However, industries and employers generally paid somewhat higher actual minimum-level wages. Salaries in the health care field were among the lowest, averaging \$17 (714 som) per month. The Federation of Trade Unions was responsible for enforcing all labor laws, including the Law on Minimum Wages; minimum wage regulations largely were observed. Although, the enforcement of labor laws was nonexistent in the growing underground economy, market forces helped wages in the unofficial sector keep pace with official wage scales.

The standard workweek was 41 hours, usually within a 5-day week. For state-owned industries, there was a mandated 24-hour rest period in the workweek.

Safety and health conditions in factories were poor. A deterioration in enforcement of existing regulations continued to hamper investment to improve health and safety standards. The State Inspectorate of Labor was responsible for protecting and educating workers as well as informing business owners of their respective rights and responsibilities. The law establishes occupational health and safety standards, as well as enforcement procedures. Besides government inspection teams, trade unions were assigned active roles in assuring compliance with these laws, but compliance was uneven among businesses. The State Labor Inspectorate carried out inspections for all types of labor issues. Workers had the legal right to remove themselves from unsafe working conditions; however, in practice refusal to work in situations with relatively high accident rates or associated chronic health problems could result in loss of employment, although only if informal methods of resolution failed.

f. Trafficking in Persons.—The law prohibits trafficking in persons; however, trafficking was a persistent problem. Trafficking victims alleged that government officials facilitated, or were complicit in, trafficking.

On August 9, the Government passed an amendment to the Criminal Code to criminalize trafficking. Under the new law, trafficking in persons is punishable by up to 20 years in prison. Trafficking in persons, as defined by the new amendments, includes organizing illegal migration. Within 2 weeks of its adoption, the Govern-

ment launched two separate investigations into trafficking operations, which were ongoing at year's end. In October, one person was convicted and sentenced to 5 years in prison.

Other laws were used to prosecute traffickers for kidnapping, trading in children, recruiting persons for exploitation, coercion into prostitution, rape, and deprivation of freedom. The maximum sentence for those prosecuted under these laws was 15 years. During the first 8 months of the year, the General Procuracy investigated 19 cases of trafficking-related crimes under these laws and was prosecuting 12 alleged offenders.

In 2002, according to the General Procurator's office, there were 11 cases of trafficking in persons (under Articles 124 and 159 of the Criminal Code) and 4 cases of recruiting persons into prostitution and organizing brothels (under Articles 260–261 of the Criminal Code). The Government prosecuted 16 offenders, investigated specific cases of trafficking, and provided specialized training for trafficking investigations. The Government did not extradite citizens charged with trafficking in other countries.

In April 2002, a presidential decree authorized implementation of a national Anti-Trafficking Plan of Action, which created a national council responsible for coordinating government efforts to implement the program. However, the Government lacked adequate resources to implement many aspects of the program. The agencies involved in the National Anti-Trafficking Plan were the Ministries of Foreign Affairs, Interior, and Health; the National Security Service; the State Procurator's Department; the State Agency of Migration; and the State Committee for Tourism, Sport, and Youth Policy. The council recommended that the Government cooperate with other governmental ministries and departments, as well as with international organizations, NGOs, and Interpol. According to the local NGO Sezim, the General Procurator's Office cooperated in the past with Sezim and indicated a desire to increase cooperation. However, observers have stated that the Government's commitment to actively combat trafficking was intermittent. Some Ministries were more actively involved in the problem than others, and inadequate training of law enforcement officers in identifying and fighting trafficking in persons hindered their ability to effectively combat the problem.

Although there were no reliable estimates for the number of persons trafficked annually, the IOM reported that approximately 4,000 women and 7 boys were trafficked abroad in 1999. During the year, IOM also reported that it dealt with several cases of trafficking, and assisted with the return of approximately 250 trafficking victims to the country from abroad. The NGO Podruga reported that it received 1,289 calls to their hotline during the first 6 months of the year. The country was primarily a source and transit point for trafficked persons, although there were a few reports of the country being a destination for women trafficked as prostitutes. According to the IOM, the country has become a transit point for individuals trafficked mostly from South Asia, China, and Afghanistan to the West. The exact number of those in transit was unknown. The country was a source for trafficked women and girls, largely to the United Arab Emirates, Turkey, and South Korea for the purpose of prostitution.

The IOM reported some instances of trafficking of children for prostitution and labor (see Section 6.d.). A flourishing sex trade draws girls as young as age 10 from destitute mountain villages. According to the IOM, the sex trade involved trafficking abroad. The extent of this problem was unknown.

According to the Osh Migration Service, hundreds of destitute southerners have been trafficked to Kazakhstan as forced laborers on tobacco plantations, although figures were unavailable. An agreement drafted by the Legislative Assembly Committee on Kyrgyz Labor Migration, aimed at protecting the rights of Kyrgyz laborers in Kazakhstan, was passed in 2002.

Groups targeted by traffickers included young under- or unemployed women who were unable to earn a living, particularly ethnic Slavic women under the age of 25. Poor economic conditions, high unemployment, particularly in the South, and gender inequality made young women and poor workers vulnerable to traffickers who exploited them by offering lucrative jobs or marriage offers to rich men abroad. Often women were lured abroad, via newspaper advertisements or announcements over the loudspeakers in the local bazaars. Women responding to job offers for waitresses, au pairs, or dancers could find themselves abroad without documents or money for return tickets and forced to work for their traffickers.

The IOM reported that traffickers were often persons who previously operated local prostitution networks. Trafficking victims reported that often their recruiter was a relative or close family friend. The victims also reported that trafficked individuals often became recruiters in the hopes of making more money. Recruiters used networks of returnees, family members, and friends to recruit victims. The IOM also

indicated that tour agents, restaurants, and nightclubs supplemented their activities by providing young women to foreign prostitution rings. The Government began actively investigating firms that send individuals to work abroad to ensure they are in compliance with licensing laws. According to Osh-based NGO Golden Goal, three out of the five companies the NGO has identified as illegally sending individuals abroad have been closed down. There were no trafficking firms discovered during the year.

Observers believed that some government authorities might have facilitated or otherwise been complicit in trafficking activities.

Trafficking victims reported that, upon arrival in their destination country, their identification documents were taken away. Some reported that they were punished with gang rape if they tried to resist or escape and were denied medical treatment.

There were no reports that the Government deported foreign victims of trafficking during the year. According to an NGO, TAIS-Plus, three Uzbek women who had been sex workers were deported to Uzbekistan in 2001. The IOM reported that women working in the UAE were deported to Azerbaijan. Many of those who transited the country were abandoned by the traffickers and lived in hiding out of fear of being discovered by authorities. The OSCE and IOM reported that many of those who returned from commercial work overseas stated that they were forced to pay bribes to law enforcement officials to avoid imprisonment. According to NGOs, the Government did not assist trafficking victims, including those repatriated, with any special services or care facilities; nor did it provide funding to foreign or domestic NGOs for services to victims.

International NGOs that were involved in trafficking issues included the IOM, the OSCE, and UNICEF. The IOM conducted a series of workshops for law enforcement officers. A number of NGOs—including Women's Support Center, TAIS-Plus, New Chance Sezim and Podruga—provided legal, medical, and psychological counseling and assistance, and economic aid to trafficking victims. In November, Sezim opened a shelter in Bishkek for trafficking victims. IOM was searching for a local implementing partner to open a shelter in the South. Several media articles, public service announcements, and a traveling theater show publicized the dangers of working abroad, and posters on public transport raised public awareness of the problem.

The IOM, OSCE, and local organizations sponsored various preventive programs. In January, the OSCE and IOM produced anti-trafficking public service announcements. The IOM held numerous roundtables and workshops to increase awareness among the government, nonprofit, tourism, and media sectors. The Women's Support Center distributed brochures in Kyrgyz and Russian targeting women who might be approached about going abroad. Sezim had a reporter on staff who worked to place articles in Kyrgyz-language print media.

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, and Parliament elected Vaira Vike-Freiberga to a second 4-year term in June. The October 2002 elections for the 100-seat Parliament and the September national referendum on accession to the European Union (EU) were free and fair. The Constitution provides for an independent judiciary; although there was some improvement in the judiciary, significant problems, including inefficiency and allegations of corruption, remained.

Civilian authorities generally maintained effective control of the security forces, which consist of the national police and other services, who are subordinate to the Ministry of Interior; municipal police who are under local government control; the military Counterintelligence Service and a protective service, which are under the Ministry of Defense; and the National Guard, an element of the armed forces. Some members of the security forces, including police and other Interior Ministry personnel, committed human rights abuses.

The economy was largely market-based, although some large utility companies remained in state hands, including the national electric company and railroads. The country has a population of approximately 2.3 million. Three-fourths of employment and 70 percent of gross domestic product were in the private sector. The currency remained stable and was traded freely, unemployment was 8.5 percent, annual inflation was 3.5 percent, and the growth rate was 7.4 percent for the first 9 months of the year.

The Government generally respected the human rights of its citizens and the large resident noncitizen community; however, there were problems in some areas.

Members of the security forces, including the police and other Interior Ministry personnel, sometimes used excessive force and mistreated persons, which the Government took disciplinary measures to address. Prison conditions remained poor, but facilities for long-term convicts improved. Lengthy pretrial detention was a problem. The judiciary was inefficient, sometimes corrupt, and did not always ensure the fair administration of justice. Societal violence against women remained a problem. Child abuse and prostitution were problems. There were some reports of discrimination on the basis of ethnicity. Trafficking in women and girls for the purpose of prostitution was a growing problem.

RESPECT FOR HUMAN RIGHTS

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

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

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

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

The National Human Rights Office (NHRO) responded to four 2002 allegations of police brutality and found that the Interior Ministry investigated and resolved the complaints. One high-profile case, in which four policemen were accused of beating a suspect to death in 2002, was heard in court but resulted in an acquittal due to lack of evidence. The State Police had earlier imposed administrative penalties against the officers and dismissed them from the police force.

The Government took action against those responsible for the abuse of prisoners. The NHRO reported no complaints of torture or inhumane treatment of prisoners.

Prison conditions remained poor, although there were improvements, and progress continued in renovating older facilities. The NHRO expressed concern about short-term detention facilities. There were 28 short-term facilities in the country designed to house detainees for no more than 72 hours. The NHRO stated that conditions such as poor ventilation, and damp, dark, and dirty cells violated human rights standards in at least half of these centers.

Prison overcrowding lessened. The Central Prison Administration reported overall prison occupancy at 90 percent of maximum capacity during the year: 86 percent for pre-trial detention facilities, 93 percent for post-conviction prisons, and 64 percent in prison hospitals.

Female prisoners were held separately from male prisoners, and juveniles were held separately from adults. During the year, juveniles were moved from the substandard Brasas Detention Facility to a newly renovated facility at the Riga Central Prison. Persons in pretrial detention (43 percent of the total prison population) had limited contact with outside nongovernmental organizations (NGOs) or family and suffered from considerably worse living conditions than prisoners in general. Pretrial detainees were held separately from convicted criminals.

The Government permits independent human rights observers to visit prisons. Domestic groups, such as the Latvian Center for Human Rights and Ethnic Studies, closely monitored prison conditions during the year.

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

The national police and other services, such as the Special Immigration Police and the Border Guards, are subordinate to the Ministry of Interior; municipal police are under local government control; and the National Guard, an element of the armed forces, also assists in police activities. Allegations of corruption and bribe-taking within law enforcement ranks were frequent and affected the public's perception of police effectiveness. The Government's anti-corruption campaign platform extends to police abuses, and the Interior Ministry instituted organizational reforms to target police misconduct more effectively. During the year, Security Police opened corruption-related criminal cases against 24 law enforcement officials, including 18 police officers.

The law requires the Prosecutor's Office to make a formal decision whether to charge or release a detainee within 72 hours after arrest. Charges must be filed within 10 days of arrest. The courts have responsibility for issuing arrest warrants. Detainees have the right to have an attorney present at any time. These rights are subject to judicial review but only at the time of trial.

Lengthy pretrial detention was a problem. According to Ministry of Interior personnel, detainees awaiting trial spend an average of 2 years in prison. The Criminal Procedures Code limits pre-trial detention to no more than 18 months from the first

filing of the case. The problem of lengthy pretrial detention of juveniles lessened, as courts enforced a 6-month limit for detaining juveniles prior to trial. Longer-term detention requires special circumstances and a court order. The number of minors in pre-trial detention decreased to 239, representing 7 percent of all detainees.

Both the NHRO and the Latvian Center for Human Rights and Ethnic Studies (LCHRES) studied and visited closed institutions during the year, including prisons, mental hospitals, and detention camps for illegal immigrants.

Illegal immigrants were held at the Olaine Detention Camp for Illegal Immigrants. According to an LCHRES report, the camp's physical conditions were acceptable, but the detainees (numbering 34 in April) did not have access to information about their rights and had limited recreation opportunities.

The law prohibits forced exile, and there were no reports that the Government employed it.

e. Denial of Fair Public Trial.—The Constitution provides for an independent judiciary, and the Government generally respected this provision in practice; however, while training and increased compensation resulted in some improvements in the quality of the judiciary, significant problems, including inefficiency and allegations of corruption, remained. The Constitution provides for the right to a fair trial, and an independent judiciary generally enforced this right.

The judicial system is composed of district (city) courts; regional courts, which hear appeals from district courts; the Supreme Court, which is the highest appeals court; and the seven-member Constitutional Court, which hears cases regarding constitutional issues at the request of state institutions or individuals who believe that their constitutional rights were violated. For more serious criminal cases, two lay assessors join the professional judge on the bench at the district and regional levels.

Corruption in the judicial system was allegedly widespread. The Prime Minister campaigned on an anti-corruption platform and continued to stress the theme during the year. The Anti-Corruption Bureau became operational in February, but its effectiveness was limited due to leadership changes and political turmoil. The Bureau's two most significant cases included an investigation of the Health Minister, resulting in his dismissal and a bribery investigation against a prosecutor.

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 lack of an effective bailiff or sheriff system. The law allows for alternative punishments, including community service; however, the courts rarely used alternative punishments.

A time-consuming judicial process, the lack of plea-bargaining, and a shortage of judges have so overloaded the courts that the average case takes 2 years to reach judicial review, which led to lengthy pretrial detention (see Section 1.d.). The NHRO received 273 complaints during the year regarding slow judicial proceedings. To address these problems, the Cabinet of Ministers approved a new criminal procedures code, which was pending parliamentary acceptance.

Court decisions were not published systematically, and there was no centralized index for those that were 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 lends funds to indigent 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 prohibits such actions, and the Government generally respected these prohibitions in practice.

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Speech and Press.—The Constitution provides for freedom of speech and of the press, and the Government generally respected these rights in practice. The Press Law prohibits censorship of the press or other mass media; however, the Law on the Media contains a number of restrictive provisions regulating the content and language of broadcasts. The Law on Radio and Television requires that at least 51 percent of television broadcasts must be of European origin, of which 40 percent should be in the Latvian language; however, these provisions were not always implemented.

Both Latvian and Russian language newspapers published a wide range of political criticism and viewpoints. Most newspapers and magazines were owned privately. A large number of independent television and radio outlets broadcast in both Russian and Latvian, and the number of persons receiving satellite television broadcasts continued to increase.

The Government generally did not restrict access to the Internet and did not restrict academic freedom.

b. Freedom of Peaceful Assembly and Association.—The Constitution provides for freedom of assembly, and the authorities may not prohibit public gatherings; however, organizers of demonstrations must provide advance notice to local authorities, who may change the time and place of public gatherings for such reasons as fear of public disorder. The law also requires protesters to remain specified distances from foreign diplomatic missions, the Parliament, the Prosecutor's Office, and certain other public institutions. Independent human rights organizations argued that the law's provisions were contradictory and confusing. Nevertheless, numerous demonstrations took place peacefully and without government interference during the year.

In September, the Riga City Council refused a permit for a demonstration against proposed language reforms in schools. The proposed reforms reduce the number of classes taught in Russian at Russian-language schools. The organizers of the demonstration renamed their event a "political party" meeting, which did not require a permit. The demonstration occurred peacefully and attracted several thousand participants. Parliamentary deputies from a nationalistic party later introduced legislation to remove the provision permitting mass political party meetings; there was no decision on the proposal by year's end.

The Constitution provides for freedom of association, and the Government generally respected these rights in practice; however, the Law on Registering Public Organizations bars the registration of Communist, Nazi, or other organizations whose activities would contravene the Constitution. Noncitizens may join and form political parties, but there must be at least 200 citizens in the party, and at least half of the total membership must be citizens (see Section 3). More than 40 political parties were registered officially.

c. Freedom of Religion.—The Constitution provides for freedom of religion, and the Government generally respected this right in practice; however, bureaucratic problems for minority religions persisted.

There is no state religion; however, the Government distinguishes between "traditional" (Lutheran, Roman Catholic, Orthodox, Old Believers, Baptist, and Jewish) and "new" religions.

Although the Government does not require the registration of religious groups, the law accords religious organizations certain rights and privileges when they register, such as status as a separate legal entity for owning property or for other financial transactions, as well as tax benefits for donors. Registration also eases the rule for public gatherings.

According to Ministry of Justice officials, most registration applications are approved once proper documents are submitted; however, the law does not permit simultaneous registration of more than one religious union (church) in a single confession, and the Government has denied applications on this basis.

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 remained cumbersome; however, difficulties in this area diminished as officials worked to address 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 criticized this provision.

The law provides that religion may be taught to students in public schools on a voluntary basis only by representatives of the Evangelical Lutheran, Roman Catholic, Orthodox, Old Believers, Baptist, and Jewish religions. The State provides funds for this education. Students at state-supported national minority schools also may receive education on the religion "characteristic of the national minority" on a voluntary basis. Other denominations may provide religious education in private schools only.

Relations between the various religious communities were generally amicable. Ecumenism remains a new concept in the country, and traditional religions have adopted a reserved attitude toward the concept. Although government officials encouraged a broader understanding of and acceptance of newer religions, suspicions remained regarding newer nontraditional faiths.

On September 17, vandals overturned tombstones and sprayed anti-Semitic graffiti on the walls of Riga's New Jewish Cemetery; national leaders condemned the act and city authorities quickly repaired the damage.

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

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

The law stipulates that registered permanent resident noncitizens enjoy the right to establish and change residences, travel abroad, and return to the country, and provides for the issuance of a noncitizen travel document that certifies these rights; however, certain rights are denied to noncitizen residents (see Section 3). They are prohibited from working as armed guards or criminal trial attorneys. Noncitizens may own land only under complex procedures and may not purchase land in the border zones. The Government has readmitted noncitizens who claimed refugee status in a foreign country or who voluntarily abandoned their permanent residence and then decided to return to the country to live and work. Noncitizens who left the country as refugees during the Soviet era had no difficulty returning on foreign refugee travel documents for business reasons or for family visits. The Government also extends protections to noncitizen residents who travel abroad.

The law provides for the granting of refugee status or asylum to persons who meet the definition in the 1951 U.N. Convention Relating to the Status of Refugees or its 1967 Protocol. In practice, the Government provided protection against refoulement and granted refugee status or asylum; it also provided temporary protection to certain individuals who did not qualify as refugees or asylees. The Government cooperated with the U.N. High Commissioner for Refugees (UNHCR) and other humanitarian organizations in assisting refugees. Special immigration police and border guard units help prescreen asylum requests. Decisions of the Citizens and Migration Affairs Office may be appealed to the Asylum Appeals Board in the Ministry of Justice. Five people (three from Georgia and two from Russia) sought but were not granted asylum, and there were eight persons in the country with refugee status.

The State Border Guards reported that 989 people were apprehended at the border. An additional 162 illegal workers were detained. During the year, 178 illegal immigrants departed voluntarily, and 301 were deported. The Government has approached the governments of Russia and Belarus about concluding refugee readmission agreements, the lack of which posed a major barrier to effective control of the eastern border; however, no agreements had been concluded by year's end.

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

The Constitution provides citizens with the right to change their government peacefully, and citizens exercised this right in practice through periodic, free, and fair elections held on the basis of universal suffrage. Free and fair elections for Parliament were held in October 2002, and 72.5 percent of eligible voters participated. Candidates from 6 of the 20 participating parties, representing a broad political spectrum, won seats in Parliament. In June, the Parliament elected the President. Reform of the country's political and economic structure led to an invitation in 2002 to join the EU in May 2004.

The election law prohibits persons who remained active in the Communist Party or various other pro-Soviet organizations after January 1991, or who worked for such institutions as the former Soviet Committee for State Security, from seeking elected office. Only citizens have the right to vote in national and local elections; many ethnic Russians are citizens and may vote (see Section 5). Noncitizens may join and form political parties, but there must be at least 200 citizens in the party, and at least half of the total membership must be citizens (see Section 2.b.). The U.N. Racial Discrimination Elimination Committee recommended that the country consider granting long-time noncitizen residents the right to vote in municipal elections.

In April, the European Commission on Human Rights agreed to hear a petition by human rights campaigner and political activist Tatyana Zhdanok, a former Communist who contends that her human rights were violated when she was barred from running for parliament. In addition to being unable to run for parliament, Zhdanok's preexisting mandate on the Riga City Council was cancelled in 1999.

There were 18 women in the 100-member Parliament, which was chaired by a woman. There were 3 women in the 15-member Cabinet of Ministers. The President was a woman.

There are no ethnic restrictions on eligibility to hold political office. Nonethnic Latvians, including ethnic Russians and Poles, served in various elected bodies.

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

A growing number of domestic and international human rights groups devoted to research and advocacy on human rights issues, including prison conditions and women's and children's rights, generally operated without government restriction. Several organizations dealt with issues of concern to local noncitizens and other nonethnic Latvians and presented such concerns to the courts and the press. The Government engaged in dialogue with NGOs working on human rights issues and was generally responsive to their views.

The NHRO is an independent governmental institution with a mandate to promote human rights, provide information on human rights, investigate individual complaints, and initiate its own investigations into alleged violations. The office acted as a general ombudsman on social issues and handled a variety of individual complaints, primarily concerning problems with receiving social benefits.

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

According to the Constitution, all citizens are equal under the law. The Constitution specifically provides for protection from discrimination due to race, sex, language, or disability.

Women.—Although no overall statistics were available, observers reported that domestic violence against women, often connected with alcohol abuse, was significant and underreported. Police statistics for domestic violence were grouped in more general categories, such as assault or battery. The Criminal Code specifically criminalizes rape but does not recognize spousal rape. During the year, 106 rape cases were reported. Victims of abuse often were uninformed about their rights and were reluctant to seek redress through the justice system. Human rights groups asserted that the legal system, including the courts, tended to downplay the seriousness of domestic violence and that the police were reluctant at times to make arrests in such cases.

There were no shelters designed specifically for battered or abused women. There was one shelter in Riga where homeless women with children may reside for up to 2 months. There are no specific rape or assault hot lines; however, NGOs managed two crisis hotlines.

Prostitution is legal (although procuring is not), but the NHRO reported that adult prostitutes had no legal protections. Prostitution was widespread and often was linked to organized crime. The Government estimated that 3,000 persons worked as prostitutes. There were no state institutions to assist prostitutes; however, the private Latvian Center for Gender Problems provided medical help and social support for prostitutes. Trafficking in women for prostitution was a problem (see Section 6.f.).

Sexual harassment of women in the workplace, although illegal, reportedly was common. Cultural factors tended to discourage women from coming forth publicly with complaints of abuse.

Women possess the same legal rights as men. The Labor Code bans employment discrimination; however, in practice women frequently faced hiring and pay discrimination, especially in the emerging private sector. The Labor Code also prohibits women from performing "hard jobs or jobs having unhealthy conditions," which are specified in a list agreed upon by the Cabinet and labor unions.

The labor law prohibits work and pay discrimination based on gender and requires employers to set equal pay for equal work. The law also defines workplace gender-based discrimination.

Women's advocacy groups grew in size and number and were involved in finding employment for women, lobbying for increased social benefits, and assisting victims of domestic abuse.

Children.—The law on the rights of the child and constitutional provisions on children provide various protections, including health care and legal protections against physical abuse; however, these provisions were not enforced fully in practice. Schooling is mandatory through the 9th grade, between the ages of 7 and 16, and free through the 12th grade, or age 18. Despite the existence of laws on mandatory education, truancy was widespread and growing. There is a national Center for the Protection of the Rights of the Child. A few children's advocacy groups were active, particularly in lobbying for legislation to protect children's rights and for increased welfare payments for children.

Evidence suggested that abandonment and child abuse, including sexual abuse, were relatively widespread. Law enforcement authorities have won court suits to remove children from abusive parents and secured convictions in child molestation cases.

The Dardedze Center Against Abuse in Riga continued to provide support to abused children. The center offered multidisciplinary treatment and rehabilitation to victims of child abuse and their families. The center also has a forensic interview room where victims can be interviewed in a secure environment and their testimony directly transmitted to a courtroom.

Child prostitution was a problem. An estimated 12 to 15 percent of prostitutes were between the ages of 8 and 18. Constitutional and statutory protections for children were enforced only sporadically in the case of child prostitutes.

Trafficking in young girls for prostitution abroad remained a problem (see Section 6.f.).

Persons with Disabilities.—The Constitution provides for the protection of persons with disabilities against discrimination; the law provides for their right of access to public facilities. Provisions in the Labor Law and other laws aim to protect persons with disabilities from bias in the workplace and from job discrimination. There was no governmental or societal bias against persons with disabilities. The Government supported special schools and funded publication of a guidebook with information for persons with disabilities.

The law requires buildings to be accessible to wheelchairs; however, the Government did not enforce the law uniformly, and most buildings were not wheelchair accessible. However, some larger cities, including Riga and Ventspils, have undertaken an extensive wheelchair ramp building program at intersections.

No law documents the rights of persons with mental disabilities, nor is there a mechanism for appealing compulsory admission and treatment for mental illness. In March, the LCHRES and the Mental Disability Advocacy Centre (Budapest) stated that “the review procedure for detention on grounds of mental disability fails to meet human rights standards, the criteria for compulsory admission into psychiatric institutions are too broad, and the provisions on consent to treatment does not meet international principles.” The NHRO further stated that committed patients suffered abridged rights that prevented them from corresponding with relatives and placed arbitrary restrictions on freedom of communication.

National/Racial/Ethnic Minorities.—There was public debate about the existence of discrimination on the basis of ethnicity, particularly with respect to the country’s language laws and education reforms, which Russian speaking minority groups publicly criticized. The U.N. Committee on the Elimination of Racial Discrimination recommended that the country consider facilitating the integration process by making it possible for non-citizens who are long-term permanent residents to participate in local elections. The EU’s 2002 report on the country’s progress toward EU accession stated that country was adhering to OSCE recommendations but highlighted the importance of continued attention to social integration.

Approximately 1 million residents are of non-Latvian ethnicity, including 677,000 ethnic Russians, 92,000 ethnic Belarusians, 61,000 ethnic Ukrainians, and 58,000 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 494,000 resident noncitizens, of whom an estimated 67 percent are Russian; 13 percent Belarusian; 9 percent Ukrainian; and smaller percentages of Poles, Lithuanians, Jews, Roma, Germans, Tatars, Estonians, and Armenians. Due to the Russification policy pursued during the Soviet era, ethnic Latvians constitute only 58.5 percent of the population, and 78 percent of citizens—and less than 50 percent of the population in four of the country’s seven largest cities, including the capital city of Riga.

The country’s Romani community nearly was destroyed during the Holocaust. A report of the Latvian Center for Human Rights and Ethnic Studies (LCHRES) during the year estimated that the Romani population is between 13,000 and 15,000. While the community received some support from the Government, the LCHRES study reported high levels of unemployment and illiteracy among the Roma. More than 40 percent of Roma have a fourth grade or lower education, and more than 95 percent do not have official employment.

Citizen passports no longer identify the ethnicity of the bearer. Should the bearer choose, ethnicity may be identified by an amendment on the second page.

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, a total of 69,288 persons have become citizens through naturalization: 10,403 were naturalized during the year. Naturalization applications increased significantly after the September EU referendum passed. To facilitate and promote the naturalization process, the Govern-

ment reduced significantly the naturalization fee, accepted high school level language certificates as sufficient for naturalization purposes, and carried out a pro-naturalization advertising campaign.

The Citizenship Law includes a Latvian language and residence requirement for those seeking to naturalize, as well as restrictions on the naturalization of former Soviet intelligence and military personnel. The law also requires applicants for citizenship to renounce previous non-Latvian citizenship, to have knowledge of the Constitution and Latvian history, and to pledge allegiance to the country. Nearly 95 percent of applicants passed the citizenship tests on the first attempt. Children of noncitizens born in the country after August 1992 are entitled to citizenship upon application. International observers credited the Government with establishing a competent and professional Naturalization Board with offices throughout the country to implement the law and generally applying the law fairly. However, international experts, government officials, and domestic human rights monitors agreed that the country must continue to place high priority on and devote sufficient resources to implementing the Citizenship Law in a fair and impartial manner and to promoting social integration.

The Language Law regulates the uses of language that affects public safety, health care, protection of the consumer, and labor rights and requires that documents submitted to the Government, including company reports and records, be translated into Latvian, except in cases of emergency. In a public event co-organized 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 may also be used.

The Government supported education in both Latvian and Russian, as well as in eight other minority languages. However, under the revised Education Law, the Government continued to implement a bilingual education program at the elementary school level, with the goal of providing more than half of the course-content in Russian-language secondary schools in Latvian by 2004. Although all non-Latvian-speaking students in public schools were supposed to learn Latvian and to study a minimum number of subjects in Latvian, there was a shortage of qualified teachers. State-funded university education was in Latvian, and incoming students whose native language was not Latvian must pass a language entrance examination. Several private institutions offered higher education in Russian.

Section 6. Worker Rights

a. The Right of Association.—The law stipulates that workers, except for the uniformed military, have the right to form and join labor unions of their own choosing; however, the Government's ability to protect the right to organize in the private sector was weak. Union membership continued to decrease, with the Latvian Free Trade Union Association, which represents 25 member organizations, showing a membership of 170,000 out of a workforce of approximately 1 million. Free elections for union leadership are held every 4 years.

Unions are free to affiliate in confederations, and there was one such confederation in the country. Unions also are free to affiliate internationally and have established contacts with European labor unions and other international labor union organizations.

b. The Right to Organize and Bargain Collectively.—Labor unions have the right to bargain collectively and are generally free of government interference in their negotiations with employers. Collective bargaining agreements were common and were negotiated by industry or company. The law prohibits discrimination against union members and organizers.

The law does not limit the right to strike, but there were no major strikes during the year. The law bans the dismissal of employees who have invoked the right to strike. No cases of such dismissals were reported.

There are no export processing zones.

c. Prohibition of Forced or Bonded Labor.—The law prohibits forced or bonded labor, including by children; however, there were reports that women and children were trafficked for sexual exploitation (see Section 6.f.). Inspectors from the Ministry of Welfare's State Labor Inspection Board or Inspectorate were responsible for enforcing the law.

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 prohibiting night shift or overtime work.

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

e. Acceptable Conditions of Work.—The legally mandated monthly minimum wage was approximately \$124 (70 lats), far below the minimum necessary for survival and inadequate to provide a decent standard of living for a worker and family. The actual average monthly wage (the calculation of which includes wages of part-time employees and agricultural workers) was \$348 (197 lats).

The Labor Code provides for a mandatory 40-hour maximum workweek with at least one 42-hour rest period weekly, 4 weeks of annual vacation, and a program of assistance to working mothers with small children. The laws establish minimum occupational health and safety standards for the workplace. In the first 6 months of the year, 11 fatal workplace accidents and 601 workplace injuries were reported. Workers have the legal right to remove themselves from hazardous work situations without endangering their continued employment; however, these standards frequently were ignored in practice.

f. Trafficking in Persons.—A 2002 law prohibits “trafficking in persons;” however, most traffickers were prosecuted under an earlier law that prohibits sending persons abroad for sexual exploitation. However, trafficking in women for the purpose of prostitution was a problem. The Government’s National Action Plan calls for ratifying the previously signed U.N. Protocols to Prevent, Suppress and Punish Trafficking in Persons and Against the Smuggling of Migrants and for harmonizing the country’s laws with European and other international standards.

A total of 23 persons were convicted for trafficking-related crimes; most of them received sentences of 3 years or less, but 6 of them were sentenced to 4 years in prison, and 1 was sentenced to 7 years. In the most important case, a trafficker was convicted and sentenced to 13 years in prison. However, some prosecutors and judges did not consider human trafficking a serious crime and reduced some of the sentences on appeal. Cooperation between the border guards, police, and NGOs increased and contributed to the effective control of the border areas. International cooperation in investigations and prosecutions was well established with Denmark and Germany but continued to be difficult with Spain. The Border Guard Service managed an information database used to reveal trafficking trends.

Over the last 2 years, the Government allocated more resources to combating trafficking in persons. There was a high-level working group on trafficking, and the Ministry of Interior, which includes the State Police and the Citizenship and Migration Department, was the principal government ministry involved in the trafficking problem. Also participating in the working group were representatives from the Ministry of Foreign Affairs, the Ministry of Justice, the Ministry of Welfare, and the National Center for the Protection of the Rights of the Child. In October, the Inter-Ministerial Group submitted its National Action Plan to Combat Trafficking in Persons to concerned ministries for approval. The Government has allocated funds to increase the number of police officers tasked with fighting prostitution and trafficking.

The country was primarily a source and transit point for trafficked victims. The main countries of destination were Germany, Denmark, and Spain with smaller numbers of victims going to other Western European countries. There were undocumented reports that trafficking in women (including minors) for prostitution abroad increased (see Section 5). While statistics released by European police services indicated that the number of Latvian women involved as victims of trafficking increased, a German police report indicated that the number of identified Latvian victims in Germany declined from 40 in 2001 to 24 in 2002. Approximately 500 women (not all necessarily involved in trafficking) were deported back to the country in 2002. Trafficking within the country also occurred, and women from poor districts were often trafficked for sexual exploitation to Riga, Liepaja, and Ventspils.

Traffickers, primarily organized criminal groups, usually lured victims through offers of false employment in European countries. A large number of victims were drawn from the economically depressed areas of the country’s eastern regions. While some victims were recruited through job advertisements or modeling and travel agencies, most victims were solicited through direct contact with offers of good jobs in Western Europe. Traffickers often recruited their victims at cafes and clubs, and victims themselves recruited new victims for the traffickers.

There were some assistance programs, principally organized by NGOs and the International Organization for Migration (IOM). However, in its draft National Action Plan, the Government recognized a need for more action in this area. Upon returning to the country, victims of trafficking were not singled out for governmental or societal abuse or mistreatment, and they can return home. Martas Center and the Council of Youth Health Centers (working with the International Organization

for Adolescence) began operations to educate adolescents regarding trafficking issues. IOM and several NGOs sponsored conferences on trafficking, and there were multiple anti-trafficking education campaigns. In addition, IOM sponsored an aggressive advertising campaign warning of the dangers of accepting attractive employment offers from abroad. As the centerpiece of a national education campaign, IOM and others supported a project to invite high school and college students to screenings of the film *Lilya 4-Ever*, which depicts the life of a young trafficking victim.

LIECHTENSTEIN

The Principality of Liechtenstein is a constitutional monarchy with a parliamentary form of government. Prince Hans-Adam II is the head of state; all legislation enacted by the popularly elected Parliament (Landtag) must have his concurrence. On March 16, the electorate adopted an initiative of the Princely House to amend the Constitution. The Parliament nominates and the Prince appoints the members of the Government. The Parliament was elected in 2001; the dominating Progressive Citizen's Party holds all cabinet seats. The judiciary is independent.

The Interior Ministry maintained effective control of the regular and auxiliary police forces, which are responsible for internal and external security. There is no standing military force. There were no reports that security forces committed human rights abuses.

The country had a prosperous, highly industrialized, free-enterprise economy with a vital services sector. It participated in a customs union with Switzerland and used the Swiss franc as its national currency. Its 32,525 citizens enjoyed a very high standard of living.

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

RESPECT FOR HUMAN RIGHTS

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

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

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

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

Prison conditions generally met international standards. Men and women were held separately. Facilities were available to hold juvenile prisoners separately from adults in a pretrial detention facility, but there were no cases of juvenile imprisonment during the year. If a juvenile offender was convicted of a crime requiring imprisonment, the prisoner could be transferred to a youth facility in Austria. Pretrial detainees were held separately from convicted criminals.

The Government permitted visits by independent human rights observers.

d. Arbitrary Arrest, Detention, or Exile.—The law prohibits arbitrary arrest and detention, and the Government generally observed these prohibitions. Within 24 hours of arrest, the police must bring suspects before an examining magistrate who must either file formal charges or order release. The law grants suspects the right to legal counsel of their own choosing and counsel was provided at government expense to indigent persons. Release on personal recognizance or bail is permitted unless the examining magistrate has reason to believe that the suspects are a danger to society or would not appear for trial.

Neither the law nor the Constitution prohibits forced exile, but the Government did not employ it.

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

The judicial system has three tiers: A lower court, appellate court, and supreme court. The court of first instance is the National Court (Landgericht). In addition, an Administrative Court hears appeals against government decisions. The State Court (Staatsgerichtshof) protects the rights accorded by the Constitution, decides conflicts of jurisdiction between the law courts and the administrative authorities, and acts as a disciplinary court for members of the Government.

The Constitution provides for the right to a fair public trial, and an independent judiciary generally enforced this right. Citizens had the right to counsel and the

right to appeal, ultimately to the Highest Court (Oberster Gerichtshof). Trials involving minor offenses were heard by a single judge, more serious or complex cases by a panel of judges, and the most serious cases, including murder, by a public jury.

The Constitution authorizes the Prince to alter criminal sentences or pardon offenders. However, if the offender is a member of the Government and is sentenced for a crime in connection with official duties, the Prince may take such action only if the Parliament requests it.

There were no reports of political prisoners.

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

Section 2. Respect for Civil Liberties, Including:

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

Two daily newspapers were published; each openly sided with one of the two major political parties and by and large reflected their specific views. Both print and electronic media outlets received government subsidies, but there were no reports of attempts of the Government to exercise undue influence on their editorial boards.

A private radio station broadcast daily, along with a rudimentary television channel occasionally transmitting parliamentary debates and sport events. The third party (Freie Liste) represented in Parliament also issued an information bulletin. The Vorarlberg regional radio and television station of the public Austrian Broadcasting Corporation (ORF) regularly covered domestic issues and current events. Residents also received radio and television broadcasts from neighboring countries.

In August, the Government announced a plan to turn the private radio station into a public one at the beginning of 2004. The Government, which had subsidized the radio station since 2000, decided to step in after the private sponsor of the struggling radio broadcaster abruptly withdrew his support. Parliament approved the Government's plan in October and efforts began for the public radio station to go on the air on January 1, 2004. After the radio station becomes public, the new law is scheduled to require them to broadcast balanced reporting.

There were no restrictions on access to the Internet.

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

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

The Constitution establishes the Roman Catholic Church as the official state church, and its finances are integrated directly into the budgets of the national and local governments. The Catholic Church is entitled to the State's annual contributions of \$223,000 (300,000 Swiss francs) under the terms of a 1987 law. The State's financial contributions for the year were paid to the Church. The Government also supported denominations other than the Catholic Church. The Government continued to seek a wide consensus on a new agreement on the relationship between the State and the Catholic Church.

Roman Catholic or Protestant religious education was compulsory in all primary schools, but the authorities routinely granted exemptions for children whose parents requested them. Secondary school students were offered a choice between traditional confessional religious education (provided for by the Catholic or the Protestant Church) or non-confessional classes on "Ethics and Culture." Denominations other than the Catholic and the Protestant Church are free to regulate their own religious education.

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

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

The law provides for the granting of asylum and refugee status to persons who meet the definition in the 1951 U.N. Convention Relating to the Status of Refugees and its 1967 Protocol. In practice, the Government provided protection against refoulement and granted refugee status or asylum. The Government cooperated with the U.N. High Commissioner for Refugees and other humanitarian organizations in assisting refugees and asylum seekers. Although the overall number of asylum re-

quests increased following the 1998 asylum law, the number of asylum requests has been steady in recent years. During the year, the Government received 102 applications for asylum.

The Government also provides temporary protection to persons who do not qualify as refugees or asylees; however, since the country lacks an airport or international train station, it received few requests.

A trilateral agreement with Switzerland and Austria requires the Government to return persons who enter from Austria or Switzerland without permission to the respective authorities.

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

The Constitution provides citizens with the right to change their government peacefully, and citizens exercised this right in practice through periodic, free, and fair elections.

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 was universal for adults over age 18, and balloting was secret. Political parties operated freely. Citizens regularly voted on initiatives and referendums.

On March 14 to 16, the electorate adopted, with a 64.3 percent majority and a turnout of 87.7 percent, a popular initiative launched by the Princely House to amend the 1921 Constitution, increasing the executive powers of the Monarch. Prior to the referendum vote, the Prince had reiterated his pledge to abdicate to Austria if citizens did not approve the Princely House's proposal. In August, the Prince stated that if the Council of Europe, following a possible monitoring procedure, asked the Government to recant its constitutional reform, it would be an opportune moment to quit the organization.

On August 15, the country's National Day, Prince Hans-Adam II announced that he intended to hand over government business to his eldest son Alois in 1 year. Hans-Adam II would remain reigning Prince and head of state.

There were 3 women in the 25-seat Parliament and 1 in the Cabinet, the Minister for Education, Transport and Communication, and Justice, who has served since 2001. A growing number of women were active in politics. Women served on the executive committees of the major parties.

Since 2001, the Government took several steps to promote greater participation by women in politics. Prior to the February 2001 parliamentary elections, the Government conducted two billboard campaigns to promote female candidates, one encouraging women to run for office, and another calling on voters to support female candidates. In addition, the Government organized a series of workshops for female parliamentary candidates. The Government drafted a check list for political parties on promoting female candidates based on a study revealing several factors hindering women from becoming engaged in politics and being elected.

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

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

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

The law prohibits discrimination on the basis of race, sex, language, or social status. The law also prohibits public incitement to violence or public agitation or insult directed against a race, people, ethnic group, or state.

The Government has established a working group on issues of social discrimination, which is tasked to examine the merits of setting up a new service addressing discrimination based on gender, national origin, disability, religion, or sexual orientation.

Women.—The law prohibits all forms of domestic violence. According to police, there were 29 reported cases of domestic violence during the year, which 6 male aggressors were prevented from reentering the family home for 10 days, and 2 for a further period of 3 months. The State may file charges without a complaint from the victim. Frauenhaus stated that one out of five women was a victim of domestic violence.

A women's shelter provided refuge for 13 women and 9 children during the year. The shelter provided refuge for non-citizens as well. Annual government financing for the shelter was approximately \$238,000 (320,000 Swiss francs). Nongovernmental organizations (NGOs) believed that, as in neighboring countries, trafficking

in women occurred; however, no specific cases were documented during the year (see Section 6.f.).

Societal discrimination continued to limit opportunities for women in fields traditionally dominated by men. Men earned more than women, and women generally did not receive equal pay for equal work. The Constitution provides for women's rights, and includes a significant number of laws to provide for equality of treatment among men and women to eliminate discrimination and sexual harassment and to create conditions that allow both men and women to combine work and family. The law mandates the division of retirement benefit claims in the case of divorce, under which the benefit claims accrued during the time of marriage are split between the parties, whether they worked outside the home or not. In a precedent ruling on gender discrimination in June, a court upheld a woman's claim for equal pay for equal work and ordered the payment of the salary difference since she began legal action.

Each spring the Government adopts an action plan to promote equal opportunity for both women and men, and each autumn the Government's Bureau for the Promotion of Equal Rights for Women and Men publishes a progress report. The action plan this year concentrated on domestic violence, the compatibility of career and family, and gender mainstreaming in politics. The Government in 2002 started a project with both Swiss and Austrian neighboring regions to promote prevention and assistance to victims of domestic violence.

Three women's rights groups were active. Frauenhaus Liechtenstein, Fruehstueckstreffen fuer Frauen, and Infra (Informations-und Kontaktstelle fuer Frauen) worked in areas of public affairs, information, legal counseling, lobbying, and other political activities (see Section 4).

Children.—The Government was strongly committed to children's rights and welfare and funded a system of public education and health 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. It provided free health care for children under the age of 16.

The Government supported programs to protect the rights of children and matched contributions made to the three NGOs that monitor children's rights. The Office for Social Services oversaw the implementation of government-supported programs for children and youth.

There were some reports of abuse of children, although there was no societal pattern of such abuse. During the year, three persons were convicted of child abuse by the first instance court but none of these rulings is yet final. The Commission for the Coordination of Professionals in Cases of Sexual Offenses Against Children consists of experts from different backgrounds and focuses on assisting professionals (counselors, therapists, and physicians) who deal with sexual offenses against children. The Commission has undertaken public awareness-raising campaigns. During the year, it was contacted in 12 cases of suspected sexual abuse, the same number as in 2002.

Possession of child pornographic material is a statutory offense. The Government also extended the statute of limitation for sexual offenses against children. A special police unit on computer crime continued to monitor child pornography on the Internet; however, no investigations were opened during the year.

Persons with Disabilities.—Although the law does not prohibit discrimination against persons with disabilities, complaints of such discrimination may be pursued in the courts. The law provides for compensatory payments by the Government to companies that employ persons with disabilities. The law increased opportunities for their integration into the workforce and promoted their right to be self-dependent. There was no discrimination in the provision of state services or societal discrimination against persons with disabilities.

The Government requires that buildings and government services be made accessible, and new public buildings generally met these provisions; however, some older buildings had not fulfilled these requirements.

National/Racial/Ethnic Minorities.—Rightwing extremists, including skinheads, were not publicly active during the year. The Government did not report any visible activities but continued to monitor right-wing groups. A government commission, established in October 2002, to address violence and advise the Government on preventative measures, began operating in July. The commission attempted to raise public awareness in order to address the problem of acts of violence in the public areas such as schools and playgrounds.

There were no reports of racially motivated attacks on foreigners or ethnic minorities during the year. A 2002 lawsuit filed by police for violating the anti-racism law

against four Hungarian skinheads who were arrested and deported in 2002 for possessing neo-Nazi items and publications remained pending at year's end.

A working group implementing the recommendations of the 2001 Durban World Conference against Racism operated under a National Action Plan and organized the first set of human rights education classes for police officers in 2002. These training sessions have been extended to the public social service workers in September and to the criminal police in December.

In the spring, the Parliament approved the acceptance of the individual complaints procedure under Article 14 of the International Convention on the Elimination of All Forms of Racial Discrimination (to which the country is a State party). The State Court has been designated as the national legal body to receive and consider petitions from individuals who claim to be victims of violations of the rights set forth in the Convention.

The European Commission against Racism and Intolerance (ECRI) published its second report on the country in April. An ECRI expert group visited in 2002 and met with representatives of various ministries and public administrations as well as with NGOs to research racism and intolerance in the country.

Section 6. Worker Rights

a. The Right of Association.—The law provides that all workers, including foreigners, are free to associate, join unions of their choice, and select their own union representatives, and workers exercised these rights in practice. Due to the country's small size and population, there was only one trade union, which represented approximately 13 percent of the work force; however, the union protected the interests of nonmembers as well.

The law encourages the formation of unions but does not prohibit anti-union discrimination. It states that anti-union discrimination should be avoided.

Unions were free to form or join confederations and were allowed to affiliate with international bodies. The only union was a member of the World Confederation of Labor but was represented on an ad hoc basis by a Swiss union.

b. The Right to Organize and Bargain Collectively.—The law provides for the right of workers to organize and bargain collectively. However, collective bargaining agreements usually were adapted from those negotiated by Swiss employers and unions. In accordance with EEA guidelines, domestic labor law requires that employers consult with unions in cases of projected mass dismissals and submit employment contracts in written form.

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 were allowed to dismiss employees for serious offenses or for breach of contract, such as having a complaisant medical certificate.

There are no export processing zones.

c. Prohibition of Forced or Bonded Labor.—The law prohibits forced or bonded labor, including by children, and there were no reports that such practices occurred.

d. Status of Child Labor Practices and Minimum Age for Employment.—The law prohibits the employment of children less than 16 years of age. However, exceptions may be made for the limited employment of youths aged 14 and over and for those who leave school after completing 9 years of compulsory education (see Section 5). Children aged 14 and older may be employed in light duties for not more than 9 hours per week during the school year and 15 hours per week at other times.

The Government devoted adequate resources and oversight to child labor policies. The Department for Worker Safety of the Office of the National Economy effectively supervised compliance with the law. Inspections by the Department for Worker Safety were adequate.

The Government has not ratified International Labor Organization (ILO) Convention 182 on the worst forms of child labor.

e. Acceptable Conditions of Work.—There was no minimum wage. In 2002, a total of 60 households depended on public welfare, to obtain a yearly minimal income. The monthly average minimum assistance paid in 2002 was approximately \$1,560 (2,100 Swiss francs) for a 1-person household and \$2,900 (3,900 Swiss francs) for a single mother with two children. A total of 1,121 persons received public assistance in 2002.

The law sets the maximum workweek at 45 hours for white-collar workers and employees of industrial firms and sales personnel, and 48 hours for all other workers. The law provides for mandatory rest periods, and with few exceptions, Sunday work was not allowed. Workers over the age of 20 received at least 4 weeks of vacation; younger workers received 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 generally enforced these provisions. The law provides for a hearing in cases in which workers removed themselves from dangerous situations. The law provides for the right of workers to remove themselves from work situations that endanger health or safety without jeopardy to their continued employment.

f. Trafficking in Persons.—The law prohibits trafficking in persons, and there were no reports that persons were trafficked to, from, or within the country. However, some NGOs believed that, as in neighboring countries, trafficking in women occurred but was not reported.

Any person leading another into prostitution faces up to 6 months in prison and/or heavy fines and up to 3 years in prison if the victim was under 18. Independent prostitutes were tolerated as long as they were confined to special salons, cabarets, or other private apartments. The police undertook regular controls on prostitutes' working conditions and salaries but acknowledged that many Swiss middlemen employed women working in the country.

LITHUANIA

Lithuania is a constitutional parliamentary democracy. The Constitution establishes a 141-member unicameral Parliament; a directly elected President; and a government whose ministers are nominated by the Prime Minister, appointed by the President, and approved by the Parliament. The Government exercises authority with the approval of the Parliament and the President. The 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 civilian authorities maintained effective control of the security forces. The police committed a number of human rights abuses.

The country, with a population of 3.45 million, progressed toward a market economy. The Government continued to privatize the few remaining large-scale enterprises, such as energy, gas, alcohol, and shipping companies; most housing and small businesses have been privatized. The largest number of workers (18.3 percent) worked in the manufacturing sector. Gross domestic product grew by 8.9 percent.

The Government generally respected the human rights of its citizens; however, there were problems in some areas. Police, at times, beat or otherwise physically mistreated detainees and misused detention laws. The Government made progress in holding the police accountable for abuses. Prison conditions remained poor, and prolonged pretrial detention remained a problem. There were some restrictions on privacy rights. Anti-Semitic incidents increased during the year, and the Government took steps to address them. Societal violence against women and child abuse were serious problems. There were some limits on workers' rights. Trafficking in women and girls for the purpose of prostitution was a problem.

RESPECT FOR HUMAN RIGHTS

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

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

The International Commission to Investigate the Crimes of Nazi and Soviet Occupation Regimes in Lithuania continued its activities during the year (see Section 4).

From January to September, the Prosecutor General's Office initiated eight investigations of genocide cases, of which two were later terminated. These new cases (which brought the total of such cases initiated since 1990 to approximately 150) included four investigations of killings in 1941, according to the Simon Wiesenthal Center. The Nazis and their local collaborators killed more than 90 percent of the country's 220,000 Jews during World War II. At year's end, more than 30 ongoing cases included: An investigation into the killing of an unknown number of Jews in Seredzius in 1941, the killing of 3,700 Jews in 1941, the 20–30 deaths in the "Lietukis" garage killings in Kaunas in 1941, the killings of 1,350 Jews in Zadeikiai forest in 1941, the killing of 20 Jews in Seirijai in 1942, the killing of thousands of civilians in 1941, and 2 cases of killings of Jews and prisoners of war in Nazi-occupied Belarus during World War II. There were 18 such cases, involving 130 individuals, pending at year's end.

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

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.—The Constitution prohibits such practices; however, at times, police beat or otherwise physically mistreated detainees, although there were fewer such incidents during the year.

The Government continued to eliminate the practice of hazing of recruits by non-commissioned officers. From January to August, 5 criminal cases were filed for statutory violations, compared with 16 cases in all of 2002. From January to August, the Seimas Controller investigated three complaints against officials of the Ministry of National Defense, all of them on social issues. The disciplinary statute sets procedures for the investigation of disciplinary offences, provides for the right to appeal, and lists the types of punishments.

Prison conditions were poor and life threatening; however, the entry into force of the Criminal, Enforcement of Sentences, and Criminal Procedure Codes in May, combined with increased funding, reduced the number of prisoners subjected to these prison conditions. As of September, 4 of 14 correctional institutions remained overcrowded; the problem was most acute in the two investigation and interrogation facilities. As of July, 1,194 persons, or 12 percent of all prisoners, were registered as drug users, and more than 250 inmates were HIV-infected. The Government took measures to reduce drug trafficking in correctional institutions and offered training for officials and education and harm reduction programs for inmates. In May, a reconstructed building with a capacity for 300 HIV-infected prisoners opened in Alytus. In November, a prevention and rehabilitation center for drug addicts and HIV-infected prisoners opened at the Pravieniskes correction center.

Sanitation in prisons improved after the new codes were introduced and sentences for some of the prisoners were reduced. The Seimas controllers noted a marked decrease in complaints from the Lukiskes investigation ward/prison and the Siauliai interrogation and isolation ward; however, they noted that inadequate control of infectious diseases in prisons and that prolonged transfer of suspects to interrogation facilities continued due to lack of funding. Arrested and detained persons generally suffered worse living conditions than did convicted persons. By January, 8 of 46 police custody facilities met the hygiene standards approved by the Ministry of Health in May 2002. The Seimas's introduction of parole for those convicted for lesser offenses reduced the number of persons in custody.

A significant number of detainees reported mistreatment, abuse, and violence, which public prosecutors and judges acted to address.

In May, the new Code on Enforcement of Sentences separated inmates into three groups depending on their conduct in prison: Regular, minimum security, and disciplinary groups. In August, prison authorities in Alytus used force against inmates in the disciplinary group protesting the new regime; 70 inmates filed complaints on excessive use of force.

In September, there were 8,957 prisoners, including 297 women, and 188 juveniles. The prisoner figure included 1,280 detainees, of whom 49 were women, and 75 juveniles. Women and men were held separately; juveniles were held separately from adults; and pretrial detainees were held separately from convicted criminals. In September, a Seimas controller publicly criticized several instances of police violence against juveniles, which occurred after their arrest but before they reached the police arrest facilities. The controller said that the authorities protected police officers suspected of violence against juveniles.

Convicted prisoners may be involved in unpaid routine up-keep work in the penal institutions and in work connected with improvement of cultural and every-day living conditions of the prisoners. The unpaid work must be performed on a rotation basis outside working hours, up to 2 hours per day. Juvenile offenders in special reform and disciplinary institutions may refuse to do unpaid work.

From January to August, 24 prisoners died (11 of natural causes, 8 by suicide, and 5 killed by other prisoners). A significant increase in the suicide rate was attributed to the growing proportion of prisoners with drug addictions and psychological problems. From January to August, there were 110 injuries inflicted by other inmates and 101 self-inflicted injuries, due to abuse and conflicts among fellow inmates, depression, or to protest sanctions by authorities, a drop of approximately 30 percent from the same period of 2002. The Prisons Department introduced programs to prevent suicides and aggression among prisoners in some of the correctional institutions. From January to August, there were 138 criminal offenses committed in prisons, compared with 22 during the same period of 2002. Authorities attributed the increase to their efforts to prevent the spread of drugs. Prison personnel were charged with committing 12 criminal offenses. From January to August, the Seimas controllers investigated 256 non-criminal complaints mostly related to living conditions (79 of them deemed justified) regarding Prison Department personnel.

From January to August, 2 persons committed suicide, and 72 injured themselves in protest against authorities or were injured by other inmates in violent incidents in police detention facilities.

The Government continued its reform of the prison system. The Prison Department at the Justice Ministry manages the correctional system. Funding of approximately \$0.80 (2.4 litas) per prisoner per day covered only minimal needs for meals; prisoners may use their own or outside funds to improve their diet. During the year, the Seimas controllers called for strengthening oversight of correctional facilities and improving the quality of health services received by prisoners. The year's budget allotment for correctional institutions rose 17.4 percent. The Criminal, Enforcement of Sentences, and Criminal Procedures Codes introduced more lenient sentences and reduced the number of sentences involving incarceration. The Government reconstructed three correctional facilities and was constructing a prison hospital at year's end.

The Government permitted visits to prisons by independent human rights observers, and there were such visits during the year.

d. Arbitrary Arrest, Detention, or Exile.—The Constitution prohibits arbitrary arrest and detention, and the Government generally observed these prohibitions; however, there were instances of prolonged pretrial detention.

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 Office of Inspector General and the Internal Investigation Division at the Police Department investigate, on the orders of the Minister of Interior, abuses committed by the police. Prosecutors and the Parliament controller carry out independent investigations. From January to August, cases for abuse of power and abuse of office were initiated against 4 police officers, compared with 12 cases in 2002. By the end of August, the controllers investigated 112 complaints—more than half deemed justified—about the activities of Interior Ministry personnel and the police. In a number of cases, the controllers proposed that relevant government agencies take remedial actions or that laws be amended.

In November, the European Court of Human Rights (ECHR) ruled that the Government violated the right of Raimundas Meilus to a speedy trial. His trial and appeals proceedings, relating to charges of fraud and embezzlement, lasted more than 8 years between 1994 and 2002. The Court awarded Meilus \$6,250 (5,000 euros) for non-pecuniary damage and \$6,250 (5,000 euros) for costs and expenses.

Under the law, police may detain suspects for up to 48 hours, based upon reliable evidence of criminal activity and approval by an investigator or prosecutor. Bail is available and was used widely. The Criminal Code, enacted in May, revised the parole and probation system; however, the Seimas controllers noted that probation was not functioning in practice. The Constitution provides for the right to an attorney from the moment of detention (see Section 1.e.).

Pretrial detention applies only in the case of felonies, to prevent flight, to allow unhindered investigation if the suspect might commit new crimes, or when there is an extradition request. A pretrial judge may order a suspect detained for up to 3 months. A local judge, acting on a prosecutor's request, may order longer pretrial detention, which may last up to 6 months and may be extended by a district judge for periods not to exceed 18 months in total (see Section 1.e.). The detainee or his counsel may appeal to a higher court against the imposition or extension of detention. The Civil Code provides for liability for damage caused by the unlawful actions of pretrial investigation officials, prosecutors, judges, and courts. In September, the Prisons Department reported that there were no persons whose pretrial detention exceeded 18 months. However, there were 37 persons whose detention was extended beyond 18 months by the court for the duration of the court case. From January to August, there were six verified complaints over prolonged detention in police custody.

The Constitution prohibits forced exile, and the Government did not employ it.

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

The Civil and Criminal Procedure Codes strengthen the judges' role and the courts' independence. The Criminal Procedure Code entitles the suspect to read his case material throughout the investigation rather than after it. The Civil Code complies with the European Convention on Human Rights and takes into account the jurisprudence of the ECHR; however, the Criminal and the Criminal Process Codes, both enacted in May, permit trials in absentia when a defendant is outside the country and avoids trial. Local human rights experts criticized these provisions. In October, a study commissioned by the nongovernmental organization (NGO) Open

Society Fund Lithuania criticized the court system for lack of transparency and accountability.

The Constitution and the Law on Courts provide for a four-tier court system: The Supreme Court; the Court of Appeals; district courts; and local courts. The local courts are tribunals of first instance for all cases that are not assigned to some other court by law. The Constitution also provides for a Constitutional Court and specialized courts for administrative, labor, family, and other purposes.

The Constitutional Court reviews the constitutionality of laws and other legal acts, as well as actions by the President and the Cabinet. The primary function of administrative courts is to investigate the legality and validity of administrative acts and conflicts in public administration and taxation.

District courts hear juvenile criminal cases and cases related to children's rights (for example, domestic adoption and paternity matters).

If the ECHR determines that courts have violated the European Convention on Human Rights, the Supreme Court Chairman may order a retrial of a case by the Supreme Court. The right to appeal for a retrial in criminal cases includes the persons whose rights were violated, their representatives, and the Prosecutor General.

The Prosecutor General exercises oversight responsibility for the whole judiciary through a network of district and local prosecutors who work with investigators to prepare evidence for the courts.

The Constitution provides for the right to a fair trial, and an independent judiciary generally enforced this right. The Constitution provides for the right to legal counsel for defendants. In practice, the right to counsel was abridged by the shortage of trained lawyers, who found it difficult to cope with the increasing numbers of criminal cases brought before the courts. The law provides for legal assistance for indigent persons, but, in practice, such legal assistance was not always available. By law, defense advocates have access to government evidence and may present evidence and witnesses. The courts and law enforcement agencies generally honored routine, written requests for evidence. By law, a judge may hold a closed trial in a limited number of circumstances. The Criminal Process Code allows appeals of the actions of prosecutors, investigator, and interrogators throughout the preliminary investigation up to the district court level.

In March, the ECHR ruled that the Government violated the right of Stase Jasiuniene to a fair trial; however, the local government failed to act on the court's ruling to compensate her for a plot of land nationalized 50 years ago.

In the early 1990s, the Government rehabilitated over 50,000 persons charged with anti-Soviet crimes in the Stalin era, including those involved with crimes against humanity during the Nazi occupation. Under a special judicial procedure, from 1997 to this September, 147 individuals were "de-rehabilitated," making them ineligible for some social welfare benefits.

There were no reports of political prisoners.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence.—The Constitution prohibits such actions; however, there were reports that the Government did not respect these prohibitions in practice. The authorities did not engage in indiscriminate or widespread monitoring of the correspondence or communications of citizens; however, with the written authorization of a judge, police and security service personnel may engage in surveillance and monitoring activities on the grounds of national security, law enforcement, and important economic or financial interests of the state. The new Criminal Process Code requires a judge's authorization for the search of premises of an individual. The seizure, monitoring, and recording of information transmitted through telecommunications networks or surveillance must also be court-ordered.

It was assumed widely that law enforcement agencies had increased the use of a range of surveillance methods to cope with the expansion of organized crime. A court permit is required for search and seizure of correspondence during investigations.

From January to August, the State Data Protection Inspectorate conducted 214 investigations, examined 38 complaints, and provided numerous consultations. Most violations involved unauthorized use of personal data, use of data without person's knowledge, and flaws in data protection. Institutions that committed violations included the State Social Insurance Fund, the Ministry of Interior, the Police Department, the Migration Department, and special agencies. In December, the parliamentary National Security and Defense Committee concluded that the State Security Department did not violate laws by recording telephone conversations with the voice of President Rolandas Paksas. Earlier, the Supreme Court Chairman and Prosecutor General had stated that the law prohibited tapping of the President's telephone conversations. The courts, however, have not officially addressed this issue. Also in December, a parliamentary commission concluded that the Government's

anti-corruption service and the Presidency had violated the law by seeking and providing information about persons who were not seeking public office. In March, the media reported that the personnel of the agency responsible for protecting top state officials collected information about authors of a television political show without authorization. The media also reported that doctors occasionally divulged confidential data about patients to employers and others. The new Civil and Criminal Codes enhance protection of the right to privacy. A Personal Data Legal Protection Law revision, effective in July, introduced more safeguards into the data protection system; however, human rights groups were concerned about increasing violations of privacy laws by the media and business and by increased violations on monitoring of the Internet.

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Speech and Press.—The Constitution provides for freedom of speech and of the press, and the Government generally respected these rights in practice.

The independent print media continued to flourish and included a wide range of newspapers and magazines. Radio and television included a mix of public and private stations.

A court may order journalists to reveal their sources if a refusal to do so would violate other values protected in the Constitution. The media may publish information about the private life of a public figure without permission if it does not harm the person, or if the information is important to society.

The Constitution prohibits the censorship of either print or broadcast media and restrictions on disclosure, unless the Government determines that national security is involved. Under the media law, the media created a special ethics commission and an ombudsman to address complaints and seek conciliation in potential libel cases. The Parliament funded an Ombudsman's Office.

The Government did not generally restrict access to the Internet; however, in September, a court ruled that the State Security Service exceeded its powers in confiscating a server hosting the pro-Chechen independence website Kavkaz-Center. The Security Service acted on the grounds that the website contained information related to terrorist propaganda and incitement of ethnic and religious hatred, was possibly financed by al-Qa'ida, and was co-founded by a person wanted by Interpol. The website, which was closed in June, resumed operations.

The Government did not restrict academic freedom.

b. Freedom of Peaceful Assembly and Association.—The Constitution provides for the freedom of assembly and association, and the Government generally respected these rights in practice; however, the Communist Party of Lithuania and other organizations associated with the former Soviet regime remained banned.

c. Freedom of Religion.—The Constitution provides for religious freedom, and the Government generally respected this provision in practice. There is no state religion; however, some religious groups enjoyed government benefits not available to others.

The Constitution divides religious communities into state recognized traditional groups and others. In practice, a four-tier system exists: Traditional, state recognized, registered, and unregistered communities. The Law on Religious Communities and Associations stipulates that nontraditional religious communities may be granted state recognition if they are "backed by society" and have been registered in the country for at least 25 years. Both traditional and state recognized communities may receive state subsidies, although only the traditional ones received the subsidies regularly. Only the clergy and theological students of traditional communities were exempt from military service; only their top leaders were eligible for diplomatic passports. They may also have military chaplains and have the right to establish subsidiary institutions. Only traditional communities have the right to teach religion in state schools and to buy land to build churches, although other communities may rent land. Registered religious communities do not receive regular subsidies, tax exemptions, social benefits, or military exemptions enjoyed by traditional and state recognized communities, but they may act as legal entities and thus rent land for religious buildings. Unregistered communities have no juridical status or state privileges, but there were no reports that any such groups were prevented from worshipping or seeking members.

Activities of foreign missionary groups within the country were not restricted; however, the Government appeared to continue preferential treatment for nine traditional religions.

The law provides that only religious instruction of traditional and other state-recognized religious communities may be taught in state educational institutions. At the request of parents from these communities, schools may offer classes in religious instruction. In practice, parents could choose classes in religious instruction or classes in ethics for non-religious education.

The law provides funding for the educational institutions of traditional religious organizations and permits the Education Ministry to give vouchers for pupils of private schools established by non-traditional religious communities.

Some religious property, including 28 synagogues, was returned to the Jewish community, mostly from 1993 to 1996. The Government and Vilnius city continued a program using private funds to rebuild parts of the Jewish quarter in Vilnius; the Jewish community was expected to be given parts of the reconstructed buildings. In September, the Government returned 46 Torah scrolls (in addition to 309 such scrolls turned over in January 2002) to an Israeli spiritual and heritage group for distribution among Jewish congregations worldwide.

The country's Jewish communities expressed concern over an increase in anti-Semitic remarks made by extremist and a few mainstream politicians. In April, the Council of Europe (COE) criticized the Government for the recurrence of anti-Semitic statements by individuals seeking political office; the publication of anti-Semitic articles in the media; distribution of anti-Semitic proclamations and other materials; acts of vandalism against Jewish graves and monuments; and anti-Semitic statements during public gatherings. Multiple anonymous anti-Semitic comments appeared on the Internet. In June, media reports prompted the State Security Department to investigate the publication of the "Protocols of the Zion Elders" in a low-circulation periodical *Zemaitijos Parlamentas*, and the publication was discontinued. In December, members of the National Democratic Party, led by a member of the Siauliai city council, attempted to prevent the lighting of a menorah during a Hanukkah celebration and insulted members of the local Jewish community. The Siauliai mayor publicly apologized for the incident. The political leadership of the country and the national press generally criticized anti-Semitic statements when they occurred.

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

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

The Law on Citizenship allows emigrants to retain citizenship. Jewish and Polish minorities criticized the provisions because they create special conditions enabling "ethnic Lithuanian" emigrants to retain dual citizenship but do not allow this for local minorities when they "repatriate" to their "homeland" (for instance, Jews to Israel or Poles to Poland).

The law provides for the granting of refugee status or asylum to persons who meet the definition in the 1951 U.N. Convention Relating to the Status of Refugees and its 1967 Protocol. In practice, the Government provided protection against refoulement and granted refugee status and asylum. The Vilnius Administrative Court hears asylum appeals. The Court received assistance from the U.N. High Commissioner for Refugees (UNHCR). The Government cooperated with the office of the UNHCR and other humanitarian organizations in assisting refugees. The Law on Asylum Status provides that an asylum seeker coming from a safe country of transit may not enter the country. The right of an asylum seeker to appeal a decision denying entry into the country is limited. From January to June, 88 persons applied for refugee status, and 318 applied for residence permits on humanitarian grounds. The applicants came mostly from Chechnya, Vietnam, and Bangladesh. From 1997 to 2002, more than 1,500 asylum requests were filed; 64 persons received refugee status, and 476 persons received a residence permit on humanitarian grounds.

Irregular immigration continued to decrease due to improved border control, stricter laws against human smuggling, and more effective detention and return of migrants to their countries of origin.

In May, the Government signed a re-admission treaty with Russia (which was later ratified) and continued negotiating such an agreement with Belarus. There were a number of conflicts between refugees and asylum seekers and the local population during the year.

The Government also provides temporary protection to certain individuals who fall outside of the definition of the 1951 U.N. Convention Related to the Status of Refugees or its 1967 Protocol.

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

The Constitution provides citizens with the right to change their government peacefully, and citizens exercised this right in practice through periodic, free, and fair elections held on the basis of universal suffrage. Of 141 seats in the Parliament, 71 are elected directly, and 70 are elected through proportional representation. Re-

form of the country's political and economic structure led to an invitation in 2002 to join the European Union (EU) in May 2004.

In January, former Prime Minister and Liberal Union Party leader Rolandas Paksas defeated incumbent president Valdas Adamkus in a runoff presidential election. The election was considered free and fair, although campaign financing lacked transparency. Approximately 53 percent of those eligible voted. Paksas took office in February. In 2001, the New Union party formed a coalition with the Social Democratic Party, and chose former President Algirdas Brazauskas as Prime Minister. Presidential elections are held at least every 5 years.

In December, an ad hoc parliamentary commission found that the President's vulnerability to influence constituted a threat to national security. A second ad hoc commission began investigating other accusations against the President, to determine whether there were sufficient grounds for impeachment. The commission's deliberations continued at year's end. There were 14 women in the 141-seat Parliament and 3 women in the 14-member Cabinet.

There were 12 members of Parliament of Russian, Polish, Greek, or Belarusian ethnic origin.

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

A number of domestic and international human rights groups generally operated without government restriction, investigating and publishing their findings on human rights cases. Government officials were cooperative and responsive to their views. The Association for the Defense of Human Rights in Lithuania, the Human Rights Association in Lithuania, and the Lithuanian Center for Human Rights were the major human rights groups.

The Division of Human Rights of the Department of International Law and European Integration in the Ministry of Justice monitors law and legal practice to determine whether they are in accord with the country's international obligations. The European Law Department also reviews draft legislation.

There are three ombudsman institutions. The Parliament's controllers investigated complaints of the abuse of power by public servants. The controllers have the right to forward their cases for prosecution, to initiate a reprimand or removal from office of public servants, to initiate a compensation claim, to propose changes in laws and rules, and to inform the Parliament and the President about their findings. The Office of the Equal Opportunities Ombudsman exercised similar functions for complaints of discrimination and sexual harassment (see Section 5). The Office of the Ombudsman for Children's Rights controlled the implementation of relevant laws, oversaw local children's rights protection services, and investigated complaints of abuse of children's rights.

The Government continued to support the International Commission to Investigate the Crimes of Nazi and Soviet Occupation Regimes in Lithuania. The Commission, which includes historians, human rights representatives, representatives of international Jewish organizations, and both Lithuanian and foreign lawyers, produced five new reports during the year. The Commission signed agreements with Yad Vashem (the Holocaust Martyrs' and Heroes' Remembrance Authority) and other organizations to implement a program of Holocaust education, including tolerance development, in the country's schools. The Commission organized conferences and seminars to promote the development of a tolerant civil society.

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

The Constitution prohibits discrimination based on race, sex, social status, or ethnic background; however, discrimination against women in employment and other areas persisted. In November, the Parliament adopted a Law on Equal Opportunities, which forbids any immediate and indirect discrimination based on age, sexual orientation, disability, race, religion, and beliefs. The Equal Opportunities Ombudsman was expected to oversee the implementation of the law.

Women.—Societal violence, particularly alcohol-related domestic violence, against women reportedly was common; however, official statistics on the incidence of abuse of women in the home are not reported separately from other categories of assault. Institutional mechanisms for coping with this problem developed slowly, and the law does not criminalize specifically domestic violence. If such violence takes place in the home, the victim must file a complaint. Few such complaints were filed because women preferred to avoid publicity and were not confident that the courts would punish their assailants. Thirteen women's shelters provided assistance to victims of violence. A 2002 study by the Women's Information Center indicated that 80 percent of women experienced psychological abuse in the workplace or at home, 35 percent experienced physical violence, and 17 percent were sexually abused. The

law specifically criminalizes rape. From January to August, 211 rapes were reported. Persons convicted of rape generally received sentences of from 3 to 5 years in prison.

Prostitution is illegal under the Criminal Code. The penalty for prostitution is a fine of \$85 to \$140 (300–500 litas) for a first offense. Trafficking in women for the purpose of prostitution was a problem (see Section 6.f.).

The Constitution provides for equal rights for men and women; however, women continued to face discrimination. The Equal Opportunities Ombudsman is an independent agency, accountable to the Parliament, which oversees the implementation of the law and investigates complaints concerning gender discrimination and sexual harassment. The ombudsman also has some enforcement powers in this regard, and the new Criminal Code contains criminal sanctions for discrimination or harassment. The Law on Equal Opportunities provides for positive discrimination (affirmative action) toward women and forbids indirect discrimination and discrimination in the service sector. In May, the Government adopted a program, Equal Opportunities of Women and Men, 2003–04, to reduce violence against women and trafficking in women and later co-founded a nongovernmental organization (NGO), The Center for Development of Equal Opportunities, to help implement the program.

Official policy requires equal pay for equal work. Women made up about one-half of the employed population, and, at the end of 2002, their average pay was 81 percent that of male employees. Women were underrepresented significantly in some professions, business, and the managerial sector as a whole. Significant societal gender inequalities persisted, but recent surveys and studies indicated that conservative views about the role of women were declining—a trend also reported by the media.

For the year ending in March, the ombudsman received 72 complaints and initiated 34 investigations. Most of the complaints concerned discrimination against men due to problems in “old” legislation and discrimination against women in the workplace. The ombudsman, together with women’s organizations, continued a public awareness campaign and a number of projects to advance gender equality. The number of registered violations of the equal opportunities law by state institutions again decreased substantially; however, enforcement of the law in private businesses remained a problem.

Children.—The Government was committed to children’s rights and welfare; it amply funded a system of public education and medical care. The Government provided compulsory, free, and nearly universal education for children through the age of 15. In 2002, only 1.1 percent of children in this age group did not attend school. The Government provides school transportation for children in the countryside, low-cost health care for all children, and a free school meal for one-third of the children. The Civil Code addresses relations between parents and children; however, the Government did not always implement its obligations in practice.

In January, 6,746 children lived in institutions, and approximately 8,000 were in foster families or residential homes. Authorities may remove children subjected to parental violence from the family and place them in the care of a temporary guardian. The Government continued to replace the Soviet-style orphanage (boarding) schools with residential homes or foster families, which permitted children to attend regular schools. Foster families, however, did not always ensure good conditions for children: In October, the authorities confirmed reports that a 6-year-old girl from Avikliai foster family house had suffered sexual abuse for almost a year.

Child abuse was a problem. The ombudsman reported that assistance for children who experienced abuse was insufficient. Abuse among children in four state correctional institutions for children who commit crimes and in one isolated prison for persons 16 to 18 years old declined, due to reorganization and improving prison conditions. Seimas Controllers reported that abuse of children in police arrest facilities was rare, but violence among juveniles in detention remained a problem.

Child abuse in connection with alcohol abuse by parents also was a problem. Authoritarian values in family upbringing discouraged more active measures against child abuse. The press reported increases in cruelty to children, including sexual abuse, intentional starvation, beatings, and killings. Authorities reported that 12 children were killed by their parents during the first 11 months of the year. The penalties for violence and cruelty against underage persons are prison terms of 1 to 2 years.

The Penal Code provides for up to 13 years’ imprisonment for sexual abuse and up to 4 years’ imprisonment for exploiting children in the production of pornography. From January to August, there were no registered cases of exploitation of children for purposes of pornography. From January to August, 36 cases of sexual abuse of children were registered (excluding rapes, for which separate data for children is not available), compared with 67 cases in all of 2002. The Government oper-

ated a children's rehabilitation center to provide special care for sexually abused children.

Trafficking in girls for the purpose of prostitution was a problem (see Section 6.f.).

Several thousand children reportedly lived on the street. Sixty children's rights protection agencies, other institutions, and NGOs routinely identified these children and, if they did not have parents or if their parents abused their parental obligations, placed them in foster families or care institutions. The Government tripled funding for 68 NGO projects for the day care centers' programs benefiting more than 2,400 children and their families; the centers also received support from private sponsors.

The Children's Rights Ombudsman Institution controls the implementation of relevant laws and conventions, oversees children's rights protection institutions, investigates complaints, and advises the Government on improving the protection and legal interests of the child. In 2002, the ombudsman received approximately 300 complaints and initiated 4 investigations, primarily involving municipal children's rights protection offices, tutelage, the child's right to have a home, the right to communication with the child, the granting of state allowances for children, complaints against the police and teachers, and failure to pay alimony. The ombudsman continued to call for streamlining the children's rights protection system and mobilizing central government and local authorities to cope with growing juvenile delinquency and spreading drug addiction. In January, approximately 40,000 children lived in abusive and dysfunctional families.

Persons with Disabilities.—The law provides for a broad category of rights and public benefits for persons with disabilities, additional job security for such persons, and gives children with disabilities access to regular schools and universities.

Persons with disabilities accounted for approximately 6 percent of the population. Many persons with disabilities lived in poverty because the state pension for a person with disabilities was lower than the minimum wage. Every local government runs home help services for persons with disabilities, and the Government financed a network of facilities for them, including daycare centers, state children care houses, and residential care homes for mentally ill adults. Under the National Program of Social Integration of the Disabled for 2003–12, the Government allocated \$7 million (23 million litas) for various NGO employment, education, rehabilitation, and other programs, which were coordinated by the Disabled Persons' Affairs Council, the Government, and NGOs.

Legal provisions for access to buildings for persons with disabilities are in place but were not enforced widely, although most new buildings ensured such access.

National/Racial/Ethnic Minorities.—Minority ethnic groups—including Russians, Poles, Belarusians, Ukrainians, Tatars, and Karaites—constituted approximately 16.5 percent of the population. Although the country has improved the protection of the rights of its ethnic/national minorities since 1991, intolerance toward "others" persisted.

In April, the COE stated that the country still faced many racism and intolerance issues related to its small Romani (Gypsy) community (approximately 3,000), which suffered from prejudice in many fields of daily life, including education, employment, health care, housing, services, citizenship, and contacts with the police. In 2002, as part of its Program for the Integration of Roma into Lithuanian Society, the Government established a social center and community school for the Roma, and, in December, the Government opened a bathing complex for Romani children.

The Penal Code provides for a sentence of from 2 to 10 years' imprisonment for the incitement of racial or national hatred or incitement of violence against foreigners. The State Security Department initiated several investigations into reports of acts tending to incite racial or national hatred but closed them either because the suspects apologized or because the cases would have been difficult to prove in court.

Public sector employees are required to have a functional knowledge of the Lithuanian language, but authorities granted liberal exemptions and extensions. Each year, several hundred persons passed the language portion of the citizenship test and were naturalized. There was no documented evidence of job dismissals based on the language law. The authorities indicated that while the law's intent is to encourage competence in Lithuanian as the official language of the State, no one would be dismissed solely because of an inability to meet the language requirements.

Section 6. Worker Rights

a. The Right of Association.—The Constitution and the Law on Trade Unions recognize the right of workers and employees to form and join trade unions, and workers exercise this right in practice. The Law on Trade Unions extends this right to members of the police and the armed forces.

According to the law, unions must have at least 30 founding members in large enterprises or have a membership of one-fifth of all employees in small enterprises to be registered. Individuals employed in places where there is no trade union are free to join an established regional trade union, but this practice was not widespread.

Between 10 to 20 percent of all enterprises had trade unions, and approximately 10 percent of the workforce were unionized. There were three major trade union associations: The Confederation of Lithuanian Trade Unions with 120,000 members and 25 independent trade unions, the Lithuanian Trade Union "Solidarity" (the former Workers' Union) with 60,000 members, and the Lithuanian Work Federation with 20,000 members. They all worked within the Trilateral Commission, which brought together labor groups with representatives of employers' organizations and the Government.

The law establishes minimum conditions and procedures for investigating individual labor disputes. Trade union leaders claimed that this law prevented unions from investigating labor disputes in the workplace. Difficulties commonly arose in state enterprises in which employees were represented by more than one union. Solidarity officials charged that managers in some companies discriminated against their organizers and dismissed employees in retribution for their trade union activities.

There were no restrictions on unions affiliating with international trade unions, and some unions were affiliated with European unions.

b. The Right to Organize and Bargain Collectively.—A 2002 agreement on tripartite cooperation between the Government, trade unions, and the employers' associations provides for regular meetings to discuss issues related to implementation of labor laws and the prevention of illegal labor.

The Collective Agreements Law provides for collective bargaining and the right of unions to organize employees; however, it does not allow collective bargaining by government employees involved in law enforcement and security-related work. The law provides trade unions the right to negotiate nationwide, branch, and territorial collective agreements; however, collective negotiations regarding labor relations, including wages, are not widespread. Workers often took their complaints directly to their employers. Wage negotiations were more common in enterprises that had trade unions.

The Labor Law, effective in January, establishes collective bargaining as the main tool to regulate labor relations, restricts short-term contracts—which are now subject to collective bargaining, and gives employees the right to be represented in collective bargaining by trade unions or by a work council elected by a secret ballot. Leaders of the "Solidarity" labor union complained about the Government's failure to eliminate illegal, undeclared wages, which reduce employees' social security benefits and their future pensions.

Managers often determined wages without regard to trade union preferences, except in larger factories with well-organized trade unions. The Government periodically issued guidelines for state enterprise management in setting wage scales. The trade unions engaged in direct collective bargaining over wages at the workplace level. Wage decisions were made mostly at the enterprise level. Trade unions supplemented their bargaining activities with active lobbying of Parliament and the Government.

The trade unions criticized provisions of the new Code of Civil Procedure, which do not allow labor unions to represent their members at the Supreme Court; members must engage their own counsel.

The Constitution and the Law on Trade Unions provide for the right to strike, although public workers in essential services may not. According to the Department of Statistics, there were no official strikes. In May, farmers protesting low milk prices blocked roads; as a result, criminal proceedings were initiated, and a court decision was pending at year's end. There were also a number of unregistered protest actions by the employees over wage arrears and dismissals.

There is a special economic zone in the port city of Klaipeda. Worker rights were not restricted in the zone.

c. Prohibition of Forced or Bonded Labor.—The Constitution specifically prohibits forced or bonded labor, including by children; however, there were reports of trafficking in women (see Section 6.f).

d. Status of Child Labor Practices and Minimum Age for Employment.—The legal minimum age for employment of children without parental consent is 16 years; with written parental consent, it is 14 years. Complaints about violations of child labor regulations are referred to local prosecutors who investigate and take legal action to stop violations. Child labor problems were rare. In January, the Government

issued a resolution regulating the employment of persons under age 18. There were no officially reported cases of illegal child labor; however, experts indicated that up to 10 percent of working children did so illegally.

On March 25, the Government ratified ILO Convention 182 on the worst forms of child labor.

e. Acceptable Conditions of Work.—In September, the legal minimum wage increased to \$150 (450 litas) per month, which did not provide a decent standard of living for a worker and family. Every 3 months, the Council of Ministers and the Ministry of Social Security must submit their minimum wage proposals to the Parliament, which has the right to approve or revise the minimum wage level. According to the Department of Statistics, the average gross wage in the second quarter of the year was \$388 (1,163 litas) per month, a 4.4 percent increase over the corresponding period of 2002. The 40-hour workweek is standard by law, with at least one 24-hour rest period, and there are laws on overtime and vacation. The Labor Law provides for additional leave for long-term uninterrupted work in a company and work under specific conditions. The Law imposes stringent limits on overtime work, which may not exceed 4 hours per 2 successive days or 120 hours per year.

The Constitution provides that workers have the right to safe and healthy working conditions, and the State Labor Inspection Service is responsible for implementing the Labor Safety Law. During the first half of the year, the Labor Inspection Service conducted 9,125 inspections of companies and found 4,442 violations. The most numerous abuses included wage arrears, illegal employment (working without a written contract), the violation of labor contracts, time off and work time accounting, harmful working conditions, and the unsatisfactory investigation of accidents. Workers have the right, both in law and practice, to remove themselves from dangerous work environments without jeopardy to their continued employment. From January to August, the State Labor Inspection Service recorded 125 fatal accidents at work and 145 other work accidents.

The Employee Safety and Health Law allows longer than 8-hour night shifts provided that the average working day during a 4-month period not exceed 8 hours. In June, the Labor Inspection Service passed a resolution On Measures to Improve Safety and Health of Workers that requires employers to instruct workers on health and safety issues and to take specified steps to reduce workplace accidents.

The labor laws protect foreign workers.

f. Trafficking in Persons.—The Criminal Code prohibits trafficking in persons; however, trafficking in women and girls for the purpose of prostitution was a problem. International and local NGOs claimed that the problem increased despite significant efforts by the Government to fight it. Authorities did not facilitate or condone trafficking.

The law criminalizes trafficking in persons for purposes of sexual abuse: The penalty is up to 6 years' imprisonment, the same as for prostitution organizers. Other penalties are: Trafficking of juveniles up to 8 years' imprisonment; trafficking for prostitution from 2 to 8 years; trade in children from 2 to 10 years; involving an adult in prostitution up to 3 years; involving a juvenile from 2 to 7 years; and receiving income from prostitution up to 4 years.

By mid-December, the authorities had initiated 14 new criminal cases involving 24 traffickers and a similar number of victims (all women, including several juveniles); from these cases, the courts convicted and sentenced 8 traffickers. Eight of 10 criminal cases of human trafficking that reached the court during the year resulted in convictions.

The country was a source, transit point, and destination for trafficking in women and girls. Women were primarily trafficked to Germany, Spain, the Netherlands, the United Kingdom, France, and Poland. Women from Ukraine, Russia (Kaliningrad district), Belarus, Latvia, and the domestic countryside were trafficked to the country's major cities and to Western Europe, although the numbers reportedly decreased due to lowered earnings in the country and more effective border control. According to Europol, every year approximately 1,200 Lithuanian women fell victim to human trafficking or left the country against their will. Four girls under age 18 were reported as victims of trafficking in the first 8 months of the year; three were trafficked in the country and one to Germany.

A number of women, some underage, were enticed or forced into prostitution and sold abroad by organized crime figures. Traffickers particularly targeted the socially most vulnerable groups: Young females from poor, asocial, or unstable families. Many were lured by deceptive offers of jobs such as household helpers, bar dancers, or waitresses. In many cases, close relatives or friends made such offers. Women also were tricked into prostitution through false marriage advertisements. Victims' compliance was ensured via threats and the withholding of their documents. Their

families often were unaware of their predicament and believed that they had been kidnapped. In August, criminal police detained five Lithuanian, Italian, and Spanish nationals believed to be members of an organized trafficking group, the first operation in the country that resulted in the arrest of leaders of an international trafficking ring.

Despite increases, Government funding for prevention, investigation, prosecution, and witness protection remained inadequate.

The Government allocated \$1 million (3 million litas) to its Program on the Control and Prevention of Trafficking in Humans and Prostitution for 2002–05, and the police were engaged in prevention activities.

There were a number of anti-trafficking projects and publicity campaigns, carried out by the Government, NGOs, the media, diplomatic missions, and by the International Organization for Migration. The Government allocated approximately \$10,000 (30,000 litas) for 2003–04 for pilot projects in two major cities for psychological rehabilitation, professional orientation, and employment of victims of trafficking and prostitution. During 2002–03, the Government allocated approximately \$125,000 (372,000 litas) for 15 anti-trafficking projects run primarily by NGOs, such as the Missing Persons' Family Support Center, the Mother and Child Care House in Vilnius, and others. The programs aim to provide shelter and access to legal and counseling services for victims, and to provide medical assistance for women engaged in prostitution. An NGO maintained a toll-free line for pupils and their parents, which provides advice and information on trafficking. Many NGOs complained that state support was irregular.

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.

Civilian authorities maintained effective control of the only security forces, the Grand Ducal Police. There were no reports that security forces committed human rights abuses.

The country had a market economy with active industrial and service sectors. The population was approximately 448,300. The standard of living and the level of social benefits were high.

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

RESPECT FOR HUMAN RIGHTS

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

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

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

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

Prison conditions generally met international standards. Men and women were held separately in prisons. Juveniles and adults imprisoned for minor crimes at times were held together (but in separate cells). Pretrial detainees were not held separately from convicted criminals.

There was one suicide at the penitentiary in Schrassig.

The Government permits prison visits by independent human rights Observers, and one such visit occurred during the year.

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

The Grand Ducal Police and its investigative branch, the Judiciary Police, are under the direction of the Ministry of Interior and provide service to the entire country.

Judicial warrants are required for arrests except in cases of hot pursuit. Within 24 hours of arrest, the police must lodge charges and bring suspects before a judge. Suspects are given immediate access to an attorney, at government expense for indigents. The presiding judge may order release on bail.

The Constitution prohibits forced exile, and the Government did not employ it in practice.

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

The judiciary 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 heard more serious cases. The Youth and Guardianship Court ruled on matters concerning the protection of young persons. An administrative court system reviewed citizen challenges to legislation.

The Constitution provides for the right to a fair trial, and an independent judiciary generally enforced this right. Defendants are presumed innocent. They have the right to public trials and are free to cross-examine witnesses and to present evidence. Either the defendant or the prosecutor may appeal a ruling; an appeal results in a completely new judicial procedure, with the possibility that a sentence may be increased or decreased.

There were no reports of political prisoners.

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

Section 2. Respect for Civil Liberties, Including:

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

The independent media were active and expressed a wide variety of views without government restriction.

Internet access was widely available and unrestricted.

b. Freedom of Peaceful Assembly and Association.—The law provides for the freedom of assembly and association, and the Government generally respected these rights in practice. The Government required and routinely issued permits for public meetings and demonstrations.

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

There is no state religion, but the State provided financial support to some churches. Specifically, it paid the salaries of Roman Catholic, some Protestant, Orthodox, and Jewish clergy, and several local governments maintained sectarian religious facilities. In January, the Government signed a convention to extend this support to the Anglican Church; however, legislation required to finalize this convention had not been passed by year's end. The Muslim community's agreement in July to name a national representative and single interlocutor allowed discussions to move forward on their desire to receive similar government funding; however there was no conclusion by year's end.

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

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

The law provides for the granting of refugee status or asylum to persons who meet the definition in the 1951 U.N. Convention Relating to the Status of Refugees and its 1967 Protocol. In practice, the Government provided protection against refoulement and granted refugee status and asylum. The Government cooperated with the U.N. High Commissioner for Refugees and other humanitarian organizations in assisting refugees and asylum seekers.

After pledging in 2002 to expel several thousand refugees from Montenegro who reportedly did not qualify for asylum status, the Government had expelled 555 by year's end.

In March, police arrested several persons suspected of Muslim extremist activities, 13 of whom were deported for having irregular immigration status. After the deportation, a lawyer for one of the individuals claimed that his client had feared being tortured by police in his country of origin.

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

The Constitution provides citizens with the right to change their government peacefully, and citizens exercised this right in practice through periodic, free, and fair elections held on the basis of universal suffrage. National parliamentary elections are held at least every 5 years.

There were 12 women in the 60-member legislature and 4 women in the 14-member Cabinet.

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

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

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

The law prohibits racial, sexual, or social discrimination, and the Government enforced these provisions.

Women.—There were instances of domestic violence, which the Government took steps to address. In September, the Government passed a law on domestic violence, which took effect on November 1. The law stipulates that a batterer will be removed from the house for 10 days; this can be extended an additional 3 months. The law is gender neutral. Police press the charges so that a victim may no longer be intimidated into dropping charges. Penalties may include fines and imprisonment. In addition, if a person has been to an NGO for assistance, the police must act proactively to go to speak with the person. Starting in December, the country provided a hotline for perpetrators, such as aggressive men. During the year, shelters provided refuge to 428 women and 519 children, compared with 399 and 460, respectively, in 2002. In addition, the Government provided financial assistance to domestic violence victims. Information offices set up to respond to women in distress reported that they received 3,013 telephone calls during the year, compared with 4,708 telephone calls in 2002. The Government funded organizations that provided shelter, counseling, and hot lines.

There were anecdotal reports that women were trafficked to the country for sexual exploitation (see Section 6.f.).

Women enjoyed the same property rights as men under the law. In the absence of a prenuptial agreement, property is divided equally upon the dissolution of a marriage. The law mandates equal pay for equal work, and the Ministry for the Promotion of Women had a mandate to encourage a climate of equal treatment and opportunity; however, according to government reports, women were paid 20 to 30 percent less than men for comparable work. The Government cited the interruption in the careers of women caused by childbirth and their maternal roles as one reason for the disparity. There were no work-related discrimination lawsuits. Women constituted 33 percent of the work force.

Children.—The Government was strongly committed to children's rights and welfare; it amply funded a system of public education and health care. The law mandates school attendance from the ages of 4 through 15, and school attendance is universal through that age. Schooling was free through the secondary level, and the Government provided some financial assistance for post-secondary education.

There were some reports of abuse of children, although there was no societal pattern of such abuse. The Government's hot line for young persons in distress received 615 calls during the year. A physicians' organization estimated that approximately 200 cases of child abuse that required treatment in hospitals each year resulted in legal proceedings.

The law sets penalties for adults who traffic children, facilitate child prostitution, or exploit children through pornography and extends the country's criminal jurisdiction over citizens and residents who engage in such activities abroad. No such activities were reported during the year.

Persons with Disabilities.—The law prohibits discrimination against persons with disabilities in employment, education, and the provision of other state services. The Government assisted persons with disabilities to obtain employment and professional education. Businesses and enterprises with at least 25 employees by law must fill a quota for hiring workers with disabilities and must pay them prevailing wages. The quotas were fixed according to the total number of employees; employers who did not fulfill them were subject to sizable monthly fines. The Government provided subsidies and tax breaks for employers who hired persons with disabilities.

There were no known complaints of noncompliance with the disability laws. However, the Government acknowledged that laws establishing quotas for businesses that employ over 25 persons were not applied or enforced consistently, and there was a particular problem in the case of persons with mental disabilities.

The law does not directly mandate accessibility for persons with disabilities, but the Government paid subsidies to builders to construct “disabled-friendly” structures. Despite government incentives, only a small proportion of buildings and public transportation vehicles were modified to accommodate persons with disabilities.

Section 6. Worker Rights

a. The Right of Association.—All workers had the constitutional right to associate freely and choose their representatives, and they exercised this right in practice. Of the working population, 57 percent belonged to a trade union. Membership was not mandatory. Unions operated free of governmental interference. The two largest labor federations were linked to, but organized independently of, major political parties.

The law provides for the adjudication of employment-related complaints and authorizes labor tribunals to deal with them. A tribunal may fine an employer found guilty of anti-union discrimination, but it may not require the employer to reinstate a worker fired for union activities.

Unions maintained unrestricted contact with international bodies.

b. The Right to Organize and Bargain Collectively.—The law provides for and protects collective bargaining, which was conducted in periodic negotiations between centralized organizations of unions and employers. Enterprises having 15 or more employees must have worker representatives to conduct collective bargaining. Enterprises with over 150 employees must form joint works councils composed of equal numbers of management and employee representatives. In enterprises with more than 1,000 employees, one-third of the membership of the supervisory boards of directors must be employee representatives.

The 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 occurred during the year. The law prohibits discrimination against strike leaders, and a labor tribunal deals with complaints.

There are no export processing zones.

c. Prohibition of Forced or Bonded Labor.—The Government prohibits forced and bonded labor, including by children, and there were no reports that such practices occurred.

d. Status of Child Labor Practices and Minimum Age for Employment.—The law prohibits the employment of children under the age of 16. Apprentices who are 16 years old must attend school in addition to their job training. Workers under the age of 18 have additional legal protection, including limits on overtime and the number of hours that can be worked continuously. The Ministries of Labor and Education effectively monitored the enforcement of child labor 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 was \$1,754 (1,403 euros) per month for unskilled workers, and \$2,105 (1,684 euros) per month for skilled workers. The minimum wage was not sufficient to provide a decent standard of living for a worker and family; however, most employees earned more than the minimum wage.

The law mandates a maximum workweek of 40 hours. Premium pay was required for overtime or unusual hours. Sunday employment was permitted in continuous-process industries (steel, glass, and chemicals) and for certain maintenance and security personnel; other industries requested permission for Sunday work, which the Government granted 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, or with 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 received at least 5 weeks of paid vacation yearly, in addition to paid holidays.

The law mandates a safe working environment. An inspection system provided severe penalties for infractions. The Labor Inspectorate of the Ministry of Labor and the Accident Insurance Agency of the Social Security Ministry carried out effective inspections. No laws or regulations specifically provided workers with the right to remove themselves from dangerous work situations without jeopardy to their continued employment; however, every worker has the right to ask the Labor Inspectorate

to make a determination regarding workplace safety, and the inspectorate usually did so expeditiously.

The law provides for equal protection of foreign workers.

f. Trafficking in Persons.—The law prohibits trafficking in persons; however, the Government identified trafficking to exist within its borders. Some observers believed trafficking of persons may have occurred, due to fluid borders and the existence of trafficking in nearby countries, although there were no substantiated reports of trafficking.

The Penal Code provides for 5 years' imprisonment for trafficking; however, no one had been arrested or prosecuted on trafficking charges by year's end.

In November, the Government convened a working group to determine whether trafficking was a problem and whether there was any relationship between trafficking and prostitution, and to propose initiatives to address problems if they existed.

The country was a destination for Russian and Ukrainian women who went to work as cabaret dancers. The Government grants "artiste visas," valid for 1 month, to nearly 1,000 women a year to work as performers in cabarets. To obtain the visas, the women must sign a contract in their own language regarding their rights and receive an emergency telephone number to call if needed. Concerned parties asserted that some of the dancers were pressured into prostitution to earn additional income to pay back airfare, insurance, and agency fees as well as for themselves and family members. There were no government services specifically for victims of trafficking. Two NGOs, which were fully financed by the Government, provided shelter and counseling assistance to women in distress.

During the year, there were three roundtables regarding the treatment of women that included discussions on trafficking, one of which had government sponsorship.

The Ministry for the Promotion of Women had awareness programs for victims of domestic violence, although none specifically targeted trafficked victims. The awareness programs included poster displays at strategic locations around the city; on September 25, the Grand Duchess attended a discussion and film on trafficking.

MACEDONIA, FORMER YUGOSLAV REPUBLIC OF

Macedonia is a parliamentary democracy with multiethnic party representation and a popularly elected president. From February to July of 2001, the country experienced an insurgency conducted by Kosovar and indigenous ethnic Albanians; NATO successfully facilitated a ceasefire in July 2001, and in August 2001, domestic political parties signed the Framework Agreement (FWA) with international facilitation. By year's end, Parliament had completed nearly all FWA-mandated legislative actions (including amendment of the Constitution), which provided for enhanced minority civil rights and devolution of power to local governments. In parliamentary elections held in September 2002, which were deemed generally free and fair, opposition parties, including an ethnic Albanian party primarily formed by former insurgents, won a majority of seats. The Social Democratic Union of Macedonia (SDSM), Liberal Democratic Party of Macedonia (LDP), and Democratic Union for Integration (DUI) constituted an ethnically mixed government led by Prime Minister Branko Crvenkovski. The Constitution provides for an independent judiciary; however, corruption and political influence at times limited its ability to function efficiently.

While civilian authorities generally maintained effective control of security forces, there were some instances in which elements of the security forces acted independently of government authority. The Ministry of Interior (MOI), which oversees the uniformed police, the non-uniformed police, the police reservists, and the internal intelligence service, is under the control of a civilian minister; a parliamentary commission oversees operations. The Ministry of Defense has responsibility for border security. Some members of the security forces committed human rights abuses.

The country, with a population of approximately 2 million, had a mixed market-based economy. Gross domestic product grew by 3.1 percent during the year. According to the labor force survey, unemployment increased from 31.9 percent in 2002 to 36.7 percent; however, these figures did not reflect the large gray economy.

The Government generally respected the human rights of its citizens; however, there were problems in several areas. Security forces killed at least four persons during the year. Law enforcement officers occasionally beat suspects, particularly during initial arrest and detention. Arbitrary arrest and prolonged pretrial detention were problems. The Government did not investigate many human rights abuse cases from previous years; however, the Government made progress on investigating

allegations of human rights abuses that arose during the year. The judiciary, on many occasions, did not effectively investigate or prosecute state agents and civilians for alleged human rights abuses. In some cases, police continued to compel citizens to appear for questioning, in spite of a 1997 law that requires police first to obtain a court order. Implementation of an Amnesty Law for former 2001 combatants not accused of war crimes was nearly complete at year's end, although a few problems remained. While most judicial authorities cooperated, some obstructed implementation of the law. The International Criminal Tribunal for the Former Yugoslavia (ICTY) continued to investigate alleged war crimes cases.

Violence and discrimination against women (particularly in the Roma and ethnic Albanian communities) remained problems. Societal discrimination against minorities, including Roma, ethnic Albanians, and ethnic Turks, remained a problem. Continued adoption of FWA-mandated legislation, including the adoption of the Law on the Ombudsman, laid the legal groundwork for improving civil and minority civil rights. Trafficking in women and girls for prostitution was a problem.

RESPECT FOR HUMAN RIGHTS

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

a. Arbitrary or Unlawful Deprivation of Life.—There were no political killings; however, security forces killed at least four individuals during the year. The Macedonian Army Border Brigade, while following its rules of engagement for illegal border crossings, killed two individuals in separate incidents; these cases were under review by a commission of officials from the Ministry of Defense (MoD) and the Chief of General staff at year's end. There were two other legitimate police law enforcement actions that resulted in deaths.

On June 18, elements of the Macedonian Army's Border Brigade shot and killed an Albanian at a range of 400 meters, as he attempted to return to Albania after illegally crossing the Macedonian-Albanian border. In the days following this death, the Government commission, in consultation with NATO, reviewed and changed the Border Brigade's rules of engagement to bring them in line with international standards. A similar shooting occurred along the border in February.

On June 12, police shot and killed Nexhbedin Demiri, a fugitive wanted for violent crime and assault charges, in Skopje after Demiri pulled out a gun during his arrest. The MOI captured the incident on videotape and determined that it was a legitimate use of force.

On November 21, police shot and killed Dime Ickovski, in Skopje, during an exchange of fire in an attempt to arrest him on charges stemming from his escape from prison and charges of theft. At the time of the incident, Ickovski was in possession of a pistol, a large amount of ammunition, and two hand grenades.

The case of 13 members of the "Tigers" special police unit who beat Alberto Stojcev to death and severely injured 3 others during an altercation in a bar in Vinica in 2002 resulted in 6 month prison terms for six Tigers who were directly involved in the fight and 3 month prison terms for three Tigers who participated briefly in the fight. The others were released without convictions.

There were no new developments in the Government's investigation of the Rostanski Lozija case, involving the police killing of seven illegal immigrants in March 2002. After the killing, the police had planted weapons and National Liberation Army (NLA) uniforms next to the bodies. Former Minister of Interior Boskovski, changing his account of the incident several times, claimed that the seven men had ambushed four police officers, and that in returning fire, the police killed all of their assailants. Some of the immigrants were shot as many as 56 times. A MOI investigation, during the previous Government, exonerated the policemen involved of wrongdoing, and the former chief public prosecutor failed to adequately investigate or prosecute the incident. International observers and human rights organizations continued to press the Government to investigate the incident thoroughly.

In August 2002, unknown assailants shot and killed two ethnic Macedonian police officers near Gostivar. Among the suspects detained by police was Selam Selami, who was severely beaten by police and sustained permanent injuries (see Section 1.c.). Selam Selami's hearing was postponed eight times, and Selami spent several months in pretrial detention before being released on bail. On September 9, the public prosecutor determined that there was insufficient evidence, and dropped all charges against Selami.

There were no new developments in the following cases from 2002: The ethnic Albanian who was killed by the Macedonian Border Brigade after the car he was in ran through an illegal crossing in the village of Belanovce; the "Lion" who shot and

killed an ethnic Albanian man on the Tetovo-Gostivar highway; and the police killing of an ethnic Albanian man at a checkpoint in Tetovo.

An ICTY investigation was ongoing at year's end into the killing of ethnic Albanian civilians by police at Ljuboten in 2001 (see section 4).

On May 4, two Polish NATO soldiers and two Macedonian citizens were killed by a land mine in Sopot. In June, a Macedonian Army patrol ran over a mine near the northern border, killing one soldier. In October, a farmer from the village of Kondovo, near the border with Kosovo, was wounded when his tractor ran over a land mine. All three mines were reported to have been planted recently.

All government-controlled stocks of landmines were destroyed by March; however, demining and unexploded ordnance disposal efforts in former conflict areas continued at year's end. An International Committee of the Red Cross (ICRC) program to educate children on the risk of unexploded devices, begun in 2001, was handed over to a national body (trained by the U.N. Mine Action Office) in June; this National Body was expected to be integrated into the Ministry of Defense.

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

The International Committee on Missing Persons (ICMP) continued to work with the Government and family members to assist in resolving the cases of 20 persons—13 ethnic Macedonians, 6 ethnic Albanians, and 1 Bulgarian citizen—missing since the 2001 conflict. The Government made no progress in resolving these cases.

On July 18, the ICMP held a conference, "The Right to Know," in Skopje. The conference gathered families, government representatives, foreign government officials, and representatives from numerous nongovernmental organizations (NGOs) to discuss concrete steps to determine the fate and whereabouts of those missing from the 2001 conflict. Both the ICRC and the ICMP remained in contact with the families of the missing persons; however, none of the families were willing to assist investigators by giving blood and DNA samples. On December 8, the Government appointed two coordinators to develop and implement a working plan to deal with the humanitarian aspects of the case. On December 19, President Trajkovski, Prime Minister Crvenkovski, Minister of Interior Kostov, and DUI leader Ahmeti met with family members of the missing persons and ICMP officials to discuss developments in the case.

In 2002, a European Union (EU) commissioned report criticized the MOI for a "lack of serious investigations" into the fate of these missing persons. The report also concluded that at least 8 of the 13 missing ethnic Macedonians had been abducted by the NLA, and that the others had been in areas where they had likely encountered NLA units. Former NLA combatants and leaders attributed the disappearance of the ethnic Albanians to a particular "rogue unit," but refused to disclose more information, according to the EU report.

Two of the cases in which the ICTY has asserted primacy deal with missing persons (see Section 4).

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.—The Constitution prohibits such practices; however, police at times used excessive force during the apprehension of criminal suspects and sometimes tortured and abused prisoners.

In May, several days before a police raid in Sopot, police officers detained Ramadan Bajrami and reportedly tortured him for 3 days. Bajrami was charged with counterfeiting foreign currency; the only evidence consisted of one counterfeit 100 euro note. He was the main witness in the trial against Sulejman Sulejmani. On October 22, Bajrami was released from detention due to lack of evidence.

On May 25, police officers arrested Sulejman Sulejmani, who was suspected of planting a land mine in Sopot, and charged him with a criminal act of terrorism. The land mine killed two Polish NATO soldiers and two Macedonian citizens. During the arrest of Sulejmani, local citizens alleged that police used excessive force in searching homes in the vicinity. The MOI formed a mixed ethnic committee headed by one of the Minister's deputies to investigate the allegations against the police. After a thorough investigation, no abuses of police authority or excessive use of power or force were found to have occurred. International organizations and the ethnic Albanian governing partner DUI contended that the raid should have included ethnic Albanian police officers. A report on the outcome of the case was sent to the Helsinki Committee on Human Rights and to the Ombudsman's Office; however, it was not made public.

On September 18, in Kumanovo, the first session of Sulejmani's trial took place, with Bajrami as the key witness. Sulejmani denied the allegations against him and described harassment by the police and detention in an unknown location for 2 days after his arrest. Bajrami recanted his initial statements to the police and insisted

that he made the statements under duress. On November 19, a court sentenced Sulejmani to 10 years' imprisonment. The case was under appeal at year's end.

On June 8, Macedonian security and counter-intelligence officers in Kumanovo allegedly unlawfully detained and severely mistreated Avni Ajeti, who was suspected of planting a mine on the Skopje-Belgrade railroad and a bomb in the Kumanovo central square. Ajeti reportedly had no initial access to an attorney and his initial statements were allegedly coerced. On December 1, Ajeti was sentenced to 7 years' imprisonment for terrorism; his lawyers appealed his case and the appeal remained pending at year's end.

There were credible reports of occasional police violence and harassment against Roma. On February 7, uniformed police officers and inspectors physically assaulted two ethnic Roma in the Kumanovo police station. The police had arrested the men on suspicion of involvement in a theft, but they were later released due to a lack of incriminating evidence against them. One of the men was also allegedly kept in custody in excess of the 24-hour legal limit. Due to their injuries they both sought medical attention at the Kumanovo Medical Center.

The two men filed complaints with the Kumanovo police in February. In March, the European Roma Rights Center (ERRC) publicly issued a letter to Prime Minister Crvenkovski expressing concern about allegations of human rights violations of Roma persons in the country and mentioned the allegations of these two men. On May 29, a MOI Disciplinary Commission convened by the Professional Standards Unit in Skopje concluded that the four police officers accused of physically abusing the two ethnic Roma men at the Kumanovo Police Station acted in violation of the law. The Commission sanctioned the 4 police officers with a 15 percent salary reduction for 6 months. The Roma men filed civil charges against the police officers; their cases remained pending at year's end.

In May 2002, during a Lions live-fire training exercise, former Minister of Interior Boskovski injured four persons. Although charges were pressed against the former Minister, the investigation was stalled because the Gostivar court did not pay the Institute of Forensics and Criminology in full for forensic work conducted during the investigation. At year's end, the case was in court procedure and the injured parties filed civil charges against Boskovski.

After an arrest in August 2002, Gostivar police severely beat Selam Selami who sustained permanent injuries to the head, and remained in a coma until the end of October 2002 (see Section 1.a.). The ICRC and the Organization for Security and Cooperation in Europe (OSCE) repeatedly and unsuccessfully tried to gain access to Selami. In November 2002, following the change of government, the ICRC was able to visit him. He remained in pretrial detention through 2002, and allegedly was denied adequate medical attention during that time. In December 2002, he was released on bail pending trial, and left the country. Selami was acquitted of all charges in September.

In March, the Court dismissed the case regarding the 2002 beating of then-Acting Director General of Customs, Vancho Lazarov, due to insufficient evidence.

There were no developments during the year in the following cases from 2002: The police beating of Plasnica Mayor Ismaili Jaoski; the alleged torture by police of Dusko Aranglovi; the reservist police officer shooting of an 11-year-old girl in Skopje; the beatings of 17 ethnic Albanians by Lions.

The case of six to eight police officers who severely beat an OSCE observer at a bar in 2002 remained unsolved; however, the Public Prosecutor's office was reviewing the case at year's end.

Prison conditions generally met international standards, and prisons met basic diet, hygiene, and medical care requirements. Men and women were held separately. Pretrial detainees were held separately from convicted criminals. Juvenile prisoners were supposed to be physically separated from adults; however, due to poor conditions in the penitentiary institutions, juveniles often served their sentences with adults.

The Government permitted visits to convicted prisoners by independent humanitarian organizations such as the ICRC and the Human Rights Ombudsman. However, the law prohibits visits to pretrial detainees by any person other than the accused person's lawyer, and this provision was commonly enforced. The European Committee for the Prevention of Torture (CPT) was authorized to visit all places of detention on a regular and ad hoc basis, as well as numerous police stations.

d. Arbitrary Arrest, Detention, or Exile.—The Constitution specifically prohibits unlawful arrest; however, arbitrary arrest and detention were problems.

The Macedonian National Police, within the MOI, is a centralized force with two major components: uniformed police and criminal (civilian) police. MOI officials in Skopje control, supervise, and direct all subordinate regional offices, which allows little opportunity for regional and local commanders to design and implement poli-

cies needed for the area where they perform their duties. As police reform continued, competencies were expected to be transferred from the central authority to regional police units.

The police force remained overwhelmingly ethnic Macedonian; however, progress was made in assigning ethnically mixed patrols to predominantly ethnic Albanian areas. According to the MOI, ethnic Albanians constituted approximately 10 percent of the national police force (including state security and counterintelligence agencies). The Government for several years had set a recruiting quota of 22 percent for enrolling minority students at the police secondary school; however, attrition detracted from the anticipated progress.

MOI officials were slow at times to complete investigations and bring charges in outstanding human rights cases from previous years. The Professional Standards Unit (PSU), which is responsible for investigating corruption, improved its investigations; the MOI strengthened the role of the PSU by increasing its staff to reflect better the ethnic diversity of the country, adopted a new PSU rulebook, and investigated all matters related to the non-professional conduct on the part of any employee. During the year, the PSU completed an investigation of three senior MOI officials accused of misusing their positions. All three were dismissed from the MOI, criminal charges were filed, and a trial was ongoing at year's end.

The former director of the Gevgelija Medical Center Slobodanka Sukleva was in pretrial detention for 4½ months during the criminal investigation on charges of corruption and embezzlement.

The MOI took concrete steps to reform the police. The Government adopted a strategy for police reform in August, and the MOI established a working group for its implementation. Parliament passed legislation regarding the police academy, which was expected to establish a new approach to the selection process, continuing education, and the training of police officers designed to create a merit-based, professional police cadre; however, the legislation had not been implemented by year's end. The MOI approved the Community Policing Pilot Project to transform the police from a "force" into a "service" for the citizens. The process of improving the equitable representation within the police force continued with OSCE training and the induction of 1,000 ethnic minority recruits.

Although the law requires warrants for arrest and detention, this provision was at times ignored, and on occasion warrants were not issued until some time after arrests. Investigative judges adopted a practice of generally approving arrests or search and seizure warrants post facto. The Constitution states that a detainee must be arraigned in court within 24 hours of arrest. The accused is entitled to contact a lawyer at the time of arrest and to have a lawyer present during police and court proceedings. Police at times violated the 24-hour time period within which a suspect must be arraigned, often by transferring the suspect from one police station to another so as not to exceed a 24-hour period of police detention in the location. Detainees were at times denied access to an attorney during police and investigative proceedings, which then caused additional problems during the later stages of the criminal proceedings. Also, suspects claimed alleged ill-treatment by the police during initial detention periods (see Section 1.c.). There were no reports of falsified arrest warrants during the year.

There is a functioning bail system which was primarily used by the courts in "property related crimes," such as fraud, embezzlement, and abuse of official position. The courts were reluctant to approve bail for defendants accused of violent crimes or crimes against children.

The maximum length of pretrial detention is 180 days; however, pretrial detention exceeding 180 days after indictments entered into force was a problem, and detainees at times were held on weak evidence. Investigative judges determine the legality of detention. The law provides for access by attorneys and other interested individuals to pretrial detainees, but such access has to be approved by an investigative judge and the warden of the detention facility; in practice, investigative judges and wardens regularly approved such access. If the judge determines that an arrested person should be further detained, the judge must immediately inform the public prosecutor. If the prosecutor does not file a request for a criminal investigation within 24 hours, the investigative judge must release the arrested person.

NGOs, as well as other legal experts, contended that the judiciary abused pretrial detention. There were allegations that the judiciary succumbed to pressure by the executive branch to order long detentions. The opposition claimed that investigative judges, under pressure from the Government, improperly extended pretrial detention for politically motivated reasons in multiple corruption related cases.

Mechanisms for investigating allegations of unjustified detention were underutilized. The Ombudsman stated that no complaints regarding unjustified detention were submitted for his review. The Law on Criminal Procedure provides for possible

compensation if the detention was ordered due to an error or unlawful act of the responsible body.

The Amnesty Law was regularly implemented and respected. Under provisions of the Law, persons accused of fighting with or actively supporting the NLA up until the date of the NLA's disbandment in September 2001 were granted amnesty; however, the law did not apply to persons accused of war crimes as defined in the ICTY statute. More than 900 persons were given amnesty; however, a few cases remained pending at year's end. Former NLA members were frequently detained but only for periods long enough to allow authorities to verify that they were eligible for amnesty.

On a few occasions, police had accused former combatants of war crimes without providing sufficient evidence, which resulted in prolonged detentions that later could not be justified. There were a few unresolved cases at year's end. The ICTY continued to investigate alleged war crimes, and is expected to make its decisions regarding indictments in 2004.

The police have no legal powers to bring in a person coercively for an interview unless the police arrest the person in the act of committing a crime; however, there were several reports of police bringing individuals in for "informative talks." For example, the media reported that the police brought in several employees of the OKTA refinery for questioning about the alleged unlawful privatization of the refinery. The report did not state that any force had been used; however, the employees claimed that they were kept by the police for several hours and denied immediate access to an attorney. Legislation provides that the Interior Ministry (police) can invite a person for an interview; however, there is no obligation for that person to give any statement to the police. The Constitution and the Law on Criminal Procedure provide that a person is generally entitled to an attorney during the police procedures.

At year's end, a trial was ongoing in a basic court in Skopje regarding 10 ethnic Albanians who were accused of abducting 5 ethnic Macedonians along the Tetovo-Gostivar highway in 2002.

The Constitution prohibits forced exile, and the Government did not employ it.

e. Denial of Fair Public Trial.—The Constitution provides for an independent judiciary, and the Government generally respected this provision in practice; however, the judiciary was at times inefficient and subject to political influence. The judiciary was generally weak and was sometimes influenced by political pressure and corruption; however, there were no reports of widespread abuse or systemic corruption.

Members of various commissions, human rights organizations and independent observers described the judiciary as inefficient, politicized and, at times, corrupt. The replacement of former members of the Republican Judicial Council (RJC) became a significant political issue after the Parliament approved an amendment resulting in the retirement of six of the seven members of the RJC, in order to fulfill FWA provisions regarding ethnic representation on the body. Appointments to that body were not completed by year's end.

The media reported that the Chief Prosecutor accused some lower courts of being biased or influenced by certain political factors, which resulted in prolonged trials and the inability to reach final judgments in politically sensitive cases. The State Anti-Corruption Commission, after reviewing cases of alleged corruption among prosecutors and judges, submitted its recommendation for dismissal of 13 judges to the RJC, which is obliged under the law to review these cases and submit its opinion on a course of action to the Parliament. Also, the State Anti-Corruption Commission reviews cases of alleged corruption, conflict of interest, and nepotism. It issued opinions, which frequently included recommendations that the prosecutor initiate criminal actions against those judges for whom there is sufficient evidence of corruption. The Government publicly expressed its discontent with the low number of court judgments in general.

The court system is three-tiered and composed of basic courts, appellate courts, and a Supreme Court. The Constitutional Court is not considered part of the judicial branch, and deals with matters of constitutional interpretation and certain human rights protection issues.

Trials were presided over by judges appointed by the RJC (an independent agency) and confirmed by Parliament. Two to three community-member consulting jurors assist each judge in determining the verdict, although the judge makes the final decision regarding the sentence. 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 serves this function (see Section 4).

Ministry of Justice statistics from this year showed that 88 percent of judges were ethnic Macedonians, 6.4 percent were ethnic Albanians, 2.2 percent were ethnic Vlachs, 1.6 percent were ethnic Serbs, and 0.5 percent were ethnic Turks. While

these numbers do not meet equitable representation levels as mandated by the FWA, the Government was gradually making efforts to increase the number of ethnic minorities in the judiciary.

The Constitution provides for a fair public trial. The law also provides for the presumption of innocence, to the right to a lawyer in pretrial and trial proceedings, the right to an appeal, and the right to stand trial within a reasonable period of time after charges have been pressed. Court hearings and the rendering of verdicts were open to the public except in some cases, such as those involving minors and those in which the personal safety of the defendant was of concern. Trials could only be televised when authorized by the Supreme Court under special circumstances. International community members, including NGOs and other human rights observers, were regularly allowed to monitor high profile trials.

The law provides that trials may be held in absentia so long as the trial is repeated if the convicted individual is accessible to justice officials. In November, the Kumanovo Court convicted nine defendants on "terrorism" charges for planting a mine along the Skopje-Belgrade railroad and bombs in the center of Kumanovo, injuring three persons and causing extensive material damage. Only one defendant was present at the trial, while the other eight co-defendants were tried in absentia. One of the eight co-defendants who was tried in absentia was detained by the U.N.-authorized, NATO-led peacekeeping force in Kosovo; at year's end, the defendant remained in U.N. Interim Administration Mission in Kosovo detention.

During the year, 21 war crimes cases were brought to trial, but they were withdrawn by prosecutors due to insufficient evidence or because the Amnesty Law applied. However, the Government did prosecute one war crimes case during the year; Ibrahim Sulejmani was convicted of war crimes committed in 2001 in Drenovec and sentenced to 15 years' imprisonment.

The criminal justice system provides for specialized treatment of juvenile delinquents, separate from that of adult criminal offenders. Children below 14 years of age cannot be held criminally liable; however, private civil suits for compensation of damages can be filed against the parents of the child for failure to oversee and control the behavior of the child. Juveniles between 14 and 18 years of age can be criminally liable and divided by the criminal law into two groups: Juveniles aged 14–16 are considered younger juveniles and can only be sentenced to educational and disciplinary sanctions; juveniles aged 16–18 can be sentenced to prison terms ranging from 1 to 10 years.

There are specialized judges for juvenile delinquents in all Basic Courts and cases involving juvenile delinquents are tried by a single judge (as opposed to adult offenders, who are tried by a combined panel of lay and professional judges). Experts from the Centers for Social Work are included in criminal proceedings against juveniles, providing a socio-psychological profile of the juvenile and their opinion as to what sanction would work best for each individual. The penitentiary system provides for specialized treatment of juvenile convicts, and places emphasis on an educational approach.

There were no reports of political prisoners.

f. Arbitrary Interference with Privacy, Family, Home or Correspondence.—The Constitution prohibits such actions and the Government generally respected these prohibitions in practice. In December, Parliament approved a constitutional amendment legalizing wiretapping for police investigations.

On November 27, the ERRC filed a pre-application letter with the European Court of Human Rights in Strasbourg against the Government to prevent the forced movement or expulsion of Kosovo Roma, Egyptian, and Ashkali refugees to Kosovo or to Serbia and Montenegro (see Section 5).

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Speech and Press.—The Constitution provides for freedom of speech and of the press; however, the media was not completely independent, as some media outlets were aligned with a political interest, and some news and information were reported from a political perspective.

Eight major daily newspapers as well as numerous weeklies or periodicals were published in Skopje. There was nationwide distribution of dailies and weeklies. Some towns and municipalities continued to publish local newspapers. The top three national dailies were Dnevnik, Utrinski Vesnik, and Vest. In July, German media conglomerate Westdeutsche Allgemeine Zeitung (WAZ) became a major shareholder in these three dailies. WAZ announced that the three dailies would maintain full, independent editorial control; however, there were fears that WAZ would create a monopoly in the Macedonian-language-daily market. The three other dailies in the Macedonian language—Nova Makedonija, Vecer and Makedonija Denes—had minimal circulation and impact. The Government continued to provide a yearly financial

subsidy to all print media, including the two Albanian-language national newspapers, Fakti and Flaka, and the Turkish-language newspaper Birlık.

The largest publishing house was Nova Makedonija, which published two national dailies in Macedonian (Nova Makedonija and Vecer), one national newspaper in Albanian (Flaka), and one national daily in Turkish (Birlık). The publishing house was liquidated on October 23, following a June court determination that NIP Nova Makedonija was bankrupt. In August 2002, on the eve of parliamentary elections, Nova Makedonija sold 70 percent of its share to a Slovenian-registered company, but an investigation determined that the sale was illegal. Nikola Tasev, former General Manager of Nova Makedonija, and Besnik Fetaj, former Minister of Economy, were charged with abuse of power. Court trials in both of these cases started, and the two defendants were released on bail. Criminal charges were also filed against four other persons for abuse of position. In December, Nova Makedonija, Vecer, and Birlık were sold to the private companies Ideja Plus, Zonik, and Euroazija-tehnika, respectively.

Distributors of foreign newspapers and magazines had to obtain permits from the MOI; however, there were no known reports of such requests being denied during the year. Foreign newspapers, including those from neighboring countries, were available throughout the country.

Macedonian Radio and Television (MRTV) was the sole public broadcaster in the country, with distribution reaching over 90 percent of the population. In addition to the existing MTV and MTV2 channels in Macedonian language, MTV3 was in its second year in accordance with the FWA. Programs on MTV3 were broadcast primarily in Albanian, and to a limited extent in Turkish, Vlach, Romani, and Serbian. MRTV broadcast in Macedonian and, while there was improvement during the year, MRTV generally favored the government point of view. MRTV faced challenges in being perceived as a national public broadcaster. The General Manager of MRTV launched a program to transform MRTV into an effective public broadcaster, and received widespread support from the international community, particularly the OSCE; however, the transformation will not become effective unless there are changes in the broadcasting law. There were an estimated 150 local radio and television stations registered in the country. The Broadcasting Council of Macedonia recommended concessions that the Government awarded to radio and television broadcasters.

A1 Television and Sitel Television were the primary private television broadcasters, both based in Skopje and with nationwide distribution. There were several private Macedonian language television stations in Skopje including Skynet TV, Telma and Kanal 5. There were two private Albanian language television stations in Skopje, TV Era and TV Toska, as well as two stations that broadcast in the Romani language, TV-BTR, and TV Sutel. TV EDO was a Bosniak language station.

There were two news agencies: the state-owned Macedonian Information Agency (MIA) and the privately run Makfax. A request by MIA to the Parliament to receive funds from the state budget triggered a strong negative reaction by the Association of Print Media. The State Budget, which was adopted in Parliament in late December, did not include funding for the MIA.

In the Skopje village of Aracinovo in June, local residents physically prevented MTV, Sitel TV and Telma TV from reporting on an incident and several journalists sustained injuries. Journalists' associations, along with political parties and the international community, unanimously condemned the attack. No investigation results were reported by year's end.

In November, the Skopje Court 1 reached verdicts for three separate cases on slander charges pressed in 2001. Utrinski Vesnik journalist Sonja Kramarska was fined \$417 (20,000 denars) for slandering former Parliament Speaker Stojan Andov. Former A1 TV journalist Dragan Antonovski was fined \$2,083 (100,000 denars) for insulting former Chief of Army General Staff Jovan Andrevski. The third case involved Zum weekly journalist Zoran Markozanov, who was convicted and received a sentence including a conditional 3-month prison term for publishing libel about then-Parliament Speaker Stojan Andov. The Association of Print Media strongly protested against these court decisions stressing that they were attempting to intimidate journalists and impose control over the media.

There was a hearing in September regarding charges filed in 2002 by former Minister of Interior Ljube Boskovski against Start journalist Marjan Gjurovski for slander pertaining to a story about the Government's role in the former crisis. The trial was ongoing at year's end.

No investigation results were reported regarding the September 2002 unknown gunman attack on the printing facility of Global magazine in Mala Recica and the destruction of the vehicle of Global's co-owner and Start owner Ljupco Palevski.

The Government did not restrict access to the Internet.

The Government did not restrict academic freedom. The FWA called for enhanced access to higher education in their own language for ethnic Albanians, and the private Southeast European University in Tetovo provided some Albanian language instruction, although its principal language was English (see Section 5).

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

Advance notification to authorities of large public meetings was optional. Religious gatherings, if they occur outside of specific religious facilities, had to be approved in advance by the MOI, and could only be convened by registered religious groups (see Section 2.c.).

Political parties and organizations are required to register with a court. More than 64 political parties were registered, including parties of Albanians, Turks, Serbs, and Roma.

c. Freedom of Religion.—The Constitution provides for freedom of religion, and the Government generally respected this right in practice; however, the law places some limits on religious practice by restricting the establishment of places of worship and parochial schools. The Constitution (as modified in 2001 as agreed in the FWA) specifically mentions several religious denominations and faiths, including the Macedonian Orthodox Church, the Methodist church, Islam, Catholicism, and Judaism; however, none of these religious communities had official status or privileges.

The Government requires that religious groups be registered, and in practice religious groups needed to register to obtain permits to build churches and to request visas for foreigners and other permits from the Government. Churches and mosques often were built without the appropriate building permits; however, the Government did not take any actions against religious buildings that lacked proper construction permits.

The Law on Religious Communities and Religious Groups places some restrictions on the establishment of places of worship. A provision exists for holding services in other places, not included in the law, provided that a permit is obtained at least 15 days in advance. No permit or permission is required to perform religious rites in a private home. The law also states that religious activities “shall not violate the public peace and order, and shall not disrespect the religious feelings and other freedoms and rights” of persons who are not members of that particular religion. The Government did not actively enforce most of these provisions of the law but acted upon complaints when they were received.

The Law on Religious Communities and Religious Groups also requires that foreigners carrying out religious work and religious rites register with the Government’s Commission on Relations with the Religious Communities; however, this law was generally not enforced. When applying for visas, persons associated with religious groups must obtain a letter from the Commission but the Commission no longer maintained an updated list of registered groups and the mandatory letter was normally issued within 2 days.

The Constitution and law specifies that primary school children must be taught in the Macedonian language, and may not be taught by foreigners, even if the children themselves are foreigners and do not speak Macedonian. Foreigners were not permitted to operate educational institutions, manage classrooms, or give grades to non-citizens. However, in 2002 the Government granted work visas to employees at the Timothy Academy, an evangelical Christian academy operated by foreigners for foreign children, and legally registered the school as an NGO. Nonetheless, during the year, the Timothy Academy’s initial request for renewed work visas was denied due to insufficient documentation; the applications were resubmitted in December but a final decision was not made by year’s end.

Some progress was made in restitution of previously state-owned religious property. Many churches and mosques had extensive grounds or other properties that were expropriated by the Socialist government of Yugoslavia. Virtually all churches and mosques have been returned to the appropriate religious community, but that was not the case for many other properties. Often the claims were complicated by the fact that the seized properties have changed hands many times or have been developed. In 2002, the Ministry of Finance and the Jewish community reached a settlement on the restitution of Jewish communal property; the Ministry of Finance agreed to return to the Jewish Community three buildings in Bitola, one piece of real estate in Skopje, and bonds valued at approximately \$2.76 million (165 million denars). According to the Jewish community in Skopje, in May and August, two additional properties were returned.

Although there was a decrease in vandalism of religious properties, churches in Setole, Jedoarce, and Matejce were damaged or vandalized during the year. At

year's end, the ongoing ownership dispute between the Bektashi religious sect and the Islamic community over the Bektashi religious facility remained unresolved. Although armed interlopers had left by the end of 2002 under international community pressure, Islamic leaders continued to hold services on these grounds.

There were ethnic Macedonian Muslim and Bosniak Muslim minorities in the country. Some ethnic Macedonian Muslims contended that the state sometimes confused them with ethnic Albanians and ethnic Turks because of Muslim surnames and mixed marriages and, in some instances, assigned their children to Albanian language classes.

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

d. Freedom of Movement within the Country, Foreign Travel, Emigration, and Repatriation.—The Constitution provides for these rights, and the Government generally respected them in practice. The Amnesty Law made it possible for former NLA combatants to cross borders; however, many continued to fear imprisonment due to unresolved amnesty cases. At year's end, there were no permanent military checkpoints or roadblocks.

With the adoption of the Constitution in November 1991, any Yugoslav citizen who had legal residence in Macedonia could acquire citizenship by simple application; however, unresolved citizenship status of long-term habitual residents remained an ongoing problem. Many former Yugoslav citizens were unable to acquire Macedonian citizenship; over 10 years after the promulgation of provisions of the Citizenship Act of 1992, they remained without effective citizenship, often without valid identity documents. As a result, they lacked most civil, political, economic, and social rights, including the right to work, as well as the right to social welfare assistance, social protection services, unemployment registration, and access to health insurance. The state regarded them as aliens, either legal or illegal. Further, children born in the country to parents with unresolved citizenship status inherited the problem. Although these children were permitted to attend school, UNICEF and NGOs reported that these children were not graded or given certificates of completion.

On December 5, the Parliament approved the law on citizenship, which would reduce the residency requirement for aliens from 15 to 8 years and provide more favorable conditions for acquiring citizenship for foreigners married to Macedonian citizens, persons without citizenship, and with refugee status; however, President Trajkovski vetoed the legislation.

At the height of the country's internal conflict, the U.N. High Commissioner for Refugees (UNHCR) estimated that approximately 170,000 persons, approximately 8 percent of the population, were displaced from their homes. During the year, a majority of these internally displaced persons (IDPs) and refugees returned to their homes. According to ICRC, at the beginning of the year, there were approximately 9,000 IDPs and in October, the number had decreased to approximately 2,820 persons (down from 170,000 in 2001). The Red Cross family (International Federation of Red Cross, Macedonian Red Cross, and ICRC) stopped food and non-food distributions to this group by year's end; however they were expected to continue to support the most vulnerable IDPs with grants. According to the UNHCR, approximately 1,550 refugees had not returned from Kosovo.

Many persons did not return because their houses were badly damaged or entirely destroyed. The UNHCR and foreign governments led efforts to rehabilitate homes that suffered minor damage. The European Agency for Reconstruction continued to rebuild badly damaged homes. As of October, approximately 6,258 homes, of a total of some 6,643 destroyed or damaged homes, had been rehabilitated or rebuilt. In some cases, persons did not return to their homes in ethnically mixed locales because they felt unsafe. Arsonists reportedly burned some of the rebuilt homes in Opaje and Jeduarce.

On August 2, the Government passed the Asylum Law, which took effect on October 6. The law provides for the granting of asylum and refugee status to persons who meet the definition in the 1951 UN Convention Relating to the Status of Refugees and its 1967 Protocol. Approximately 2,321 persons applied for asylum by year's end. The 1992 Law on Movement and Residence of Aliens governs refugee status determinations. In practice, the Government provided some protection against refoulement; however, in September the Government expelled two Kosovo refugees by dropping them off at the Serbian (not the Kosovo portion of the Serbian border) border after a Bitola court ruled that they had committed several misdemeanors and the refugees withdrew their right to an appeal. They were banned from returning to the country until September 2005; the UNHCR continued to investigate and monitor this case at year's end.

The Government cooperated with the UNHCR and other humanitarian organizations in assisting refugees, and made an effort to accommodate more than 300,000 Kosovar refugees in 1999. During the year, 194 people voluntarily returned to Serbia and Montenegro (including Kosovo). The total number of remaining refugees from Kosovo, almost all of whom are Roma, was 2,478. These refugees benefited from a limited temporary humanitarian protection status that did not provide for self-reliance or local integration rights. There were approximately 2,000 refugees sheltered with host families and 448 refugees sheltered in a collective center in Katlanovo, near Skopje. The UNHCR continued to provide material assistance to the refugees.

On November 27, the ERRC filed a pre-application letter with the European Court of Human Rights in Strasbourg against the Government to prevent the forced movement or expulsion of Kosovo Romani, Egyptian, and Ashkali refugees to Kosovo or to Serbia and Montenegro.

In May, 600 Roma refugees staged a protest at the Macedonian-Greek border in order to seek possible resettlement in a western European country. In August, UNHCR, in coordination with the Government, convinced the refugees to return from the border to private accommodations in Skopje.

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

The Constitution provides citizens with the right to change their government peacefully, and citizens exercised this right in practice through periodic free and fair elections held on the basis of universal suffrage. The 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 President, who is head of state, chairman of the security council, and commander-in-chief of the armed forces, nominates a mandator, who often subsequently becomes the Prime Minister, to constitute the Government. The winning coalition's nomination for Prime Minister must be approved by Parliament.

From February to July of 2001, there was an insurgency conducted by Kosovar and indigenous ethnic Albanians; NATO successfully facilitated a ceasefire in July 2001, and in August 2001, domestic political parties signed the FWA with international facilitation by the United States and EU. Officials estimated that approximately 100 laws would be affected by the FWA to some extent, approximately 80 of which are specific to decentralization and local self-governance. In February, the Government adopted the action plan for the implementation of the FWA and in March, the Government reached an official agreement on passport issuance and the use of languages. By year's end, Parliament had nearly completed implementing FWA-mandated legislative actions, which provided for enhanced minority civil rights and devolution of power to local governments. By year's end, the Government had submitted draft legislation to Parliament on decentralization, including laws on local government finance and municipal redistricting.

Opposition parties won a decisive victory in the September 2002 national parliamentary elections, which were free, fair, and peaceful, with a turnout of 73 percent of the population. The technical conduct of the elections met international standards despite heavy-handed efforts by then Interior Minister Boskovski to have the election annulled. The mostly ethnic Macedonian "For Macedonia Together" coalition (led by the SDSM and LDP) won 60 of 120 parliamentary seats, defeating the governing VMRO-DPMNE party and its pre-election coalition partner, the Liberal Party, which together obtained 33 seats. The Macedonian Socialist Party won one seat. Among ethnic Albanian political parties, the DUI, led by former NLA commander Ali Ahmeti, won 16 seats. The ethnic Albanian DPA won seven seats, the PDP two seats, and the National Democratic Party (NDP) one seat.

President Boris Trajkovski, the candidate from the VMRO-DPMNE, was elected in 1999 in elections characterized by irregularities. The first round of balloting in the presidential election was held in October 1999; there were six candidates on the ballot, representing every major political party, including both ethnic Albanian parties. International observers reported that the conduct of the first round was satisfactory, and the two candidates who received the most votes advanced to the second round. The ruling VMRO-DPMNE candidate, Boris Trajkovski, gained the majority of the votes cast in the second round in November 1999, but the opposition SDSM candidate claimed fraud and appealed the results. International observers agreed that irregularities occurred in some areas of the country during the second round, and the Supreme Court ruled that the second round should be rerun at 230 predominantly ethnic Albanian polling places. International observers again reported numerous incidents of ballot box stuffing and other problems during the December

1999 rerun elections. Claiming that the Government was incapable of conducting a fair vote in the contested areas, the SDSM did not press for another repeat of the voting.

Nationwide local elections held in 2000 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.

A national census, specifically called for in the FWA, was carried out in November 2002 with EU assistance and oversight. All significant local groups accepted the census enumeration, which met international standards. Preliminary results of the census were published in January indicating the total population at 2,061,800. Among them, 23,741 were foreign citizens who resided in the country less than a year. These foreign citizens were mainly refugees or displaced persons currently accommodated in the country. As many as 1,991,893 citizens were present in the country, while 46,166 citizens lived abroad.

There were 22 women in the 120-seat Parliament, 21 of whom were ethnic Macedonians and one of whom was an ethnic Albanian (the first female ethnic Albanian M.P.). Two of 19 ministers in the Government were women. In Muslim communities, particularly among more traditional ethnic Albanians, many women were disenfranchised due to the practice of family/proxy voting through which male family members voted on their behalf (see Section 5).

There were 26 ethnic Albanians, 1 Macedonian Muslim, 1 Roma, 2 Turks, 2 Serbs, and 2 Bosniaks in the 120-seat Parliament. Four ethnic Albanian parties and a Roma party had members in Parliament; the ruling government coalition included one of the three major ethnic Albanian parties, as well as the Roma party, a Bosniak party, a Serb party, and a Turk party.

The FWA states that the judiciary should better reflect the ethnic composition of the population and that one-third of the judges on the Constitutional Court, the Ombudsman, and three members of the Judicial Council should be chosen by the Parliament, including by a majority of the ethnic minority M.P.s to ensure minority representation. Of the nine judges on the Constitutional Court, six were ethnic Macedonians, two were ethnic Albanians, and one was an ethnic Turk. Five of the seven positions of the Republican Judicial Council were filled; of the five, there were three ethnic Macedonians, one ethnic Serb, and one ethnic Albanian. Of the 24 Supreme Court Justices, there were 17 ethnic Macedonians, 6 ethnic Albanians, and one Macedonian Muslim.

Ethnic Macedonians held approximately 85 percent of civil service posts; ethnic Albanians held approximately 11 percent; and other minorities held approximately 4 percent. Ethnic minorities complained that they were disproportionately assigned to lower-ranking positions. Under a political agreement, the 11 percent of civil service posts were to be increased to 14 percent; however, this had not been implemented. The EU began a training program for some 600 lower-level ethnic Albanian civil servants.

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

A number of international and domestic human rights groups generally operated without government restriction, investigating and publishing their findings on human rights cases. The OSCE led international community efforts to engage the Government on human rights issues. Government officials were generally receptive to the views of human rights groups.

There were more than 4,000 registered NGOs, including the MRC, EURO Balkan, FORUM, Transparency International, MOST, Macedonian Helsinki Committee, and many local NGOs devoted to specific purposes, including Roma rights, human trafficking, and voters' rights.

OSCE and EU monitoring missions continued to assist with implementation of the FWA and work on restoring confidence between ethnic Macedonians and ethnic Albanians. A 340-person strong EU military force called "Operation Concordia" provided security from March to December, carrying on the mission previously provided by NATO forces. In December, an EU police advisory force was deployed with a mandate to assist the Macedonian police in the former conflict areas and to reform the MOI.

In October 2002, a trial chamber of the ICTY upheld a May assertion of primacy by the ICTY prosecutor in five alleged war crimes cases. The ICTY continued to investigate alleged war crimes at year's end, including the killing of ethnic Albanian civilians by police at Ljuboten in August 2001. Two of the cases in which the ICTY asserted primacy dealt with missing persons.

The revised Law on the Ombudsman, a requirement of the FWA, was adopted by Parliament on September 10 and came into force on October 1. The mandate granted by the FWA to the Ombudsman is to improve nondiscrimination and equitable representation of non-majority communities. A key element of the Ombudsman's Office was the establishment of six decentralized offices in Bitola, Kumanovo, Tetovo, Stip, Strumica and Kicevo, which was expected to occur by April 2004. Another power available to the Ombudsman is the ability to visit all persons detained, including those in pretrial detention, at any time, in private and without prior authorization. Prior to the new law, no person, including representatives of the ICRC, had these rights relating to pretrial detainees as the rights remained within the discretionary powers of investigating judges.

In 2002, the Ombudsman ascertained that state institutions violated individuals' rights in 900 cases, approximately 50 percent of the total complaints received. Approximately half of these cases involved violations of housing and property rights.

Section 5. Discrimination Based on Race, Sex, 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 beliefs, property, or social status. The FWA states that "The principle of nondiscrimination and equal treatment of all under the law will be respected completely. This principle will be applied in particular with respect to employment in public administration and public enterprises, and access to public financing for business development." However, societal discrimination against ethnic minorities persisted, and the protection of women's rights remained a problem.

Women.—Domestic and other violence against women was a persistent and common problem. Legal recourse is available to rape victims, including victims of marital rape; however, cultural norms discouraged the reporting of such violence, and criminal charges on the grounds of domestic violence were very rare. The Criminal Code does not contain articles that relate to family violence, nor does the Code actively hold familial perpetrators responsible for abuse. Victims of family violence were often reluctant to bring charges against perpetrators because of the shame it would inflict on the family and police were limited in their ability to respond to allegations of domestic violence and spousal rape if the crime did not occur in police presence.

According to some surveys, one out of every fourth woman in the country has been a victim of domestic violence, either physical or psychological. Public concern about violence against women was not evident in the media, although some women's groups were working to raise awareness of the issue. NGOs operated shelters for victims of spousal abuse. A hotline remained open, but had limited hours. The Government offered some limited support for victims of domestic violence, but relied heavily on international donor support to maintain the hotline and shelter.

Trafficking in women for prostitution and pornography was a problem (see Section 6.f).

Sexual harassment of women in the workplace was a problem. Women remained underrepresented in the higher levels of the government and private sectors, although some professional women were prominent. A law enacted in 2001 stipulated that women comprise a minimum of 30 percent of each political party's list of candidates for the 2002 parliamentary elections, and as a result, at year's end, the Parliament had the highest number of women M.P.s in the legislature's history. Women from some parts of the ethnic Albanian community did not have equal opportunities for employment and education, primarily due to traditional and religious constraints on their full participation in society and schools. In some ethnic Albanian communities, women were disenfranchised due to the practice of family/proxy voting through which men vote on behalf of women family members (see Section 3).

Maternity benefits included 9 months' paid leave, and women also retained the right to return to their jobs for 2 years after giving birth. In practice, benefits were generally fully respected in state organizations; however, some private firms and organizations placed restrictions on maternity benefits.

Women's advocacy groups included 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 was committed to the rights and welfare of children; however, it was limited significantly by resource constraints. In June, the Parliament ratified two EU protocols: the EU Protocol for Prohibition of Child Trafficking, Child Prostitution, and Child Pornography, and the EU Protocol for Prohibition of Involvement of Children in Military Conflicts. The Office of the Ombudsman contained a special unit for children, partially funded by UNICEF.

Education was mandatory through the eighth grade, or to the age of 15 or 16; however, some children did not enter the education system at all. The Ministry of Education quoted 95 percent enrollment; however, no other official data was available on children's school attendance, or the number of children who did not have access to education. Primary and secondary education was free; however, students had to provide their own books and other materials. Public transportation was subsidized for students.

Almost 90 percent of the children that finished primary school continued on to secondary school. At both the primary and secondary levels, girls in some ethnic Albanian communities remained underrepresented in schools, and only approximately half of ethnic minority students went on to high school. This was due in part to lack of available classes in minority languages at the secondary level, and in part to many rural, ethnic Albanian families' conviction that girls should be withdrawn from school at 14 years of age. According to Romani community leaders, up to 10 percent of Romani children never enroll in school, and of those who do, 50 percent drop out by the fifth grade, and only 35 to 40 percent finish the eighth grade. The Ministry of Education encouraged ethnic minority students, particularly girls, to enroll in secondary schools. Medical care for children was adequate; however, it was hampered by the generally difficult economic circumstances of the country and by the weak national medical system.

In April, ethnic Albanian parents reached a political compromise with the Minister of Education over the issue of the displacement of 500 ethnic Albanian high school students due to overcrowding; however, dissatisfied with the proposed solution, students undertook a hunger strike. Tensions escalated, and on May 16, approximately 2,000 ethnic Albanian high-school students and their parents set up roadblocks in Kumanovo, with threats to continue such roadblocks if no solution was found. The roadblocks continued until May 20 when the Minister met with the ethnic Albanian Parents' Council and reached an interim agreement on the transfer of ethnic Albanian secondary school students out of the two overcrowded elementary schools to which they had been moved. The transfer, while a solution to the space problem in the two ethnic Albanian elementary schools, left unsolved the matter of re-integration of students in Kumanovo.

Inter-ethnic fights and beatings remained commonplace in the country's public schools. In September, approximately 5,000 ethnic Macedonian students staged protests in Skopje and Bitola to block the opening of ethnic Albanian classes in their schools. As a result of the increased tensions, the Minister of Education, with the approval of the Prime Minister, postponed the transfer of the Albanian classes to these schools. The ethnic Macedonian students in Bitola and Skopje subsequently returned to classes. Ethnic Macedonian students beat four ethnic Albanian bystanders during the course of these protests.

There were reports of the abuse of children, although there was no societal pattern of such abuse. According to MOI statistics, there were an increasing number of reported cases of sexual abuse against children; there were 52 reported cases during the year. The social service's instruments for collecting and analyzing data in this field remained underdeveloped.

Romani children were often organized into groups and made to beg for money at busy intersections, street corners, and in restaurants and cafes (see Section 6.d.).

The criminal justice system provides for specialized treatment of juvenile delinquents (see Section 1.e.).

The Ombudsman's Office for Children continued to investigate complaints regarding violations of children's rights. In October, the Parliament adopted the Declaration for Child Protection, which should provide further protection of children's rights.

Persons with Disabilities.—The law prohibits discrimination on the basis of disability; however, in practice this provision was not enforced. No laws or regulations mandate accessibility to buildings for persons with disabilities. There was societal discrimination against persons with disabilities.

National/Racial/Ethnic Minorities.—The population of approximately 2 million people was composed primarily of ethnic Macedonians, with a large ethnic Albanian minority, and with much smaller numbers of Turks, Roma, Serbs, Vlachs and others. The State Statistical Office released the final results of the 2002 census on December 1. According to the statistics, the population in Macedonia totals 2,022,547, with the highest concentration of the country's population (23 percent) residing in Skopje. Regarding the ethnicity data, 64.18 percent of the country's population are ethnic Macedonian; 25.17 percent are ethnic Albanian; 3.85 percent are ethnic Turkish; 2.66 percent are Roma; 1.78 percent are ethnic Serb; 0.84 percent are Bosniak; and 0.49 percent are ethnic Vlach.

On May 16, groups of young ethnic Macedonians and ethnic Albanians fought in the center of Tetovo. In the beginning, stones, bottles and other objects were thrown, followed by gunfire from surrounding buildings. Later in the evening, an ethnically mixed police team was attacked in Tetovo.

In September, homes of ethnic Macedonians in the Skopje suburb of Arachinovo were vandalized and set on fire. The mayor accused ethnic Macedonians of setting the fires themselves, to show that Arachinovo was not safe; however, 1 week later, police concluded that one of the fires was set by a group of juveniles. Media reported that this was the only 1 out of 12 arson cases in Arachinovo that was solved.

There were incidents of societal violence and discrimination against Roma during the year. There were credible reports of occasional police violence against Roma, including beatings during arrest and while in detention (see Section 1.c.).

All citizens are equal under the law, and the Constitution provides for enhanced protection of the ethnic, cultural, linguistic, and religious identity of minorities, including state support for education in minority languages through secondary school. The FWA reaffirms these rights and mandates several explicit rights related to use of minority languages, including access for ethnic Albanians to state-funded higher education in their language. However, ethnic tensions and prejudices remained problems and some governmental institutions discriminated on the basis of ethnicity. Implementation of the FWA mandated legal changes was slow, and ethnic Albanians and Roma, particularly, continued to complain of widespread discrimination.

Some ethnic Albanians and Roma reported that discrimination against them in citizenship decisions effectively disenfranchised them (see Section 2.d.).

Under representation of ethnic Albanians in the military and police was a major grievance in the ethnic Albanian community; however, authorities continued to address the problem with the assistance of the international community although progress was slower in the military (see Section 1.d.).

In accordance with the FWA, by July, 1,267 new "non-majority" police officers received basic training from the OSCE and foreign governments. Of that number, there were 877 ethnic Albanians, 24 Bosnians, 2 Croatians, 5 Macedonian Muslims, 42 Romas, 27 Serbs, 76 Turks, and 11 Vlachs. Additionally, 202 ethnic Macedonian officers graduated from the international training. Approximately, 15 percent of these graduates were women.

The military continued efforts to recruit and retain minorities; however, little progress was made in the officer corps. The Government cancelled the freshman class of 2004 at the military academy, and as a result, it will have to find other ways to bring in ethnic minority candidates for the officer corps. The military was composed mostly of short-service conscripts, drawn from all ethnic groups.

According to figures from the Ministry of Defense, minorities constituted approximately 4 to 5 percent of the total of officers, 14 percent of the noncommissioned officers, and 8 percent of the professional soldiers. Ethnic minorities constituted approximately 4 percent of Ministry of Defense civilian employees. The Ministry of Defense intends to raise the percentage of ethnic Albanians to 22 percent by 2007 through the following programs: An increased recruitment program, with 450 recruiters in the field; a significant increase of noncommissioned officers (NCOs) through the NCO academy, with minorities numbering almost half of each graduating class (approx 100–150 candidates); and the pursuit of officers in a variety of specialist fields such as medical and technical areas.

The constitutional amendments mandated by the FWA provide that Albanian is to be recognized as a second, official language in areas in which it is spoken by more than 20 percent of the population. The FWA stipulated that the Albanian language would be used officially in Parliament for the first time in October 2002 by M.P.s newly elected in 2002, with interpretation in the Macedonian language provided for ethnic Macedonians and others. In March, the Parliament approved the decision to use the Macedonian language only when chairing the Parliament commissions, while members of the commissions may use their native language during discussions. Progress in implementing other FWA mandated use of minority languages was steady. In areas where ethnic minorities comprise more than 20 percent of the population, the FWA called for citizens to be able to communicate with local offices of the central Government in the language of the minority group and receive responses in the same language. In addition, the law provides that citizens in these areas should receive personal documents in the language of the minority group, and those accused of crimes have the right to translation at state expense of all relevant judicial proceedings and documents; however, in practice this did not occur because, at year's end, the law had not been implemented.

In May, the MOI began issuing bilingual personal identity cards in Macedonian and Albanian languages as a part of the process for full implementation of the FWA

and in accordance with the constitutional amendments and the law on the personal ID cards. The forms for requesting a personal ID are also bilingual. By year's end, MOI was in the process of implementing changes to other personal documents, such as bilingual passports, driving licenses, car registration cards as well as other certificates.

On March 21, Parliament adopted the law on travel documents, which provides for the printing of Macedonian passports in two languages—Macedonian and English—with the addition of the Albanian language upon request of citizens.

The FWA allowed for ethnic minority groups to display their national emblems, next to the emblem of the Republic of Macedonia, on local public buildings in municipalities in which they are a local majority; however, the Government had not implemented the legislation by year's end.

The Constitution provides for primary and secondary education in the languages of the ethnic minorities, and this provision was reaffirmed in the FWA. Primary education was available in Macedonian, Albanian, Turkish, and Serbian. Albanian language education remained a crucial issue for the ethnic Albanian community; it was seen as vital for preserving Albanian heritage and culture. Almost all ethnic Albanian children received 8 years of education in Albanian language schools.

Over the past two years, inter-ethnic tensions in many areas have affected schools, which were exacerbated by overcrowding and competition for scarce resources. These tensions continued throughout the year.

The number of ethnic minority students who received secondary education in their native languages continued to increase; however, ethnic Albanians complained that distribution of public educational resources was not proportional to ethnic groups' representation within the general population.

At the university level, ethnic minorities remained underrepresented, although there was progress in increasing the number of minority students. There were eased admission requirements for minorities at the universities in Skopje and Bitola for up to 23 percent of available places, although the quota was not always filled. Most university education was conducted in the Macedonian language; until 2001 there was Albanian language university education only for students at Skopje University's teacher training faculty. The FWA required the state to provide publicly funded higher education to ethnic Albanians in their language. The private Southeast Europe University offered classes in Albanian, English, and Macedonian. Despite complaints about the private university's relatively high prices, enrollment continued to increase.

Ethnic Turks, who make up approximately 4 percent of the population, also complained of governmental, societal, and cultural discrimination. Their main concerns centered on the lack of Turkish majority municipalities in the new municipal redistricting proposal as well as a lack of Turkish language education and media.

Roma had the highest rate of unemployment, the lowest personal and family incomes, were the least educated, and had the highest birth and mortality rates of any ethnic group in the country. The Government provided very little in the way of social services to Roma. According to the 2002 census, Roma comprised 2.66 percent of the population, but Romani leaders claimed that the actual number of Roma was 3 or 4 percent higher due to difficulties in enumerating the Roma population. Optional Romani language education has been offered at several primary schools since 1996; however, there was limited demand and no pressure for a more extensive curriculum.

In 1999 approximately 6,000 Roma fled Kosovo and took up residence in the country in response to both the Kosovo conflict and the hostility of ethnic Albanian Kosovars. Approximately 2,500 of these Romani refugees remained in the country at year's end. The presence of these Romani refugees was not welcome among the country's ethnic Albanians, who largely had hostile views concerning Roma (see Section 1.f.). Ethnic Macedonians also expressed irritation at the new arrivals, many of whom settled in Skopje, and some of whom frequented busy traffic intersections to beg, wash car windows, or sell small items. Roma tended to occupy the lowest economic position of society, and the new arrivals have added to the number of Roma in the ranks of the country's very poor.

Section 6. Worker Rights

a. The Right of Association.—The Constitution provides for the right to form trade unions. Independent trade unions have been allowed to organize since 1992; however, there was still a national trade union. The Confederation of Trade Unions of Macedonia (SSM) was the Government's main negotiating partner on labor issues, along with the Chamber of the Economy.

The Confederation reportedly was independent of the Government and committed to the interests of the workers it represents. More than 50 percent of the legal work-

force was unionized, and unions were particularly strong in the garment industry. Trade unions were widespread.

The SSM encompassed approximately 17 separate unions organized according to the industry sectors. It has become an interest-based autonomous labor organization. Membership was voluntary and activities were financed entirely by membership fees. Fee-paying members comprised almost 75 percent of all the employed labor force. In recent years, there have been several newly formed unions, including journalists, policemen, and farmers.

The law prohibits anti-union discrimination; however, it existed in practice. Workers in private companies at times were fired for participating in union activities, and because of the slow pace of the court system, at times it took 2 to 3 years to legally regain employment.

Unions may affiliate freely with international labor unions and many did so.

b. The Right to Organize and Bargain Collectively.—The Constitution implicitly recognizes employees' right to bargain collectively; however, implementing legislation in this area had not been passed, and the concept of collective bargaining remained in its infancy. Collective bargaining took place, but in the country's weak economic environment employees had very little practical leverage. Collective agreements were negotiated among the unions and the Ministry of Labor and Social Welfare.

The Constitution provides the right to strike. During the year, there were frequent work stoppages at many companies. The reasons for the strikes included demands for overdue pay, demands for unpaid contributions for health and retirement, objections to government changes in management personnel at some state-owned entities, and objection to various decisions related to privatization. Unlike 2002 when the unions were very active in organizing strikes all over the country, strikes were less common during the year. With a few exceptions, strikes were small, non-violent, and confined to company grounds.

Some members of the military may strike if they adhere to restricted guidelines. Members of the police were prohibited from striking; however, in practice, some members of the police did. In January, approximately 700 armed members of the special police unit, the Lions, staged a protest and erected roadblocks on the road from Skopje to the Blace border crossing to protest their unregulated employment status. The unit was disbanded shortly thereafter.

There are no export processing zones.

c. Prohibition of Forced or Bonded Labor.—The law prohibits forced and bonded labor, including by children; however, there were reports that such practices occurred (see Section 6.f.). Child labor was used in the "gray economy" and in illegal small businesses (see Section 6.d.).

d. Status of Child Labor Practices and Minimum Age for Employment.—The Constitution sets the minimum age for employment at 15 years, and 17 for work considered hazardous. Working minors were placed under special protection of the law, which declares that minors may not be employed in work that is detrimental to their health and morality. The Law on Employment also establishes special protection for minors, women, and workers with disabilities.

There were no studies or official data on the employment of children under 15, although reported violations of child labor laws increased during the year, and child labor was used in the "gray economy" (including begging on the streets and selling cigarettes and other small items at open markets, in the streets, and in bars or restaurants, sometimes at night) and in illegal small businesses. Such violations received only token punishment, if any, and thus children remained vulnerable to exploitation. Children legally could not work nights or more than 40 hours per week. The Ministry of Labor and Social Welfare was responsible for enforcing laws regulating the employment of children.

Efforts to eliminate child labor abuse have been largely ineffective, with reported violations of child labor laws increasing over the years. While the necessary legal infrastructure was in place, there has been little practical implementation of the policy and laws and little was done to raise public awareness on child labor abuse. The NGO sector was active in organizing workshops on children's rights. There were some programs and projects intended to prevent children from working, such as the Project for Children on the Streets, which organized shelters for abandoned children, and the MOI's Transition Center for women and children involved in prostitution.

e. Acceptable Conditions of Work.—The average monthly wage was approximately \$186 (11,160 denars). The minimum wage is set differently across sectors; however, the average wage did not provide a decent standard of living for workers and their families. Many persons took on supplemental work, often in the "gray market." The

Government Statistics Office estimated that 22.3 percent of the population lived below the poverty line.

The country has an official 40-hour workweek with a minimum 24-hour rest period and vacation and sick leave benefits. According to the Collective Agreement, employees have a right to overtime of 35 percent of regular pay and employees cannot work over 10 hours of overtime per week. According to labor regulations, an employee is entitled to 18 to 26 days of paid vacation, not including weekends. However, high unemployment and the fragile condition of the economy led many employees to accept work conditions that did not comply with the law. Small retail businesses in particular often required employees to work far beyond the legal limits.

The Constitution provides for safe working conditions, temporary disability compensation, and leave benefits. Although there are laws and regulations on worker safety, they were not enforced strictly. The Ministry of Labor and Social Welfare was responsible for enforcing regulations pertaining to working conditions. Under the law, if workers had safety concerns, employers were obliged to address dangerous situations. Should an employer fail to do so, employees are entitled to leave the dangerous situation without losing their jobs. Employers did not always respect this right in practice.

f. Trafficking in Persons.—The law prohibits trafficking in persons; however, trafficking in persons remained a serious problem. The 2002 trafficking law resulted in the arrest, prosecution, and sentencing of important traffickers; however, significant challenges, primarily in the judiciary, remain in eliminating trafficking and related activities. In some isolated instances, police were complicit in the trafficking of persons.

Trafficking offenses mandate a minimum of 4 years imprisonment for most trafficking crimes and a minimum of 6 months is mandated for the destruction of identification documents of trafficked persons. The same minimal sentence of 6 months is also mandated for persons who wittingly use or enable another person to use sexual services from a trafficked person. Stronger penalties are mandated for those who traffic children. It is a criminal offense to traffic persons for sexual exploitation, forced labor or servitude, slavery or a similar relationship and for the illegal transplant of human body parts. Trafficking in persons for the purpose of illegal immigration is not specifically prohibited by current trafficking law but was covered by other immigration regulations.

Proposed amendments to the trafficking law under consideration would increase the penalty for trafficking from the sentence of 5 years imprisonment to 8 years for severe forms of the crime. Proposed amendments to Article 418, Section A of the Trafficking in Persons Law would make the use of persons for pornography, forced marriages, forced fertilization and illegal adoptions a criminal offense. Penalizing legal entities that are found to be criminally liable for crimes is also under consideration as proposed amendments to the existing trafficking laws. Other changes include amending the law on criminal procedure to include the use of wiretapping, strengthen witness protection measures, and permit the use of plea bargaining in trafficking cases. In December, Parliament approved a constitutional amendment legalizing special investigative methods to be used in trafficking investigations, including wiretapping.

MOI officials stated that there were approximately 100 persons arrested for a range of more than 70 criminal offenses, including human trafficking, mediation in prostitution, illegal border crossings, and transportation of people in slavery.

Three cases prosecuted late in the year reflected a marked improvement in the judiciary's handling of trafficking cases. In October in the city of Gostivar, five defendants in a human trafficking case in the village of Dobri Dol each received a 12-year prison sentence and one defendant received a 7-year sentence for trafficking in persons charges and related crimes. In this case, three trafficked victims were killed in January in an engage of gunfire between two nightclub owners over the women. On October 8, in Skopje, five people were convicted on trafficking in persons charges and each given between 5 and 8 years' imprisonment. In another case five defendants each received between 4 and 7 years' imprisonment from the Strumica Court on trafficking in persons charges stemming from their attempts to traffic two Moldovan women into the country and then onto Greece.

In December, the Bitola Basic Court convicted Dilaver Bojku on seven counts of mediation in prostitution and sentenced him to 3 years and 8 months in prison. Four of Bojku's associates were sentenced to 1 year' imprisonment. Bojku also faces pending charges related to a previous mediation in prostitution case and his escape from the Struga detention center. On June 20, while serving a 6-month sentence for trafficking crimes, Bojku escaped from a work release prison in Struga. He was arrested 2 weeks later on July 4 through a regional law enforcement initiative in Montenegro.

The MOI's Department of Organized Crime was the lead government body on anti-trafficking activities, and detailed several law enforcement personnel to work full-time in its main trafficking unit in Skopje, as well as disbursed anti-organized crime police officers to combat human trafficking on a local level. The Government routinely cooperated with neighboring governments and international organizations, most notably the Southeast European Cooperative Initiative.

During the year, the International Organization for Migration (IOM) assisted 245 victims of trafficking at its local shelter operated with support of the MOI and a local NGO. Reliable trafficking statistics were not available, but according to experts, including the OSCE and others working in the field, the general estimate was that between 2,000 and 4,000 women were trafficked to or through the country during the year. Ukraine, Moldova, Romania and Bulgaria remained the primary sources of trafficked victims and victims trafficked through the country were most often in route to Serbia and Montenegro—including Kosovo, Albania, and Western Europe. While primarily a transit and destination country, officials and others acknowledged that a small number of citizens have been victimized.

Trafficked women were forced to work in prostitution, often under the guise of dancers, hostesses or waitresses in local clubs. Police raids and testimony by victims confirmed that trafficked victims were subjected to threats, violence, physical and psychological abuse, and seizure of documents to ensure compliance. Authorities noted that traffickers increasingly forced trafficked women to service their clients in private apartments, which made detection more difficult.

There was one documented case of police complicity in Gostivar, in northwestern Macedonia, where an officer was suspended from duty pending two criminal charges for misuse of official position and trafficking in persons. The pretrial criminal procedure finished; however, the hearing had not been scheduled by year's end. Two police officers, who testified on behalf of trafficker Bojku, were under investigation for possible complicity in trafficking.

The Government's National Commission for Prevention and Suppression of Trafficking in Persons, which consists of representatives from several ministries, coordinated the Government's efforts to combat trafficking. The National Commission established a Secretariat, which includes police officials, members of the diplomatic community, and officials from NGOs, the OSCE, and the IOM. The Secretariat provides recommendations to the National Commission and assists in the implementation of the Government's national action plan. Additionally, a sub-group on Trafficking in Children was formed within the Secretariat.

In late 2002, the MOI signed a statement of commitment, which legalized the status of trafficked persons and emphasized a victim-centered approach during arrests. The Government devoted resources to anti-trafficking programs, including an inter-ministerial working group, which focused on legal reform, a special police unit designed to enhance anti-trafficking efforts, and the maintenance of a shelter for victims.

Most services to victims of trafficking were provided by the IOM. The Government cooperated with the IOM to provide shelter and medical and psychological assistance to trafficked women. The Government did not provide funding to NGOs to support victims' services; however, it did support educational and public awareness programs against trafficking in persons.

During the year, the Government began strengthening its prevention measures: Some officers within the Ministry of Foreign Affairs received training on detecting trafficking in persons cases and the MOI began preparations for including trafficking in persons issues in its 2004 curriculum at the police academy.

MALTA

Malta is a constitutional republic and a parliamentary democracy. The chief of state (President) appoints as the head of government (Prime Minister) the leader of the party that gains a plurality of seats in the quinquennial elections for the unicameral legislature; general elections were held on April 12. The Nationalist Party was returned to power with a 51.79 percent majority. The opposition Labour Party obtained 47.51 percent of the votes; voter turnout was 96 percent. The judiciary is independent.

The Police Corps is responsible for the internal security of the country, for maintaining law and order and for enforcing the law when required, with the backup support of the Armed Forces of Malta. The civilian authorities maintained effective control of the security forces. There were no reports that security forces committed human rights abuses.

The economy was a mixture of state-owned and private industry, with manufacturing and services, including tourism, the largest sectors. It provided residents with a moderate to high standard of living. The country had a population of 397,296.

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

RESPECT FOR HUMAN RIGHTS

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

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

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

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

Prison conditions generally met international standards. Men and women were held separately, as were juveniles and adults. Pretrial detainees were also held separately from convicted prisoners. A new prison block that is expected to hold over 100 inmates was opened during the year and was in use by year's end.

The Government permits visits by independent human rights observers; however, there were no reported prison visits during the year.

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

The Police Corps maintains internal security with the backup support of the Armed Forces of Malta. The Armed Forces of Malta are responsible for the defense of the Maltese Islands, with an emphasis on Malta's territorial waters and airspace. The appointed commissioner who commands the police was under the effective supervision of the Ministry of Home Affairs and may be either a civilian or career member of the force, while the commander of the armed forces fell under the direct supervision of the Prime Minister.

During the year, the Police Ordinance Act took effect, which provides for a witness protection program, the establishment of a Police Board, and a mechanism to receive both internal and external complaints, as well as support the rights of police officers.

The police may arrest a person for questioning on the basis of reasonable suspicion but within 48 hours must either release the suspect or file charges. Arrested persons have no right to legal counsel during this 48-hour period. Persons incarcerated pending trial were granted access to counsel. Bail normally was granted. Detention cells, which were extensively refurbished and upgraded, were in use at police headquarters.

The Constitution prohibits forced exile, and the Government did not employ it.

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

At year's end, criminal corruption charges were outstanding against a former Chief Justice and a second judge who resigned over bribery charges, and trials were scheduled. In October, the Constitutional Court overturned an earlier sentence handed down by the Court of Appeal that held that the Prime Minister's remarks at a press conference in August about the case had violated the judges' rights for a fair trial, nevertheless, the criminal proceedings against the two judges are expected to proceed. No date had been set at year's end.

The President, on the advice of the Prime Minister, appoints the Chief Justice and 16 judges. Judges serve until the age of 65, and magistrates serve until the age of 60. The highest court, the Constitutional Court, interprets the Constitution and has original jurisdiction in cases involving human rights violations and allegations relating to electoral corruption charges. The two courts of appeal hear appeals from the civil court, court of magistrates, special tribunals, and the criminal court, respectively.

The criminal court, composed of a judge and nine jurors, hears criminal cases. The civil court first hall hears civil and commercial cases that exceed the magistrates' jurisdiction; the civil court's second hall offers voluntary jurisdiction in civil matters. The court of magistrates has jurisdiction for civil claims of less than \$2,724 (2,179 euros) and for lesser criminal offenses. The juvenile court hears cases involving persons under 16 years of age.

The Constitution provides for the right to a fair public trial before an impartial court, and an independent judiciary enforces this right. Defendants have the right to counsel of their choice or, if they cannot pay the cost, to court-appointed counsel at public expense. Defendants enjoy a presumption of innocence, may confront witnesses, present evidence, and had the right of appeal.

There were no reports of political prisoners.

f. Arbitrary Interference with Privacy, Family, Home or Correspondence.—The Constitution prohibits such actions, and the Government generally respected these prohibitions in practice; violations were subject to effective legal sanctions.

Police officers with the rank of inspector and above were allowed to issue search warrants based on reasonable grounds for suspicion of wrongdoing. Under the law, special powers such as telephone tapping are available to the security services only under specific written authorization of the Minister for Home Affairs or the Prime Minister; such actions were permitted only in cases related to national security, including combating organized crime. A special commission and security committee examined these authorizations; the Prime Minister, the Leader of the Opposition, and the Ministers for Home and Foreign Affairs sat on this committee and oversaw the service's work.

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Speech and Press.—The Constitution provides for freedom of speech and of the press, and the Government generally respected these rights in practice; however, the law bans foreign participation in local politics during the period leading up to elections, although this provision rarely was used. An independent press, an effective judiciary, and a functioning democratic political system combined to ensure freedom of speech and of the press including academic freedom.

The independent media were active and expressed a wide variety of views without Government restriction. Two television stations and two radio stations operated under the state-owned Public Broadcasting Services, and the two major political parties each owned a television and radio station. The international media was allowed to operate freely and was present during the national referendum in March.

A Court of Appeal judgment confirmed an earlier judgment by the Civil Court, that the Broadcasting Authority had discriminated against the Nationalist Party when it did not allow the party to air European Union-related publicity spots on state television as a balance to spots broadcast by another political party.

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

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

The Constitution establishes Roman Catholicism as the State religion, but there are numerous non-Catholic religious movements practicing freely. The Government and the Catholic Church participated in a foundation that finances Catholic schools. While religious instruction in Catholicism was available in all state schools, the Constitution establishes the right not to receive this instruction if the student (or guardian, in the case of a minor) objected.

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

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

The Refugee Act of 2000 provides for the granting of refugee or asylum status to persons who meet the definition in the 1951 U.N. Convention Relating to the Status of Refugees and its 1967 Protocol, and the Government cooperated with the office of the U.N. High Commissioner for Refugees (UNHCR). In practice, the Government provided protection against refoulement, and granted refugee status and asylum. The law provides for refugee status, access to free social services and education, residence permits, and travel documents. Work permits for refugees were issued on a case-by-case basis. A refugee commission and an appeals board review asylum applications.

The law provides for due process and protections available to refugees applying for asylum. The Government also provides Temporary Humanitarian Protection to persons who do not qualify as refugees or asylees. From January to August, the refugee commission received 299 applications for refugee status. It approved 28 of these and refused 99; 49 remained pending, and 123 were offered Temporary Humanitarian Protection by year's end.

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

The Constitution provides citizens with the right to change their government peacefully, and citizens exercised this right in practice through periodic, free, and fair elections held on the basis of universal suffrage. Citizens could freely choose and change the laws and officials that govern them. Parties and candidates may freely propose themselves or be freely nominated by various elements in the society. The last general election was held in April.

There were 6 women in the 65-seat House of Representatives; 1 woman held ministerial rank in the 14-member cabinet. After the April elections one woman was also promoted to Parliamentary Secretary. There were four women in the Magistrates' Court. There were no members of minorities in the 65-seat legislature or the cabinet.

The Government has taken steps to include more women in the civil service and other government positions, and 13.2 percent of senior government officials were female; 20 out of a total of 153 women were serving as chairpersons on appointed government boards. In July, the Government appointed its first woman ambassador.

Section 4. Governmental Attitude Regarding International and Non-governmental Investigation of Alleged Violations of Human Rights

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

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

The Constitution and law prohibit discrimination based on race, place of origin, political opinion, color, creed, or sex. Alleged victims of job discrimination were allowed to apply directly for redress to the Employment Commission of the first hall of the Civil Court in the appropriate jurisdiction.

Women.—Reports of domestic violence against women showed a small increase. Between January and August, the Police Domestic Violence Unit received 147 reports of domestic violence, compared with 205 reports for the entire year 2002. A special police unit and several voluntary organizations provided support to victims of domestic violence. There was a hotline to assist victims of abuse through counseling and referrals to legal assistance shelters. The Government provided support to victims of domestic violence through the Department of Welfare for the Family and its Social Welfare Agency known as Appogg. A Government-supported shelter for women and children operated during the year. The Government also maintained an emergency fund and subsidized shelters. The Government provided financial support to a shelter operated by the Catholic Church, and provided funds for its enlargement.

Rape and violent indecent assault carry sentences of up to 10 years' imprisonment. The law treats spousal rape in the same manner as other rape. Divorce is not legal.

Prostitution is a serious offense under the law, and stiff penalties are reserved for organizers. Although exact figures were not available, there were some prosecutions during the year. The law was enforced in such cases and included prison sentences of between several months to 2 years. Four foreign women were given a 4-month jail term, suspended for 1 year, then deported for actions inconsistent with their non immigrant visa status.

The Constitution provides that all citizens have access, on a nondiscriminatory basis, to housing, employment, and education; however, while women constituted a growing portion of the work force, they were underrepresented in management. Cultural and traditional employment patterns often directed women either into jobs traditionally occupied by women (such as teachers or nurses) or into jobs in family-owned businesses or select professions (academia or medicine). As a result, women generally earned less than their male counterparts.

The Ministry of Social Policy oversaw women's issues, and the Department for Women in Society and the National Commission for the Advancement of Women handled such issues. The Commission's program continued to focus on broader integration of women into society. It advised the Government on the implementation of policies in favor of equality of the sexes. The Department for Women in Society was responsible for the implementation of initiatives and guidelines set by the Commission. The Equality for Men and Women Act was passed in January.

Women enjoyed equality in matters of family law and the Government promoted equal rights for all persons regardless of sex. The Government took steps to provide

gender-neutral legislation, and redress in the courts for sexual discrimination was available.

Children.—The Government was committed strongly to children's rights and welfare. It provided free, compulsory, and universal education through age 16. Close to 100 percent of school age children attend school. The Government provided universal free health care to all citizens.

The Government addressed concerns for children's rights and welfare within family law. A law for the establishment of the Commissioner for Children to oversee children's rights was passed in July.

The number of reported cases of child abuse increased from the previous year, although there was no societal pattern of abuse of children. As of the end of July, 562 cases of child abuse had been reported. Three members of a religious order were charged in court for sexually abusing minors under their care. A "helpline" telephone number existed for reports of suspected cases of child abuse.

In 2002, the Government ratified the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict.

Persons with Disabilities.—The law provides for rights for persons with disabilities. The 2000 Persons with Disabilities Act built on provisions in the public employment and accessibility laws and requires the private sector to apply equal employment guarantees already in place in the public sector. For example, private development project plans must include access for persons with disabilities. Efforts continued during the year to provide children with disabilities with access to mainstream schools as opposed to segregated schools. The Employment Training Corporation was responsible for registering unemployed persons with disabilities to ensure compliance with the law, which requires that every company employing more than 20 persons hire at least two percent of its workforce from the Register for Unemployed Disabled Persons.

National/Racial/Ethnic Minorities.—There were approximately 2,000 Muslims living in the country during the year as well as a number of persons of Arab, African, and Eastern European origin. Owners of some bars and discos periodically discouraged or prohibited darker-skinned persons, particularly of African or Arab origin from entering their establishments.

The Criminal Code criminalizes racial hatred, but there were no reported court cases.

Section 6. Worker Rights

a. The Right of Association.—The Constitution provides workers with the right to associate freely, and workers exercised this right in practice. There were 35 registered trade unions, representing about 63 percent of the work force. Although all unions were independent of political parties, the largest, the General Workers' Union, generally was regarded as having close informal ties with the Labour Party. Non-civilian military and police personnel are not allowed to strike or join a union.

Under the law, the responsible minister may refer labor disputes either to the Industrial Tribunal (a government-appointed body consisting of representatives of government, employers, and employee groups) or to binding arbitration. The International Labor Organization (ILO) Committee of Experts for many years has criticized a provision of the law that permits compulsory arbitration to be held at the request of only one of the parties, in contravention of ILO Convention 87.

Under the law, an employer may not take action against any employee for participation or membership in a trade union. Complaints could 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 were resolved directly between the parties. Workers fired solely for union activities must be reinstated. There were no reports of such firings during the year.

There is no prohibition on unions affiliating internationally, and many unions have such affiliations.

b. The Right to Organize and Bargain Collectively.—The law provides for workers to organize and bargain collectively, and they did so in practice. The Council for Economic and Social Development functions as an advisory body between the Government, unions, and employers. It may also consult other organizations to advise on issues related to the economic and social development.

Workers have the right to strike, and they exercised this right. There were several reported industrial actions in both the public and private sectors. Only non-civilian personnel of the armed forces and police were prohibited from striking. These workers have internal mechanisms and organizations through which they can address their grievances. In principle, a striking union was allowed to ignore an unfavorable

decision of the Industrial Tribunal by continuing to strike on other grounds. From January to August, there were five stoppages, but all were resolved in negotiations. There are no export processing zones.

c. Prohibition of Forced or Bonded Labor.—The Constitution prohibits forced or bonded labor, including by children, and there were no reports that such practices occurred.

d. Status of Child Labor Practices and Minimum Age for Employment.—The law prohibits the employment of children younger than age 16. The Department of Labor enforced the law effectively but allowed summer employment of underage youth in businesses operated by their families; some underage children were employed as domestics, restaurant kitchen help, or vendors.

e. Acceptable Conditions of Work.—The weekly minimum wage was \$143 (114 euros) for persons under age 17; \$146 (117 euros) for 17-year-olds; and \$154 (123 euros) for persons aged 18 and over. In addition, an annual mandatory bonus of \$600 (480 euros) was paid. This minimum wage structure provided 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, regulated work hours; for most sectors, the standard was 40 hours per week, but in some trades it was 43 or 45 hours per week.

Government regulations provide for a daily rest period, which was normally 1 hour, and 1 day of rest per week. The law mandates an annual paid vacation of 4 workweeks plus 4 workdays. The Department of Labor generally enforced these requirements.

Enforcement of the Occupational Health and Safety Authority Act was uneven, and industrial accidents remained frequent. Workers were allowed to remove themselves from unsafe working conditions without jeopardy to their continued employment, a protection also enforced by the Department of Labor. Allegations of physical and sexual abuse existed but were rarely made public, and even more rarely were they the subject of court proceedings.

f. Trafficking in Persons.—The criminal code prohibits trafficking in persons, and there were no reports that persons were trafficked to, from, or within the country.

The White Slave Traffic Ordinance and the Criminal Code prohibit procurement for prostitution, pornography, sexual offenses, defilement of minors, illegal detainment, unlawful carnal knowledge, and indecent assault. Traffickers may be prosecuted under the criminal code or under the Immigration Act for unlawful entry or unregulated status.

MOLDOVA

The Constitution provides for a multiparty representative government with power divided among a president, cabinet, parliament, and judiciary. In 2001, parliamentary elections resulted in a new communist parliamentary majority and government. The elections were generally free and fair; however, authorities in the separatist Transnistria region interfered with the ability of residents there to vote. In 2001, the Parliament elected Communist Party leader Vladimir Voronin President. The Constitution provides for an independent judiciary; however, judges were reportedly subject to outside influence and corruption.

Separatist elements, assisted by Russian military forces in the area, have declared a “Dniester Republic” in Transnistria between the Dniester River and Ukraine. The Government does not control the region. Unless otherwise stated, all references herein are to the rest of the country.

The Ministry of Internal Affairs is responsible for the police, while the Information and Security Service (ISS) controls other security organs. The Department of Border Guards constitutes a separate agency. The Parliament has constitutional authority to investigate the activities of the Ministry of Internal Affairs and the ISS and to ensure they comply with the law. The ISS can investigate crimes, but not arrest individuals. The civilian authorities maintained effective control of the security forces. Some members of the security forces committed human rights abuses.

The country had a population of approximately 4.35 million, of which approximately 750,000 live in Transnistria. The country was transitioning from a centrally-planned to a market economy, with the “shadow economy” representing 30 to 70 percent of economic activity. Agriculture and food processing were the most important sectors, followed by trade, transportation and communications, and manufac-

turing. The Government estimated that approximately 80 percent of the population lived below the officially designated subsistence minimum.

The Government generally respected the human rights of its citizens; however, there were problems in some areas, and the human rights record of the Transnistrian authorities was poor. Citizens generally had the right to change their government, although this right was severely restricted in Transnistria. Authorities reportedly tortured and beat some persons, particularly persons in police custody and Roma. Prison conditions remained harsh, with attempts to improve them hampered by lack of funding. Security forces were widely believed to monitor political figures, use unauthorized wiretaps, and at times conduct illegal searches. There were some restrictions on freedom of the press, including defamation and calumny laws that encouraged self-censorship. During the year, the Government adopted new limits on freedom of association. A few religious groups continued to encounter difficulties in obtaining official registration. Societal violence and discrimination against women, children, and Roma persisted. There were some limits on workers' rights. Trafficking in women and girls remained a very serious problem.

The Transnistrian authorities reportedly continued to use torture and arbitrary arrest and detention. Prison conditions in Transnistria remained harsh, and three ethnic Moldovan members of the Ilascu group remained in prison despite charges by international groups that their trials were biased and unfair. Human rights groups were not permitted to visit prisoners in Transnistria. Transnistrian authorities harassed independent media, restricted freedom of association and of religion, and discriminated against Romanian-speakers.

RESPECT FOR HUMAN RIGHTS

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

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

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

In April 2002, unknown persons, possibly Moldovan police or agents of the Ukrainian government, allegedly abducted a foreign citizen from his apartment in Chisinau and extradited him to Ukraine without judicial due process.

At year's end, authorities had not completed their investigation of the 2-month kidnapping of opposition political figure Vlad Cubreacov in 2002. The Prosecutor General refused public requests to release photographs of three suspects in the case. There were no developments in the 2002 kidnapping of Deputy Director of the Department of Information Technologies Petru Dimitrov, who remained missing. Authorities continued to detain five suspects in the case. An October report on the case by the Chisinau Prosecutor General failed to consider information from officials involved in the incident and declared the case closed.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.—The Constitution prohibits torture and other cruel, inhuman, or degrading treatment or punishment; however, there were reports that police employed cruel and degrading arrest and interrogation methods and that guards beat prison inmates.

The European Roma Rights Center reported that law enforcement officials regularly subjected Roma to torture or other cruel, inhuman, or degrading treatment or punishment (see Section 5). Police and judicial officers rarely investigated or prosecuted violence and human rights abuses against Roma.

Conditions in most prisons in the country and in Transnistria remained harsh with serious overcrowding. Cell sizes did not meet local legal requirements or international standards. The incidence of malnutrition and disease, particularly tuberculosis, was high in all prisons. Conditions were particularly harsh in facilities for persons awaiting trial or sentencing, and included overcrowding, bad ventilation, and a lack of recreational and rehabilitation facilities. During the year, a local NGO launched a program with the Netherlands in which three Moldovan and three Dutch prisons exchanged information on security and training. Local NGOs also started programs to provide medicine, warm clothes and radios for prisoners and an Institute of Penal Reforms training program for prison staff.

In an effort to resolve the dispute between the mayor of the Transnistrian city of Bender and the central Ministry of Justice regarding inmates with tuberculosis in a Bender hospital, authorities promised to transfer contagious inmates to another prison. In June, the Ministry of Justice completed a special hospital for tuberculous prisoners in the Pruncul Prison outside of Chisinau. Transnistrian authorities regularly cut off utilities to the Bender hospital.

Male and female prisoners were held separately. The country had only one small facility, similar to a detention camp, for juveniles convicted of crimes, and one wom-

en's prison had a small section for juvenile girls. There was no juvenile justice system (see Section 1.e.). Children accused of crimes usually were tried by the criminal courts and, if convicted, sent to adult prisons where they were held in separate cells. Pretrial detainees were held separately from convicted prisoners, although there was one report of convicted prisoners remaining in pretrial detention facilities due to prison overcrowding.

Government and independent human rights observers were generally permitted to visit prisons. The Moldovan Center for Human Rights made regular prison visits during the year. The Government cooperated with the International Committee of the Red Cross (ICRC) and permitted visits to prisoners. Transnistrian authorities allowed the ICRC to visit prisons in Transnistria during the year.

d. Arbitrary Arrest, Detention, or Exile.—The law prohibits arbitrary arrest and detention, and the Government generally observed these prohibitions in practice. A new Penal Code, drafted with the assistance of foreign legal advisors, took effect in June.

The police are the primary law enforcement body in the country. During the first 4 months of the year, 65 criminal cases had been instituted against police officers for bribery, robbery, and abuse of office. An internal affairs unit, reporting to the Minister of Interior, investigated minor incidents of corruption. The Center for Combating Economic Crimes and Corruption, which reports to the President, investigated more serious corruption cases. Police corruption remained a problem.

Judges issued arrest warrants based on cases presented by prosecutors. Under the Constitution and the law, authorities must promptly inform detainees of the reason for their arrest and the charges against them. Suspects may be detained without charge for 72 hours. Under the Constitution, the accused has the right to a hearing before a court regarding the legality of his arrest.

Detainees normally were allowed family visits and had the right to a defense attorney (see Section 1.e.). A defense attorney must be present for an arraignment. Authorities generally granted access to a lawyer only after a person had been detained for 24 hours; detainees were often presented with the charges against them without a lawyer present.

Once charged, a detainee may be released on personal recognizance pending trial. No system of bail exists; in some cases, to arrange release, a friend or relative was allowed to give a written pledge that the accused will appear for trial. Detainees accused of violent or serious crimes generally were not released before trial.

From February to August, authorities held Constantin Becciev, head of the Chisinau water utility, in preventive detention while investigating him for fraud in connection with the purchase of a generator. Critics charged that the detention was part of a broader, politically motivated campaign against individuals associated with Chisinau city government. The trial was postponed several times; the case was ongoing at year's end.

Local and international NGOs reported arbitrary detention and arrests of Roma without cause or warrants, often without access to a lawyer (see Section 5).

In June, the Tribunal Court of Chisinau sentenced Ivan Burgudji, a Gagauz official and well-known Gagauz nationalist, to 5 years in prison for abuse of power and malicious hooliganism in connection with his opposition political activities. Burgudji supporters staged protests in Gagauzia following the decision. The Organization for Security and Cooperation in Europe's (OSCE) Mission expressed concern over the inadequate medical attention provided to Burgudji while he awaited trial.

The Constitution and the law permit pretrial detention for an initial period of 30 days. The courts or Parliament may extend pretrial detention to 12 months on an individual basis, based on the severity of the alleged crime. Detentions of several months were fairly frequent; in some rare cases, pretrial detention was extended for several years. By October 1, there were 2,786 persons out of a total prison population of 11,001 awaiting trial at year's end.

Transnistrian authorities continued to exercise arbitrary detention as common practice. Transnistrian authorities usually applied arbitrary detention procedures to persons suspected of being critical of the regime and sometimes lasted up to several months.

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

e. Denial of Fair Public Trial.—The Constitution provides for an independent judiciary; however, official pressure and corruption of judges remained a problem.

There continued to be credible reports that local prosecutors and judges extorted bribes for reducing charges or sentences.

Following a major reorganization in May, the judiciary consists of three levels: lower courts, courts of appeals, and the Supreme Court. A separate Constitutional Court has exclusive authority in cases regarding the constitutionality of draft and

final legislation, decrees, and other government acts. While the Constitutional Court was generally regarded as fair and objective, observers frequently charged that other courts were corrupt or politically influenced.

The Constitution authorizes the President, acting on the nomination of the Superior Court of Magistrates, to appoint judges for an initial period of 5 years. Before being reappointed, judges must undertake specialized judicial training and pass a test evaluated by the Superior Council of Judges. Political factors have played a large role in the reappointment of judges.

There is no juvenile justice system (see Section 1.c.). Children accused of crimes usually were tried by the criminal courts.

The Prosecutor General's office is autonomous and answers to Parliament, and is responsible for criminal prosecution, the presentation of formal charges before a court, and the overall protection of the rule of law and civil freedoms. Prosecutors may open and close investigations without bringing the matter before a court, giving them considerable influence over the judicial process.

By law, defendants in criminal cases are presumed innocent; in practice, prosecutors' recommendations carried considerable weight and limited the defendant's actual presumption of innocence. Trials generally were open to the public. Defendants have the right to a lawyer and the right to attend proceedings, confront witnesses, and present evidence. The Government requires the local bar association to provide an attorney to defendants that are unable to afford one. However, the Government was unable to pay ongoing legal fees, and defendants often did not have adequate counsel. Prosecutors occasionally used bureaucratic maneuvers to restrict lawyers' access to clients. Defense attorneys were able to review the evidence against their clients when preparing cases. The accused has the right to appeal to a higher court. The Constitution provides for the right of the accused to have an interpreter both at the trial and when reviewing documents of the case. If the majority of the participants agree, trials may take place in Russian or another language instead of Romanian.

Due to a lack of funding for facilities and personnel, there was a large backlog of cases at the tribunal and Higher Appeals Court levels. According to the Justice Ministry, only approximately 75 percent of all court rulings were carried out due to either a lack of judicial and prosecutorial resources or because the subjects were not in the country.

The country has a military justice system, whose courts have generally the same reputation as civilian courts.

In Transnistria, Alexandru Lesco, Andrei Ivantoc, and Tudor Petrov-Popa of the "Ilascu Group" remained in prison, having been convicted in 1993 of killing two Transnistrian officials. At year's end, the European Court of Human Rights (ECHR) had not ruled on a case brought by the wives of the three men against Moldova and Russia. Ilie Ilascu, the leader of the group who subsequently became a Romanian parliamentarian, and international organizations continued to urge Transnistrian authorities to release the remaining members of the group or to retry them in a proper court under international monitoring. Transnistrian authorities denied the ICRC's repeated requests during the year for permission to see these prisoners (see Section 1.c.). The Transnistrian leader, Igor Smirnov, declared in a speech that he would not pardon the three group members.

There were no reports of political prisoners other than those in Transnistria.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence.—The Constitution prohibits such actions; however, the Government did not respect these prohibitions in practice.

Prosecutors may issue search warrants; the law does not provide for judicial review of search warrants. It was widely believed that the security agencies conducted illegal searches without proper authorization. Courts did not exclude evidence that was obtained illegally. The Constitution specifies that searches must be carried out "in accordance with the law" but does not specify the consequences if the law is not respected. By law, the prosecutor's office must authorize wiretaps and may do so only if a criminal investigation is underway; however, in practice the prosecutor's office lacked the ability to control the security organizations and the police or to prevent them from using wiretaps illegally. It was widely believed that security agencies monitored residences and telephones electronically.

During the year, police reportedly informed persons of Middle Eastern origin that they were being monitored carefully.

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Speech and Press.—The Constitution and the law provide for freedom of speech and of the press; however, the Government sometimes restricted these rights, applying the electoral law, the Civil Code, and a calumny law selec-

tively against some critics and intimidating some journalists into practicing self-censorship. Nevertheless, there was an active, independent media.

The print media expressed a wide variety of political views and commentary. The Government owned two newspapers and a news agency; national and city governments subsidized a number of newspapers. Political parties and professional organizations, including trade unions, also published newspapers, most of which had a circulation of less than 15,000 copies.

There were several independent radio stations, including one religious station, with some stations rebroadcasting programs from Romania and Russia. The five stations based in Chisinau continued to be influenced by various political interests. The Chisinau-licensed stations mostly rebroadcast programs from Russian or Romanian stations, and only local news shows and a few other programs were locally produced. The Government controlled a radio station and a television station that covered most of the country. Some local governments, including Chisinau and Gagauzia, operated television and radio stations, as well as newspapers.

The number of media outlets that were not owned and operated by the Government or a political party increased. However, most of these independent media remained in the service of, and secured large subsidies from, political movements and commercial or ethnic interests. The law prohibits foreign governments from funding or supporting domestic publications. In practice, Romanian government-supported publications complied with the law by receiving funds from "foundations" created for this purpose. The Government did not prosecute publications receiving funds from other states. A law that a least 65 percent of broadcasting must be in the Romanian language has been interpreted to mean that 65 percent of locally produced content (not total airtime) must be in Romanian. The law does not apply to advertising.

During the year, the Government took steps to strengthen oversight by a non-government board over the nominally independent public television and radio broadcasting company "Teleradio-Moldova," formerly a state-owned company. However, the extent to which the company has been removed from government control remained unclear. On December 1, the radio news director of "Teleradio-Moldova" was taken off the air, reportedly for allowing unapproved information about an anti-government demonstration to be broadcast. The firing renewed discussion that the Government was still influencing the company.

On March 28, a new Law on Combating Extremism took effect that many observers considered to be a potential tool for the Government to limit the expression of views by independent or opposition media. The Government did not take any legal action under the law during the year.

During the year, the Chisinau court continued the case against the editor-in-chief of the weekly *Accente*, who was arrested and released in October 2002, along with two *Accente* journalists, on charges of bribery. The newspaper's office was searched and its archives seized by law enforcement bodies. The newspaper was reportedly pursued after it published articles on corruption and trafficking cases involving government officials. *Accente* journalists complained that they had been blackmailed and threatened by law enforcement bodies.

In June, Antena C radio station, operated by the Chisinau Mayor's office, removed a call-in program called "Hyde Park" from the air. The talk show was accused by ISS representatives of inciting the population to violence and overthrow of the Government. The ISS interrogated a few program participants and the Audio Visual Coordinating Council (AVCC) had threatened to withdraw the station's license if action was not taken against the program.

In December 2002, the AVCC forced a local independent radio station, *Vocea Basarabiei*, to stop broadcasting, accusing it of violating broadcasting regulations. Many observers argued that the real reason of the suspension was the pro-Romanian political stand of the station. *Vocea Basarabiei* re-obtained its frequency and permission to broadcast in March.

In early December, the AVCC also threatened to close Antena C radio station and the Euro-TV channel, both voices of the opposition and owned by Chisinau city government, due to alleged inaccuracies in their legal documents. The AVCC claimed that Antena C and Euro-TV were not registered as legal entities.

The Constitution prohibits censorship, and the Government did not officially censor books, films, or any other media. However, in practice, members of Parliament and other government officials often complained to the media about critical reporting, which usually resulted in the media toning down the level of criticism.

A calumny law prohibits defamation of high-level public officials. Parties filing lawsuits must distinguish between their public and private roles and must prove that the information was false, defamatory, and published recklessly or with intentional malice. Plaintiffs generally have lost in cases in suits filed against journalists and media organs. In May, a prominent politician, Dumitru Diacov, brought a law-

suit against the Flux newspaper for calumny, and ISS representatives questioned the newspaper staff. In August, a foreign businessman, Boris Birstein, filed suit under the calumny law against the Flux newspaper; the case was under investigation at year's end.

In 2002, some Teleradio Moldova staff protested alleged government censorship, triggering calls for the transformation of Teleradio Moldova into a public institution. Following recommendations from the Council of Europe, Parliament passed bills in July 2002 and February to convert Teleradio Moldova into a public institution. The opposition remained dissatisfied with the law, arguing that civil society was still not involved adequately in supervising the activity of Teleradio Moldova and that the law still provided for many forms of direct political interference in the company's activity. Further amendments to the Law on Teleradio Moldova, adopted by Parliament in November, provided for the liquidation of the company, dismissal of all staff, and the creation of a new public institution. However, critics argued that this step made it easier to dismiss journalists for political motives.

Print and broadcast journalists reportedly practiced self-censorship regularly due to government and public figures' use of the electoral and calumny laws to sue for defamation and complaints from authorities of news coverage.

The former news director of the governmental news agency Moldpress was dismissed after she publicly declared that the Presidential press service required the news agency to disseminate its information without editing or verification of comments.

The Government did not restrict foreign publications. However, most were not widely circulated due to high costs. Russian newspapers were available, and some published special Moldovan weekly supplements. The country received television and radio broadcasts from Romania, France, and Russia. A small number of cable subscribers received a variety of foreign television programs, including news programs. Few residents had satellite television. Parliament has prohibited the use of locally based foreign media outlets for political campaigning.

The Government did not restrict access to the Internet or academic freedom.

Of the two major newspapers in Transnistria, one was controlled by the separatist authorities, and the other by the Tiraspol city government. There was one independent weekly newspaper in Bender and another in the northern Transnistrian city of Ribnitsa. At times, the independent newspapers criticized the Transnistrian regime, for which the separatist authorities harassed them. Other print media in Transnistria did not have a large circulation and appeared only on a weekly or monthly basis; some of them also criticized local authorities. Most Moldovan newspapers did not circulate widely in Transnistria, although they were available in Tiraspol.

After exhausting its appeals in Transnistrian Supreme Court, the opposition newspaper Glas Naroda published its last issue in July. The paper, along with the People's Power for Social Equality movement, was ordered to dissolve as the result of a lawsuit that many observers saw as politically motivated.

On May 23, a court in the Transnistrian-controlled city of Bender ordered the closure of the independent newspaper Novaya Gazeta and fined its editors approximately \$5,000 (35,000 rubles) in a libel case that many saw as politically motivated. On June 26, the Transnistrian Supreme Court ruled to return the case to the Bender court, a move that was seen as a victory for Novaya Gazeta, which continued to publish.

During the year, Transnistrian authorities increasingly pressured schools teaching Romanian in Latin script (rather than Cyrillic script used in Soviet Moldova) and using the curriculum of the central Ministry of Education (see Section 1.d.). In September 2002, authorities shut down a public school in Grigoriopol for clandestinely teaching in Latin script, after which children took day trips to another city for instruction. In December 2002, the parents of these children were threatened with dismissal from their jobs in enterprises and institutions run by the Transnistrian authorities. Although the OSCE helped negotiate a formula in September to allow Latin-script schools to register in line with Transnistrian requirements, Transnistrian authorities continued to impose logistical and legal hurdles to impede Latin-script schools from functioning normally.

b. Freedom of Peaceful Assembly and Association.—The Constitution provides for freedom of assembly, and the Government generally respected this right in practice. Mayors' offices issue permits for demonstrations and may consult the Government if a demonstration is likely to be extremely large; permits were issued routinely and without bias.

The Transnistrian authorities usually did not permit free assembly, and on those occasions when they did issue permits, they often harassed organizers and partici-

pants. Regional authorities at times organized mass rallies in their own support and called them “spontaneous rallies by the people.”

The Constitution provides for freedom of association and states that citizens are free to form parties and other social and political organizations; however, 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 Romania have charged that this provision is intended to impede their political activities; however, no group has been prevented from forming as a result of this provision. Private organizations, including political parties, were required to register, but applications were approved routinely. There were 23 political parties at year’s end.

Opposition leaders viewed the new Law on Combating Extremism as a possible limitation on the right to assembly, because it restricts public actions that are considered extremist or aimed at undermining the Government’s authority. The Government did not use the law to limit the right to assemble at the end of the year.

The law on parties and other social-political organizations provides that the Ministry of Justice may suspend for a period of up to 1 year a party that violated the Constitution or the law after a written warning with a deadline for cessation of the unlawful activity. During electoral campaigns, only the Supreme Court of Justice may suspend a party’s activity.

Transnistrian authorities restricted freedom of association by intimidation and prosecution for alleged offenses or on invented charges. In June, the Transnistrian Supreme Court upheld a 2001 Tiraspol City Court ruling disbanding the “For Power to the People—For Social Justice” party.

c. Freedom of Religion.—The Constitution provides for freedom of religion, and the Government generally respected this right in practice; however, the law includes restrictions that inhibit the activities of some religious groups. There is no state religion; however, the Moldovan Orthodox Church received some special treatment from the Government. For example, the Metropolitan of Chisinau and All Moldova and other high-ranking Orthodox Church officials reportedly have diplomatic passports.

Critics raised concerns about the new Law on Combating Extremism saying that it could be used to abuse opposition organizations—including religious organizations—and individuals. The law had not been used against religious organizations at year’s end.

The law requires religious groups to register with the Government. Unregistered religious organizations are not permitted to buy land or obtain construction permits for churches or seminaries. The law does not expressly oblige the State Service for Religions (SSR) to register a religious organization, but suggests that registration is automatic when adequate documentation is filed. At the request of the State Body for Religions, a court may annul the registration of an organization if its activities are political or harm the “independence, sovereignty, integrity, security, or public order” of the country.

Authorities have not registered the Church of True Orthodox-Moldova despite a 2002 Supreme Court ruling in its favor. The SSR and the Government attempted a variety of appeals and were still ordered to register the church. Many delays in the court process have prevented a final decision. The Church of Jesus Christ of Latter-day Saints (Mormons) and the Spiritual Organization of Muslims in Moldova continued to face bureaucratic difficulties in the registration process. The SSR claimed both groups failed to present mandatory documents necessary for registration.

The Law on Religion permits proselytizing, but explicitly prohibits “abusive proselytizing,” which is defined as “an attempt to influence someone’s religious faith through violence or abuse of authority.” The Government has not taken legal action against individuals or organizations for proselytizing, with the exception of a member of Jehovah’s Witnesses who was fined approximately \$27 (400 lei) for door-to-door preaching.

Non-denominational “moral and spiritual” instruction is mandatory for primary school students and optional for secondary and university students. The Ministry of Education introduced the program gradually with instruction for first through third graders being implemented during the year. Some schools have a specific class on religion, but attendance is conditioned by parental consent and whether individual schools have the necessary funds.

The law provides for restitution to politically repressed or exiled persons whose property was confiscated during the successive Nazi and Soviet regimes. This regulation has been extended in effect to religious communities; however, the Moldovan Orthodox Church has been favored over other religious groups in this area and has recovered nearly all of its property. In cases where property was destroyed, the Gov-

ernment offered alternative compensation. However, property disputes between the Moldovan and Bessarabian Churches have not been resolved. Despite being able to register and operate as a legal religion, representatives of the Bessarabian Orthodox Church claimed that their property rights were still being violated. The Jewish community had mixed results in recovering its property but no pending cases. Members of the Molocan community had a property claim that remained unresolved at year's end.

There were a few reports of negative press articles about non-Orthodox religions. Members of Jehovah's Witnesses have been the target of articles criticizing their beliefs and legitimacy, and the Baptists in Transnistria claim press reports about their religion have been negative.

In February, unknown persons destroyed eight tombstones in a Jewish cemetery in Balti. However, according to a leading Rabbi in Chisinau, it was not clear whether anti-Semitism motivated the event.

In recent years, Transnistrian authorities have denied registration to Baptists, Methodists, and the Church of the Living God. Unregistered religious groups were not allowed to hold public assemblies, such as revival meetings. The law in Transnistria prohibits renting houses, premises of enterprises, or "cultural houses" for prayer meetings. Transnistrian authorities have told evangelical religious groups meeting in private homes that they did not have the correct permits to use their residences as churches. In May, Transnistrian authorities reportedly fined Efram Platon twice for holding religious meetings in his home in Bender; the fines were appealed in court. Authorities in Grigoriopol and the village of Mayak reportedly arrested several members of Jehovah's Witnesses for proselytizing and other religious activity.

The Transnistrian Supreme Court did not rule by the end of the year on the Tiraspol public prosecutor's 2002 suit to annul the registration and ban the activities of Jehovah's Witnesses. Under a July 2002 letter from the Transnistrian Commissioner for Religions and Cults, Transnistrian authorities are to consider the Jehovah's Witnesses as illegal until the court case is resolved. Transnistrian state officials have reportedly accused Jehovah's Witnesses of a lack of patriotism and of spreading Western influence. Additionally, Transnistrian authorities have developed a new textbook that is to be used at all school levels, which reportedly contains negative and defamatory information regarding the Jehovah's Witnesses.

Non-Orthodox groups in Transnistria complained that they generally were not allowed to rent property and often were harassed during religious services.

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

d. Freedom of Movement within the Country, Foreign Travel, Emigration, and Repatriation.—The Constitution and law provide for these rights, and the Government generally respected them in practice; however, authorities sometimes restricted travel to and from the separatist Transnistrian region.

The Government did not restrict travel within the country, and there were no closed areas except the military depot at Colbasna controlled by the Transnistrian separatist authorities. Travel between Transnistria and the rest of the country was not prevented; however, separatist authorities often stopped and searched incoming and outgoing vehicles and hindered movement by OSCE representatives on several occasions. Although the village was controlled by the Government under cease-fire terms, Transnistrian authorities interfered with, and at times blocked, farmers from the Transnistrian village of Dorotcaia from traveling to government-controlled areas to sell their produce.

Citizens generally were able to depart from and return to the country freely; however, there were some restrictions on emigration. Close relatives who are dependent on a potential emigrant for material support must give their concurrence. The Government also may deny permission to emigrate if the applicant had access to state secrets; however, such cases were very rare, and none were reported during the year. A large number of citizens were working in foreign countries without legal status. Estimates on emigration from official sources were inconsistent and largely anecdotal; the Government estimated that between 600,000 and 800,000 citizens were working outside the country, the vast majority of them illegally. Media and independent NGO sources suggested that the number of citizens working abroad was approximately one million. The majority worked in Russia, Portugal, Italy, Spain, Greece, and Romania.

On July 25, Parliament adopted the Law on Refugee Status, which provides for the granting of refugee status or asylum to persons who meet the definition in the 1951 U.N. Convention Relating to the Status of Refugees or its 1967 Protocol. In practice, the Government provided protection against refoulement and granted refugee status and asylum. During the year, 87 persons requested asylum and 5 per-

sons were granted asylum. According to the U.N. High Commissioner for Refugees (UNHCR), 984 persons had been registered with the UNHCR in the country during the year through December 1. Many refugees originated in Chechnya, Iraq, Sudan, Afghanistan, Nigeria, and other African countries. The Government also provides temporary protection for some persons who do not qualify as refugees or asylees, but did not grant it to anyone who applied during the year. The Government cooperated with the UNHCR and other humanitarian organizations in assisting refugees and asylum seekers.

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

The Constitution provides citizens with the right to change their government peacefully, and citizens exercised this right in practice in most of the country through periodic, free, and fair elections held on the basis of universal suffrage; however, this right was restricted in Transnistria.

The Constitution provides for a parliamentary form of government. Parliament elects the president, who, as head of state, appoints the prime minister, who names a cabinet. The prime minister, who functions as the head of government, and the cabinet are approved by Parliament. A three-fifths vote by secret ballot in Parliament is required to elect a president. If after multiple votes Parliament is unable to elect a president, the sitting president may dissolve Parliament.

In 2001, citizens voted in multiparty parliamentary elections. The OSCE Office of Democratic Institutions and Human Rights considered the elections to be free and fair; however, election observers noted some shortcomings such as the inaccuracy and incompleteness of voter lists and excessively restrictive media provisions in the Electoral Code. In Transnistria, authorities interfered with their residents' ability to vote in these elections. In addition, Transnistrian "presidential" elections in 2001, as well as Supreme Soviet elections in 2000, were not observed by international monitors and were not considered free and fair.

A total of 23 parties met the threshold of 5,000 members and were officially registered. Because many small parties failed to win the minimum number of votes required for representation, only three parties—the Communist Party, the Our Moldova Alliance, and the Christian Democratic Popular Party (PPCD)—have seats in Parliament. Several members elected with one of the component parties of the Our Moldova Alliance have left the faction to become independents or to join other factions.

The Government selectively enforced regulations, including inspections and tax auditing, for individuals and businesses that belong to or support opposition parties.

The 2001 parliamentary elections resulted in a clear victory for the Communist Party, which won 50 percent of the popular vote and 71 out of 101 seats in Parliament. In 2001, Parliament elected Communist Party leader Vladimir Voronin as President; and Voronin appointed businessman Vasile Tarlev as Prime Minister.

On May 25 and June 8, local elections for mayors and city councils were held nationwide. Voters also chose regional councils in all areas except the Gagauz autonomous region. International observers concluded that while the voting itself generally met international standards, the Government's conduct during the campaign fell short of the generally good record established in previous elections. The negative trends observed in the campaign included heavily biased state media reporting, the arrests of two opposition mayors during the campaign period (along with the threatened arrest of others), and the use of administrative resources for campaign purposes. The local elections were preceded by a very biased media campaign, with the state media providing distorted information to voters, according to the OSCE Election Observation Report. Government media dedicated significant time to government candidates and allowed opposition candidates only limited time to respond. Although regulations prohibited broadcast media from presenting candidates on the news, the main candidates for Chisinau mayor, incumbent Mayor Serafim Urechean and Minister of Transportation and Communications Vasile Zgardan, could often be seen on television in their official capacities.

A Christian Turkic minority, the Gagauz, enjoyed local autonomy in the southern part of the country. In 2002, central authorities pressured the Gagauzia Governor Dmitry Croitor to resign, and there were irregularities in the October 2002 elections that replaced him with Communist candidate Gheorghe Tabunschik. Gagauz observers complained that the Government did not abide by the terms of the agreement giving Gagauzia autonomous status and that it enacted laws that contradicted both local and national legislation establishing Gagauzia's autonomy. Gagauz opposition figures argued that harassment continued in the May 25 mayoral races in the region. In November, two rounds of voting in Gagauzia generally met international standards, but were marked by irregularities including group voting, multiple vot-

ing, open voting, mobile ballot box fraud, proxy voting, and unauthorized persons in polling stations.

The truce between the Government and separatists who have declared a “Dniester Republic” in Transnistria held during the year, although agreements to normalize relations have not been honored. During the year, a Joint Constitutional Committee, consisting of representatives of the Government and Transnistria began work on a federal solution to the dispute, but major differences over the proper federal structure continued to divide the two sides.

Citizens’ right to change their government was severely restricted in Transnistria. In the period prior to the 2001 “presidential” elections, authorities shut down a political party and a youth group, closed a leftist party newspaper, and seized a press run. The authorities refused to register one potential presidential candidate and dismissed another from his job as mayor of Bender prior to the election. Authorities reportedly threatened workers with job loss and students with expulsion from their universities if they did not vote for the incumbent, Igor Smirnov. Local observers reported that the actual voting was unfair, with considerable ballot box stuffing. Officials in the northern region of Kamenka reported that 103.6 percent of their voters cast ballots for Smirnov.

There were no restrictions in law or practice on the participation of women in political life. Women held 13 of 101 parliamentary seats. Speaker of Parliament Eugenia Ostapcuic occupied the highest political position in the country attained by a woman.

Russian, Ukrainian, Bulgarian, Gagauz, and Romani minorities were represented in Parliament, with deputies elected from nationwide party lists rather than local districts. Debates took place in either the Romanian or Russian language, with translation provided.

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

A number of domestic and international human rights groups generally operated without government restriction, investigating and publishing their findings, except in the Transnistrian region.

The local Helsinki Watch organization maintained contacts with international human rights organizations, as did the Helsinki Citizens Assembly. Amnesty International maintained a satellite office in Chisinau and was active in the country, although the Transnistrian authorities impeded its activities in that region.

Citizens may appeal to the ECHR in Strasbourg if they believe their rights have been violated or that national laws are not in accordance with the European Convention on Human Rights. During the year, citizens of the country filed 27 complaints with the ECHR.

The Government supported the work of the OSCE, which had a mission in the country to assist efforts to resolve the separatist conflict. The OSCE participated in the Joint Control Commission that reviews violations of the cease-fire agreement. Transnistrian authorities have limited OSCE access to the region; however, the OSCE mission enjoyed free access to the Security Zone dividing Transnistria from the rest of country.

The law provides for three parliamentary advocates (ombudsmen), and an independent center for human rights, the Moldovan Human Rights Center. Parliament appoints the three advocates, who have equal rights and responsibilities, for 5-year terms. Advocates may be removed from office only by a two-thirds vote of Parliament. Parliamentary advocates are empowered to examine claims of human rights violations, advise Parliament on human rights problems, submit legislation to the Constitutional Court for review, and oversee the operation of the Moldovan Human Rights Center. Center personnel provide training for lawyers and journalists, visit jails, make recommendations on legislation, and conduct seminars and training programs for police, penitentiary personnel, judges, prosecutors, public administration officials, and law students. The majority of complaints received by the center involved private property violations, labor rights, access to justice, personal security, right to life, and personal dignity.

Transnistrian authorities reportedly have attempted to gain control over NGOs in the region by having security officials “invite” their leaders to their offices to discuss their registration and by pressuring landlords not to renew office leases for some.

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

The Constitution provides that persons are equal before the law regardless of race, sex, disability, or social origin; however, societal discrimination against women and some ethnic minorities, particularly Roma, persisted. There were remedies for

violations, such as orders for redress of grievances, but these were not enforced in all cases.

Women.—Domestic violence against women was a problem. Although the Government did not keep data on incidences of domestic violence, human rights advocates asserted that it was widespread. The law does not specifically address domestic assault, and there is no law against spousal rape. Women abused by their husbands may file charges under general assault laws. Husbands convicted of such assault may receive prison sentences (typically up to 6 months). In practice, the Government rarely prosecuted domestic assault crimes. The Ministry of Internal Affairs reported 66 spousal abuse cases during the first 8 months of the year, including 36 resulting in serious bodily injury and 30 resulting in either murder or attempted murder. There were 135 cases of rape reported in the first 9 months of the year. Women's groups believed that the numbers of rapes and incidents of spousal abuse were underreported.

The Government supported educational efforts, usually undertaken with foreign assistance, to increase public awareness of domestic violence and to train public and law enforcement officials in how to address the problem. In June, the city of Chisinau opened a women's shelter for victims of domestic violence. Private organizations operated services for abused spouses, including a hot line for battered women.

Prostitution is illegal and punishable by a fine and administrative detention of up to 30 days.

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

The law does not address sexual harassment.

The law provides that women and men enjoy equal rights, and in practice women received pay equal to that of men for equal work; however, women did not hold high-paying jobs in the same proportion as men. The Government provided extended paid maternity leave. There were significant numbers of female managers in the public sector and in banking. The Minister of Finance and the president of the country's largest bank were women. Women made up approximately 50 percent of the workforce.

Children.—There is extensive legislation designed to protect children, and the Government provided supplementary payments for families with many children. Under the Constitution, the Government is to provide free, compulsory, and universal education for 9 to 10 years, which may be followed either by technical school or other further study; the requirement can vary at the discretion of the Minister of Education. However, many inadequately funded schools, particularly in rural areas, charged parents for school supplies. While not illegal, such charges contradicted the Government's policies and resulted in many children being kept at home by parents. Government statistics indicated approximately 800 children were not in school; however, press reports suggested that the number was higher, especially in rural areas. On September 1, the Government and local authorities provided assistance in amounts ranging from approximately \$7.40 (100 lei) to approximately \$22.20 (300 lei) each to children from vulnerable families to buy school supplies. The health system devoted a large portion of its limited resources to childcare, but childcare professionals considered the amount inadequate.

Various laws have provisions against child neglect; however, child abuse was believed to be widespread. Although prohibited by law, corporal punishment in schools was common. Observers reported that women begging on the streets of Chisinau often sedated their babies to spend long hours begging without having to care for them.

Trafficking in girls remained a very serious problem (see Section 6.f.).

The situation of children in orphanages was generally very poor. Official statistics from 2001 indicated that there were approximately 13,500 institutionalized children. An additional 5,000 children lived in adoptive homes, 4,500 more lived in foster homes or with legal guardians. Not all institutionalized children were orphans; the number of children entrusted to the Government by needy parents or by parents leaving the country in search of work, reportedly was growing. NGOs estimated that up to 30,000 children were in institutions or foster homes. Due to lack of funding, children's institutions had major problems including inadequate food, "warehousing" of children, lack of heat in the winter, and disease.

Persons with Disabilities.—The law prohibits discrimination against persons with disabilities. There are no laws providing for access to buildings, and there were few government resources devoted to training persons with disabilities. The Government provided tax advantages to groups that assisted persons with disabilities.

National/Racial/Ethnic Minorities.—According to the 1989 census, approximately 65 percent of the population are members of the titular nationality. Ukrainians (14

percent) and Russians (13 percent) are the two largest minorities. A Christian Turkic minority, the Gagauz, representing approximately 3.5 percent of the population lives primarily in the southern regions of the country and speaks Russian and Gagauz, a Turkic language. Official statistics put the number of Romani at 11,600, or less than 0.5 percent of the population. The OSCE and Romani NGOs have estimated the number of Romani at 20,000 to 200,000.

Roma suffered violence, harassment, and discrimination. Local and international NGOs reported that Roma were victims of police beatings in custody, arbitrary arrest and detention, unlawful confiscation of personal property, and harassment by law enforcement officials and were subjected to societal violence and harassment. The European Roma Rights Center reported that officials discriminated against Roma with regard to equal treatment, adequate housing, education, and access to public services.

A human rights NGO reported there were approximately ten cases of violence or harassment of Roma during the year, not all of which went to court. In one reported case, a young Roma man was beaten in Otaci, and police did not arrive at the scene until hours later. In another, a Roma woman received a 3-year prison sentence for a misdemeanor, despite the law permitting lesser sentences for mothers of young children.

Roma were the poorest of the minority groups and often lived in segregated communities in unsanitary conditions lacking basic infrastructure. These conditions often led to segregated education with even fewer resources than in the rest of the country's schools. Many Romani children did not attend school, very few received a secondary or higher education, and there was no Romani-language education, unlike for other minorities.

Minority rights and the language question were closely related. Romanian is the official language; however, Russian has tended to serve as a language for interethnic communication. Since 2001, Parliament amended several laws to strengthen the use of Russian without making it an official language. On March 4, the Constitutional Court rejected a proposal submitted by the Communist faction in Parliament to make Russian the second official language, describing the proposal as insufficiently specific. A citizen has a legal right to choose the language of interaction with government officials or commercial entities and officials are required to know both Russian and Romanian "to the degree necessary to fulfill their professional obligations." Many Russian speakers, including well-educated professionals, do not speak Romanian well or at all, while most educated Romanian speakers know both languages. Representatives of Russian speakers argued for a delay in the law's implementation to permit more time to learn the language. In practice, Russian speakers were not subject to discrimination, and the law has not been used to deny them work as state officials.

The Constitution provides parents with the right to choose the language of instruction for their children.

In September, the Department for Interethnic Relations organized a minorities festival in a downtown Chisinau park in which dozens of minority NGOs participated and the Department and the Parliamentary Commission for Interethnic Relations sponsored a two-day seminar on the application of the European Framework Convention for the Protection of Minorities.

Authorities in the separatist Transnistrian region continued to discriminate against Romanian speakers. They refused to observe the country's language law, which requires the use of Latin script, and the region's schools were required to teach Romanian using the Cyrillic alphabet. Many teachers, parents, and students objected to this requirement, believing that it disadvantaged pupils who wished to pursue higher education opportunities in the rest of the country or in Romania, where the Latin script was used.

During the year, Transnistrian authorities moved towards closing eight schools in the region that used the Latin script under an agreement between the Government and separatist authorities. The Transnistrian "education ministry" decided to seek court approval to disband the schools if they failed to adopt use of the Cyrillic alphabet for instruction. Despite OSCE intervention, Transnistrian authorities blocked the re-opening of the schools in the new academic year by using ultimatums and by cutting electricity to a Tiraspol school, ostensibly because of outstanding debt. In September, the OSCE brokered an interim solution to register the Latin-script schools, but Transnistrian authorities continued to impose logistical problems that hindered regular operation of the schools.

Section 6. Worker Rights

a. The Right of Association.—The Constitution and law provide for the right to establish or join trade unions, and workers exercised this right in practice.

There were two unions—the Trade Union Confederation of Moldova (TUCM) and “Solidaritate” (Solidarity). The TUCM had approximately 80 percent of all union members, with the rest in “Solidaritate.”

The law prohibits discrimination against workers for union membership or activities, and there were no reports that employers took action against union members for their activities. The law provides that employers may not fire union leaders from their jobs without the consent of their superior union; there were no reports of such firings during the year.

Unions could freely affiliate and maintain contacts with international bodies; the TUCM was a member of the International Labor Organization (ILO) and was affiliated with the International Confederation of Free Trade Unions.

b. The Right to Organize and Bargain Collectively.—The law provides for collective bargaining and the right to organize unions, and the Government generally respected these rights in practice.

The Government, management, and unions negotiated national minimum wages in tripartite talks. Branch unions for particular industries negotiated with management and the government ministries responsible for that industry. Tripartite negotiations could, and often did, set wages higher than the national minimum, particularly in profitable industries. At the enterprise level, union and management negotiated wages directly and could set wages higher than negotiators at the industry level. Arbitration committees typically settled workplace labor disputes. If an arbitration committee failed to settle a dispute, it could be taken to the Courts of First Appeals. Court decisions involving the restitution of salary or a position were not implemented in all cases.

Government workers and workers in essential services such as health care and energy do not have the right to strike. In practice, unions in other sectors may strike if two-thirds of their members vote to do so by secret ballot. During the year, there were no general or country-wide strikes, although teachers and doctors held local strikes in Edinet and Chisinau. In March, the Trade Union Confederation organized a 1-day strike by teachers, doctors, and cultural workers in Chisinau.

There is one export processing zone (EPZ) at Ungheni, with others scheduled to open at Chisinau, Taraclia, Tvardita, Otaci, and Vulcanesti over an 8-year period. The law does not exempt EPZs from collective bargaining rights or other labor law provisions.

c. Prohibition of Forced or Bonded Labor.—The Constitution prohibits forced or bonded labor, including by children; however, there reports that such practices occurred (see Section 6.f.).

d. Status of Child Labor Practices and Minimum Age for Employment.—The new Criminal Code, which entered into force in June, increases the level of child labor protection, containing provisions specifically regarding the worst forms of child labor. The new Labor Code took effect on October 1.

The minimum age for unrestricted employment was 18 years. Persons between the ages of 16 and 18 were permitted to work under special conditions, including shorter workdays, no night shifts, and longer vacations. Children often were sent to work in the fields or to find other work, and those living in rural areas often assisted in the agricultural sector. The Ministry of Labor and Social Protection has primary responsibility for enforcing these protections but did not do so actively. The Ministry of Health also has a role.

On June 14, ILO Convention 182 on the worst forms of child labor entered into force for the country. The new Criminal Code provides for 10 to 15 years imprisonment for involving children in the worst forms of child labor, as defined in ILO Convention 182. In aggravated circumstances, punishment can amount to a life-term imprisonment.

e. Acceptable Conditions of Work.—On July 1, the legal minimum monthly wage was raised to approximately \$23.30 (340 lei) for private sector employees and approximately \$17 (250 lei) for government employees. Minimum wages did not provide a decent standard of living for a worker and family. According to preliminary data from the Department of Statistics, the average monthly salary from January to July was approximately \$57 (818 lei). The average monthly salary was approximately \$66 (941 lei) in the private sector and approximately \$46 (657 lei) in the public sector. Due to severe budgetary constraints, both the Government and private sector employers often did not meet employee payrolls.

The Constitution sets the maximum workweek at 40 hours, with extra compensation for overtime, and the Labor Code provides for at least 1 day off per week.

The Government is required to establish and monitor safety standards in the workplace. Unions may strike and ask a court to impose a fine if safety standards are not met. Workers have the right to refuse to work if working conditions rep-

resent a serious threat to their health. In practice, poor economic conditions have led enterprises to economize on safety equipment and show little concern for worker safety. Workers often did not know their rights in this area. According to the Labor Inspection's preliminary data, there were 54 workplace accidents involving 60 persons in the first 9 months of the year, 24 of which resulting in deaths.

f. Trafficking in Persons.—The law prohibits trafficking in persons; however, trafficking in women and girls was a very serious problem. There were reports of involvement by some government officials in this trade; however, no official charges were made.

The law prohibits trafficking and provides for severe penalties, ranging from 7 to 25 years in prison. Sentences for trafficking in children run from 10 years to life imprisonment. The penalty is 15 to 25 years in prison and confiscation of property for repeated or serious offenses, such as trafficking of groups, minors, or pregnant women; through kidnapping, trickery or abuse of power; with violence; or by a criminal organization.

As of September 1, according to the Ministry of Internal Affairs, 290 "trafficking" investigations had been opened, although only 137 were related directly to the current and former trafficking statutes. For the same period of time, there were 9 cases of trafficking in children. Other cases were opened under articles on procurement for prostitution, illegal taking of children out of the country and illegal hiring for work abroad. Statistics on actual arrest were not available. As of October 1, according to the General Prosecutor's office, 125 cases had been filed in court, 83 under trafficking statutes and 42 under pimping. A total of 28 convictions were obtained, 4 for trafficking and 24 for pimping. These convictions resulted in 6 prison sentences and 14 sentences of probation, all of which were pending appeal. Six defendants received fines and two were amnestied.

The country was a major country of origin for women and girls who were trafficked abroad for prostitution and men who were trafficked to Russia and neighboring countries for labor and begging. The country was also a transit country for victims trafficked from Ukraine to Romania. Women and girls were trafficked to Turkey, Cyprus, Greece, Italy, Hungary, Bulgaria, Slovakia, Bosnia-Herzegovina, Serbia and Montenegro, and the Former Yugoslav Republic of Macedonia for prostitution. There also were reports that women were trafficked to Lebanon, Syria, Israel, Saudi Arabia, the United Arab Emirates, Portugal, France, Thailand, the United Kingdom, Spain, and Australia. Women and girls reportedly were trafficked to Italy and Greece through Romania, Serbia and Montenegro, and Albania. The International Organization for Migration (IOM) reported that the country was the main origin in Europe for the trafficking of women and children for prostitution in the Balkans, Western Europe, and the Middle East and that more than 50 percent of the women working in prostitution in Kosovo were from the country. Turkey annually deported approximately 2,500 Moldovan women for prostitution. A prominent women's rights activist and Member of Parliament stated that more than 10,000 women from the country were working as prostitutes in other countries. However, the basis for this number was unclear, and some NGOs reported that it was a very conservative number.

According to the NGO Partners for Community, the target population for traffickers was young women, often minors, in rural areas. Women and girls typically accepted job offers in other countries, ostensibly as dancers, models, nannies, or housekeepers. In many areas, friends or acquaintances approached young women and offered them help getting good jobs abroad. This "friend of a friend" approach most often was used in the countryside. Save the Children and the Association of Women in Law reported that many of the traffickers were women who targeted young girls in their own localities. Once they arrived at their destinations, traffickers took their passports, required them to "repay" sizeable sums, and forced them into sexual bondage. Traffickers commonly recruited women from rural villages, transported them to larger cities, and then trafficked them abroad.

Another trafficking pattern involved orphans who must leave orphanages when they graduate from school, usually at the age of 16 or 17, and have no source of funds for living expenses or continuing education. Some orphanage directors reportedly sold information on when orphan girls were to be turned out of their institutions to traffickers, who approached them as they left. This pattern became so well known that one foreign adoption service registered as an NGO and organized a "foster-an-orphan" program to help curb the practice. Individuals from abroad send money to support individual orphaned girls from age 16 or 17 until they reach the age of 18 and can work legally (see Section 6.d.). However, this sponsorship program is small compared with the number of orphan girls who become victims of traffickers each year.

Widespread corruption and lack of resources prevent adequate border control and monitoring of traffickers, particularly in Transnistria. Border guard and migration officials' salaries were low and frequently not paid regularly, making them vulnerable to bribery out of the large profits of the trafficking industry.

Critics charged that the Government did not do enough to prosecute traffickers. According to IOM, trafficking was difficult to prosecute because the crime took place in another country and perpetrators could be tried only if victims testified against them. Victims generally refused to testify because traffickers threatened retaliation against them or their families. This was particularly true in rural areas in closer, tight-knit societies where the fear and chances of being identified as well as stigmatized was much greater. The law provides for a witness protection program, and police have placed guards outside of witnesses' homes.

The Government took some steps to prevent the trafficking of women and assist victims, although it only slowly began to address the problem and focused primarily in the area of legislation and prosecution. In September, a government working group, the National Committee on Anti-Trafficking, gained its first full-time staff person and initiated weekly meetings. Local committees were created in each of region of the country, and officials of various ministries and local governments were required to present reports on their anti-trafficking efforts to the National Committee. A special law enforcement unit within the Ministry of Internal Affairs also continued to operate. The Government provided specialized training to trafficking investigators through the Ministry of Internal Affairs and the Ministry of Labor, funded by the OSCE and the Council of Europe. The country also participated in a Southeast European Cooperative Initiative Human Trafficking Task Force. The Government cooperated with Belarus, Ukraine, and Russia in investigating trafficking cases, as well as with Interpol in cases in Serbia and Montenegro. There were no government-operated assistance programs for victims.

With foreign assistance, several NGOs worked to combat trafficking through information campaigns, repatriation assistance, temporary housing and medical care for victims, and job training. The NGO Save the Children worked with trafficking victims, particularly repatriated girls. Local NGOs operated public school programs to educate young women about the dangers of prostitution. In November, a number of NGOs and international organizations sponsored a conference on combating sex trafficking that drew participants from the National Committee on Anti-Trafficking, the Supreme Court, anti-trafficking prosecutors, police, and regional anti-trafficking committees. In May, the Center for Prevention of Trafficking in Women launched a legal assistance project to represent victims in civil and criminal cases, and the local branch of the NGO La Strada established a toll-free nationwide hotline. During the year, the IOM office in Chisinau began to receive funds from a foreign source which it used for informational programs and training for journalists about the dangers of trafficking. The IOM also educated young women about the dangers of trafficking and operated a women's shelter that provided temporary emergency housing for victims, job training, and medical care (almost all returned victims have a sexually transmitted disease). During the year, the shelter opened a wing for minor victims and victims with minor children.

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 24-member National Council. There also are three consultative bodies whose members are appointed by the Prince: The 7-member Crown Council; the 12-member Council of State; and the 30-member Economic Council, which includes representatives of employers and trade unions. The judiciary is independent.

In addition to the national police force, the "Carabinieri du Prince" carry out security functions. Government officials maintained effective control of both forces. There were no reports that security forces committed human rights abuses.

The population was approximately 32,000, and the principal economic activities were services and banking, light manufacturing, and tourism. The economy provided residents with a high standard of living.

The Government generally respected the human rights of its citizens, and the law and the judiciary provide effective means of dealing with individual instances of abuse. Authority to change the Government and initiate laws rests with the Prince. The Penal Code prohibits public denunciations of the ruling family. The Constitution distinguishes between those rights that are provided for all residents and those that apply only to the approximately 7,000 residents who hold Monegasque nationality.

RESPECT FOR HUMAN RIGHTS

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

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

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

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

Prison conditions generally met international standards. Women were held separately from men, and juveniles were held separately from adults. The Government permits visits by human rights monitors; however, there were no such visits during the year. After prisoners receive a definitive sentence, they are transferred to a French prison to serve out their prison term.

d. Arbitrary Arrest, Detention, or Exile.—The Constitution prohibits arbitrary arrest and detention, and the Government generally observed these prohibitions. The police force is structured into five divisions: The urban police, the judicial police, the administrative police, the administrative and training unit, and the maritime and airport police. Their collective role is to maintain law and order.

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 visit detainees.

The Penal Code prohibits forced exile, and the Government did not employ it.

e. Denial of Fair Public Trial.—Under the Constitution, the Prince delegates his judicial powers to the judiciary. The law provides for a fair, public trial, and the independent judiciary respected these provisions in practice. A 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 to the Court of Appeal or, if need be, to the Court of Legal Revision, which would render its decision solely on the correctness of the application of the law, not on the facts of the case.

There were no reports of political prisoners.

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

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Speech and Press.—The Constitution provides for freedom of speech and of the press, and the Government generally respected these rights; however, the Penal Code prohibits public denunciations of the ruling family, a provision that the media respected in practice.

Several periodicals were published. There were no domestically published daily newspapers. Foreign newspapers and magazines circulated freely, including French journals that specifically covered news in the Principality. Foreign radio and television stations were received without restriction. Stations that broadcast from the Principality operated in accordance with French and Italian regulations.

The Government did not restrict access to the Internet or academic freedom.

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

Outdoor meetings require police authorization, but there were no reports that police withheld authorization for political or arbitrary reasons. Formal associations

must be registered and authorized by the Government, and there were no reports the Government withheld registration for political or arbitrary reasons.

c. Freedom of Religion.—The law provides for freedom of religion, and the Government generally respected this right in practice. Roman Catholicism is the state religion.

No missionaries operated in the principality and proselytizing was strongly discouraged; however, there is no law against proselytizing by religious organizations that are formally registered by the Ministry of State.

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

d. Freedom of Movement within the Country, Foreign Travel, Emigration, and Repatriation.—The law provides for these rights, and the Government generally respected them in practice. Residents moved freely within the country and across its open borders with France. Nationals enjoyed the rights of emigration and repatriation; however, they can be deprived of their nationality for specified acts, including naturalization in a foreign country. Only the Prince can grant or restore nationality, but he is obliged by the Constitution to consult the Crown Council on each case before deciding.

The law provides for the granting of refugee and asylum status to persons who meet the definition in the 1951 U.N. Convention Relating to the Status of Refugees and its 1967 Protocol. In practice, the Government provided protection against refoulement, and granted refugee status and asylum. The Government cooperated with the office of the U.N. High Commissioner for Refugees (UNHCR) and other humanitarian organizations in assisting refugees. In light of its bilateral arrangements with France, the Government does not grant political asylum or refugee status unless the request also meets French criteria for such cases. The number of such cases was very small.

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 the Government. He names the Minister of State (in effect, the Prime Minister) from a list of names proposed by the French Government. He also names the three Counselors of Government (of whom the one responsible for the interior is usually a French national). Together the four constitute the Government and all are responsible to the Prince.

Only the Prince may initiate legislation, but the 24-member National Council may propose legislation to the Government. All legislation and the adoption of the budget require the Council's assent. Elections for National Council members, which are held every 5 years, are based on universal adult suffrage and secret balloting.

The Constitution provides for three consultative bodies. The Prince must consult the seven-member Crown Council, composed exclusively of Monegasque nationals, on certain questions of national importance. He may choose to consult it on other matters as well. The President and three members of the Crown Council are chosen directly by the Prince for 3-year terms. The three other members are proposed by the National Council, also for 3-year terms; the Prince then ratifies their selection.

The 12-member Council of State, which is not restricted to Monegasque citizens, advises the Prince on proposed legislation and regulations. The Council of State is presided over by the Director of Judicial Services, usually a French citizen. The Minister of State nominates the Director and other members; the Prince ratifies their nominations.

Women were active in public service. The Mayor of Monaco, one member of the Crown Council, five members of the National Council, and four members of the Economic Council were women.

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

While the Government imposed no restrictions on the establishment or operation of local groups devoted to monitoring human rights, no such groups were formed. Foreign groups did not seek to investigate human rights conditions in the country.

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

The Constitution provides that all nationals are equal before the law. It differentiates between rights that are accorded to nationals (including preference in employ-

ment, free education, and assistance to the ill or unemployed) and those accorded to all residents, for example, freedom of inviolability of the home.

Women.—Reported instances of violence against women were rare. Marital violence is strictly prohibited, and any wife who is a victim may bring criminal charges against her husband.

Women were represented fairly well in the professions; however, they were represented less well in business. Women received equal pay for equal work, and there were no reports of sexual harassment.

Rape is illegal and punishable by 10 to 20 years' imprisonment under Article 262 of the Penal Code. There are no specific provisions dealing with spousal rape.

The law does not specifically prohibit prostitution, but Article 265 of the Penal Code authorizes a 6-month to 3-year imprisonment, plus a fine, for anyone convicted of forcing another person into prostitution. A husband who forces his wife to engage in prostitution can be sentenced to 1 to 5 years' imprisonment plus a fine.

The law governing transmission of citizenship provides for equality of treatment between men and women who are nationals by birth; however, women who acquire Monegasque citizenship by naturalization cannot transmit it to their children, whereas naturalized male citizens can.

Children.—The Government was committed fully to the protection of children's rights and welfare and has well-funded public education and health care programs. The Government provided compulsory, free, and universal education for children up to the age of 16.

Although there were isolated reports of abuse of children, there was no societal pattern of such abuse.

Persons with Disabilities.—There was no governmental or societal discrimination against person with disabilities. The Government mandated that public buildings provide access for persons with disabilities, and this goal has been largely accomplished.

Section 6. Worker Rights

a. The Right of Association.—Workers were free to form unions, but fewer than 10 percent of workers were unionized, and relatively few workers, unionized or non-unionized, resided in the Principality. Unions were independent of both the Government and political parties.

Anti-union 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.

The Monegasque Confederation of Unions was not affiliated with any larger labor organization but was free to join international bodies.

b. The Right to Organize and Bargain Collectively.—The law provides for the free exercise of union activity, and workers exercised this right in practice. Agreements on working conditions were negotiated between organizations representing employers in a given sector of the economy and the respective union. The law provides for collective bargaining; however, it was rarely used.

The Constitution provides for the right to strike, including Government workers, in conformity with relevant legislation. There were no strikes during the year.

There are no export processing zones.

c. Prohibition of Forced or Bonded Labor.—The Constitution prohibits forced or bonded labor including by children, and there were no reports that such practices occurred.

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.

e. Acceptable Conditions of Work.—The legal minimum wage for full-time work is the French minimum wage approximately \$8.88 (7.10 euros) per hour, plus 5 percent. The 5 percent adjustment was intended to compensate for the travel costs of the three-quarters of the workforce who commuted daily from France. The minimum wage provided a decent standard of living for a worker and family. Most workers received more than the minimum. The legal workweek was 39 hours. The Government allows companies to reduce the workweek to 35 hours if they so choose. Health and safety standards are fixed by law and government decree. These standards were enforced by health and safety committees in the workplace and by the government Labor Inspector.

Workers have the right to remove themselves from dangerous work situations.
f. Trafficking in Persons.—The law does not prohibit trafficking in persons, and there were no reports that persons were trafficked to, from, or within the country.

THE NETHERLANDS

The Netherlands is a constitutional monarchy with a bicameral parliamentary legislative system. The Prime Minister and a Cabinet representing the governing political parties (traditionally a coalition of at least two major parties) exercise executive authority. The judiciary is independent.

Regional police forces are primarily responsible for maintaining internal security. The civilian authorities generally maintained effective control of the security forces. There were no reports that security forces committed human rights abuses.

The market-based economy was export oriented and featured a mixture of industry, services, and agriculture. The country had a population of approximately 16.2 million. Living standards and the level of social benefits were high. Unemployment was approximately 5.4 percent, with an additional 10 percent of the workforce on full or partial disability. Long-term unemployment, particularly among ethnic minorities, remained a problem.

The Government generally respected the human rights of its citizens, and the law and judiciary provided effective means of dealing with individual instances of abuse. Discrimination and some violence against minorities continued to be a concern. Trafficking in women and girls for prostitution was a problem. The Government took steps to deal with all of these problems.

Aruba and the Netherlands Antilles are two autonomous regions of the Kingdom; they also feature parliamentary systems and full constitutional protection of human rights. In practice, respect for human rights in these islands generally was the same as in the Netherlands; however, the islands' prison conditions remained substandard.

RESPECT FOR HUMAN RIGHTS

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

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

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

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

There were sporadic incidents of rightwing and racist violence against religious and ethnic minorities (see Sections 2.c. and 5).

Prison conditions in the country generally met international standards. Male and female prisoners were held separately. In addition, juvenile prisoners were held separately from adults, and pretrial detainees were held separately from convicted criminals.

The Government permitted visits by independent human rights observers. The Council of Europe (COE) visited local prisons in February 2002 and the European Court for Human Rights in February. Both recommended changes at the maximum-security facility in Vught, which were implemented in line with the Court's ruling. The Court ruled that in one particular case, the combination of routine strip searches with other stringent security measures at the prison amounted to inhuman or degrading treatment.

The Government of the Netherlands Antilles and Aruba made numerous improvements to prisons in staffing and capacity to address previous concerns by the COE's Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment. Prison activities, health care, and amenities expanded, which lessened inmate tensions. Prisoners also are eligible for early release. Both Governments took steps to alleviate overcrowding. Aruba's KIA prison expanded from 250 to 300 places, Curacao added an additional 146 places, the Government Juvenile Institute added an additional 30 spaces, and the Rio Canario police detention facility, used primarily for narcotics offenders, added an additional 20 cells. Staffing on the island of Curacao also increased as 28 new prison guards were trained. Despite these improvements, problems remained. The police detention facility in St. Maarten remained the subject of frequent complaints concerning inadequate facilities and supplies. Because St. Maarten's Pointe Blanche prison was at capacity, detainees were held longer at the inadequate police detention facility than the 10 days permitted.

Likewise, the two police detention facilities in Aruba received complaints related to overcrowding and irregular supply of basic provisions for detainees' comfort. The Kingdom continued to provide assistance to improve prison conditions and management. In September, it announced an exchange program between the KIA prison director and a counterpart in the Netherlands.

The Governments of the Netherlands Antilles and Aruba allowed access by independent human rights observers to prisons; however, no such visits occurred during the year.

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

Regional police forces are primarily responsible for maintaining internal security. The Royal Constabulary and investigative organizations also have specified responsibilities for internal and external security. The police were effective, conducting their investigations in a highly professional manner with due respect for the human rights of suspects. There were no indications of systematic police corruption or imputations of widespread improprieties. However, at year's end, the military police, which is responsible for Amsterdam Schiphol airport and border control generally, acknowledged that it had been investigating credible allegations of drug trafficking and corruption involving ground service personnel, customs personnel, and military police at Schiphol Airport.

Police officers, acting under the authority of the public prosecutor, conducted criminal investigations. A prosecutor or senior police officer must order arrests. Police officers may question suspects for a maximum of 12 hours and may detain a suspect for up to 6 days upon an order of the public prosecutor. If the prosecutor believed an investigation was necessary, he must request a preliminary judicial inquiry from the investigative judge, who then assumed responsibility over the investigation. Defense attorneys had the right to be present during any questioning.

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

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

The judicial system is based on the Napoleonic Code. A pyramidal system of cantonal, district, and appellate courts handled both criminal and civil cases. The Supreme Court acted as the highest appellate court and ensured the uniform interpretation of the law.

The law provides for the right to a fair trial, and an independent judiciary generally enforced this right. The law instructs that defendants be informed fully at every stage of criminal proceedings. In criminal trials, the law provides for a presumption of innocence and the right to public trial, to counsel (virtually free for low-income persons), and to appeal.

There were no reports of political prisoners.

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

Section 2. Respect for Civil Liberties, Including:

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

The independent media were active and expressed a wide variety of views without government restriction. Internet access was available and unrestricted.

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

c. Freedom of Religion.—The Constitution provides for freedom of religion, and the Government generally respected this right in practice. The Government provided subsidies to religious organizations that maintained educational facilities.

There was an increase in anti-Semitic incidents. The Center for Information and Documentation on Israel reported assaults, intimidation, and verbal attacks, perpetrated mostly by Moroccan youth. Windows of synagogues were smashed, and slogans or swastikas were painted on synagogues and other Jewish institutions. In addition, the outspoken anti-Israel sentiment among certain groups in society, such as the Arab European League and the Stop the Occupation movement, contributed to an anti-Semitic atmosphere.

While incidents targeted against Muslims, mosques, and Muslim institutions, including harassment, verbal abuse, acts of vandalism, arson, and defacing of mosques

have declined since the end of 2001, some Muslims continued to face harassment and threats (see Section 5).

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

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

The law provides for the granting of asylum and refugee status to persons who meet the definition in the 1951 U.N. Convention Relating to the Status of Refugees and its 1967 Protocol. In practice, the Government provided protection against refoulement and granted refugee status or asylum. In 2002, the Government turned down 84 percent of the asylum requests that were processed. However, up to 30 percent of those whose applications were denied nonetheless were permitted to stay in the country temporarily on humanitarian grounds or for so long as their country of origin was considered unsafe.

The Government's asylum policy was designed to protect genuine refugees while excluding economic migrants and illegal immigrants. Because of this policy, the number of asylum seekers dropped from 43,000 in 2000 to approximately 18,500 in 2002. The Justice Ministry estimated that half of all asylum seekers came to the country via alien smuggling organizations. An April Human Rights Watch report regarding asylum policy and practice highlighted three primary areas of concern: The accelerated asylum determination procedure, which may result in inadequate review of individual cases; inappropriate treatment of migrant and asylum-seeking children; and restrictions on material support for asylum seekers pending final determination of their appeals. The Government maintained that every request was judged on its own merits and that each asylum seeker has the right of legal redress. In more than 90 percent of the appeal proceedings, courts sanctioned the decision made by the Immigration Service. The Government also states that treatment of children was consistent with a protocol drafted in collaboration with various child protection bodies and that assistance to asylum seekers during the procedure followed European Union (EU) guidelines.

The Government cooperated with the office of the U.N. High Commissioner for Refugees, and other humanitarian organizations in assisting refugees. Asylum seekers were permitted to apply for residence status, except those (approximately 60 percent) who came from a so-called safe country of origin or stayed for some time in a safe country of transit.

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

The Constitution provides citizens with the right to change their government peacefully, and citizens exercised this right in practice through periodic, free, and fair elections held on the basis of universal suffrage. These constitutional rights also apply to the Netherlands Antilles and Aruba.

Parliamentary elections were held in January. There were no restrictions in law or in practice that hindered the participation of women and minorities in government and politics. More than one-third of the 150 members of the second chamber of Parliament were female, as were 5 of 16 cabinet ministers. The Government pursued an active policy to promote the participation of women in politics and public administration. Although women were a minority, they also held positions in the parliaments and cabinets of the Netherlands Antilles and Aruba.

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

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

The Government has a long tradition of hosting international legal tribunals, including the International Court of Justice, 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, Disability, Language, or Social Status

The Constitution prohibits discrimination on the basis of any of these factors or political preference as well as sexual orientation. Under the Equal Treatment Act, complainants may sue alleged offenders under civil law.

Women.—Societal violence against women was a problem. According to government estimates, 20 percent of women ages 20 to 60 had suffered from physical vio-

lence in a relationship at some point in their lives, and an additional 2.4 percent had suffered from very serious violence. Only about 12 percent of cases were reported to the police, and complaints were filed in approximately 6 percent of the incidents. There were approximately 75 deaths annually from domestic violence. The maximum sentence for marital rape is 8 years' imprisonment. Spousal abuse carries a one-third higher penalty than ordinary battery. Societal costs caused by violence against women were estimated at \$188 million (150 million euros) per year.

In 2002, the Government launched a 50-point action plan to reduce and prevent household violence. The measures included increased sanctions on perpetrators, more assistance to victims, and a national awareness campaign aimed particularly at ethnic minorities.

Prostitution is legal if the person is 18 years of age or older and engages in the work voluntarily; however, organizing the prostitution of another person is a crime even if done with the consent of the prostitute. It is illegal to force a person into prostitution (see Section 6.f.). The Government reasoned that decriminalizing prostitution, licensing and establishing strict standards for brothel operators, and improving working conditions and health care for prostitutes, while at the same time prohibiting the employment of minors and illegal immigrants, would make prostitution less susceptible to criminal organizations trafficking in women and children. However, trafficking for the sake of prostitution remained a problem, despite strong government efforts to prevent it (see Section 6.f.). There were approximately 25,000 prostitutes, approximately half of whom were illegal immigrants from non-EU countries.

The law requires employers to take measures to protect workers from sexual harassment; however, a 2000 Social Affairs Ministry study estimated that 10 percent of female workers were sexually intimidated in the workplace each year. The Government funded an ongoing public awareness campaign and has taken measures to counter harassment among civil servants.

The law 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 pursued complaints of discrimination in these areas as well as allegations of pay discrimination.

Although women increasingly entered the job market, traditional cultural factors and an inadequate number of day care facilities discouraged women from working. Female unemployment was approximately 6 percent. The social welfare and national health systems provided considerable assistance to working women with families. Women were eligible for 16 weeks of maternity leave with full pay. The Parental Leave Law allows both parents to take unpaid full-time leave for 3 months and to extend that leave for more than 6 months to care for children up to 8 years old. Persons working fewer than 20 hours per week also were entitled to parental leave.

The Social Affairs Ministry reported that women often were underemployed, had less chance of promotion, and held lower level positions than men, primarily because of their part-time work status. According to the Ministry of Social Affairs and Employment, women working in the private sector on average earned 23 percent less than men, although, when adjusted for level of experience and expertise required for the jobs, this differential fell to 7 percent.

The Government provided affirmative action programs for women, and collective labor agreements usually included provisions to strengthen the position of women.

Children.—The Government worked to ensure the well being of children through numerous well-funded health, education, and public information programs. Compulsory education ends at age 16, or after at least 12 years of education. Education was free for children between 4 and 16, although schools could ask for a voluntary contribution from parents. Vocational education was also free, except for the cost of books and materials. Approximately 10 percent of students left secondary school before attaining a certificate. Government-licensed Islamic schools were obliged to follow the same curriculum requirements as other schools.

According to the Child Abuse Reporting and Advisory Center (AMK), approximately 80,000 children were victims of child abuse each year, although only 25,000 formal reports of child abuse were registered in 2002. As a result of abuse, 40 to 50 children reportedly die each year. Most reports concerned physical abuse and affective neglect. According to the AMK, increased attention to the problem led to increased reports of victims, and therefore, longer waiting lists for assistance. The Government pledged to take measures to reduce waiting lists. The Council for the Protection of Children, which operated through the Ministry of Justice, enforced child support orders, investigated cases of child abuse, and recommended remedies ranging from counseling to withdrawal of parental rights. The Government also

maintained a popular hotline for children and a network of pediatricians who tracked suspected cases of child abuse on a confidential basis.

The age of consent is 16. Sexual intercourse with minors under age 12 is a criminal offense. The Public Morality Act also allows for the prosecution of sexual abusers of children between the ages of 12 and 16 without requiring that affected parties file a complaint. The law imposes penalties on prostitution activities involving minors; maximum penalties are 6, 8, and 10 years' imprisonment for sex (in the context of prostitution) with minors under ages 18, 16, and 12, respectively. Under the law, citizens and persons having a permanent residence in the country who abused minor children in foreign countries could be tried and convicted even if the offense is not a crime in the country where it took place. In October, authorities used this law to arrest a businessman for child sexual abuse in the Gambia. By year's end, the case had not yet been brought to trial. Trafficking in girls for the purpose of prostitution was a problem (see Section 6.f.).

The maximum penalty for the distribution of child pornography is 6 years' imprisonment. The law allows for provisional arrest, house searches, and criminal financial investigations. The possession of child pornography was also punishable by law, but exemptions were made for scientific or educational use. Under the Public Morality Act, persons under the age of 18 were not allowed to perform in pornographic films. The Act also criminalizes the electronic manipulation of images of children for sexual purposes. The Government continued its campaign against child pornography on the Internet. The Child Porn Reporting Center reported 226 cases of Internet child porn to the police in 2002. In early December, police, as part of an international investigative effort, arrested two suspects for internet child pornography and confiscated hundreds of CDs, DVDs, and videos. By year's end, these cases had not yet been brought to trial.

Persons with Disabilities.—There was no discrimination against persons with disabilities in employment, education, or in the provision of other state services; however, according to the Dutch Council for Chronic Patients and the Handicapped, public buildings and public transport often were not easily accessible. Approximately 10 percent of the work force was on full or partial disability. The Equal Treatment Act of Handicapped People and the Chronically Ill, adopted in September and effective in December, requires the equal treatment of persons with disabilities and those who suffer from chronic diseases. The law bans discrimination of persons with disabilities in employment, education, and public transport.

National/Racial/Ethnic Minorities.—The traditionally homogeneous nature of society has changed in recent decades due to the influx of immigrants and asylum seekers. Approximately 20 percent of the population (3 million persons) were of foreign origin, including 1.6 million who belong to ethnic minority groups, principally Turkish, Moroccan, Surinamese, and Antillean. Government policies that were broad in scope and intent promoted the integration of minorities, and in general citizens supported integration and opposed discrimination and unequal treatment; however, integration remained a problem. Various nongovernmental organizations (NGOs), some of which were funded by the Government, monitored violations. Incidents of physical assault against minorities were rare, but minorities, particularly Muslims, frequently were confronted with verbal abuse and intimidation and were denied access to public venues, such as discotheques.

Members of immigrant groups faced some discrimination in housing and employment. The Government has worked for several years with employers' groups and unions to reduce minority unemployment levels to the national average. These actions significantly reduced the rate of unemployment among ethnic minorities to less than 10 percent; however, the minority unemployment rate remained 3 times that of the ethnically Dutch workforce. The Labor Inspectorate oversees implementation of the law. Muslims also face continuing criticism for such perceived problems as the poor integration of Muslim immigrants into society, the high level of criminal activity among Muslim youth, and the conservative views of orthodox Muslims on topics such as women and corporal punishment.

The Government pursued an active campaign to increase public awareness of racism and discrimination. Civil and criminal courts, the Equal Opportunities Committee, the National Ombudsman, the Commercial Code Council, as well as the Council for Journalism, the European Court of Justice, and the European Human Rights Court addressed complaints about racism and discrimination. The majority of criminal cases concerned racist defamation. Civil lawsuits often concern discrimination in the supply of services, such as supplemental conditions for non-ethnic Dutch to obtain a mobile phone or to gain access to clubs. The Equal Opportunities Committee primarily addresses incidents of discrimination on the labor market, in-

cluding discrimination on the work floor, unequal pay, termination of labor contracts, and preferential treatment of non-ethnic employees.

The police have a contact person for discrimination in each of the 25 regional police forces, a National Bureau of Discrimination Cases (which acts as a clearing house and database for police forces nationwide), and a national registration system of cases of racism and discrimination to provide a comprehensive database of such cases.

The Prosecutor's Office also has established a National Expertise Center on Discrimination that collects information, maintains a database on cases, and provides courses to prosecutors handling cases of discrimination. The government-sponsored National Association of Anti-Discrimination Bureaus, registered approximately 3,900 complaints in 2002, two-thirds of which were based on racial discrimination.

With the proliferation of Internet websites, the dissemination of racial and discriminatory material increased. The Discrimination on the Internet Registration Center registered 1,008 complaints in 2002. Most of the complaints concerned racist statements, and approximately one-third were anti-Semitic in nature. In many cases, the Center requested that the statements be removed from Internet, which usually happened. In more extreme cases, the Internet provider either issued a warning to the customer at the Center's request or blocked the customer's account. The most serious cases were reported to the public prosecutor, but convictions remained rare. The privately run Discrimination on the Internet Registration Center received 691 complaints in 2001, of which 370 qualified as unlawful discrimination, and 507 concerned racist statements. There have been only two convictions in the past few years for offenses committed that involved the Internet.

Section 6. Worker Rights

a. The Right of Association.—Workers are entitled to form or join unions of their own choosing without prior government authorization, and workers exercised this right. Membership in labor unions is open to all workers including armed forces personnel, the police, and civil service employees. Unions were free of control by the Government and political parties. Union members could and did participate in political activities. Approximately 25 percent of the work force was unionized; however, union-negotiated collective bargaining agreements usually were extended to cover approximately three-quarters of the work force. Membership of the white-collar unions was the fastest growing. There were three trade union federations.

Antiunion discrimination is prohibited, and there were no reports that it occurred. Union federations and employers' organizations were represented, along with independent experts, on the Social and Economic Council. The Council was the major advisory board for the Government on policies and legislation regarding national and international social and economic matters.

Unions were free to affiliate with national and international trade union federations. The three union federations were active internationally, without restriction.

b. The Right to Organize and Bargain Collectively.—The Constitution provides for the right to organize, and specific laws provide for the right to collective bargaining; workers exercised this right. Collective bargaining agreements were negotiated in the framework of the so-called Social Partnership developed between trade unions and private employers.

Representatives of the main union federations, employers' organizations, and the Government met each year to discuss labor issues, including wage levels and their relation to the state of the economy and to international competition. The discussions led 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 negotiated sectoral agreements, which the Government usually extended to all companies in the sector. Collective labor agreements usually had one or more provisions to strengthen the position of women (see Section 5).

All workers have the right to strike, except for most civil servants, who have other institutionalized means of protection and redress. Industrial relations were very harmonious, and strikes were infrequent. In 2002, approximately 245,000 man-days (less than 1 percent of the total man-days worked) were lost due to strikes, mostly over union demands for higher pay. The law prohibits retribution against striking workers, and the Government generally respected this prohibition in practice.

There are no export processing zones.

c. Prohibition of Forced or Bonded Labor.—The Constitution prohibits forced or bonded labor, including by children; however, there were reports that such practices occurred (see Section 6.f.).

d. Status of Child Labor Practices and Minimum Age for Employment.—The minimum age for employment is 16 years. Those in school at the age of 16 may not

work more than 8 hours per week. The law prohibits persons under the age of 18 from working overtime, at night, or in areas dangerous to their physical or mental well-being. The tripartite Labor Commission, which monitored hiring practices and conducts inspections, enforced these laws effectively.

Holiday work and after school jobs are subject to very strict rules set in the Work Time Act, the Child Labor Regulation (for children under age 16), and the Working Conditions Decree. The Social Ministry's Labor Inspection Office oversaw observance of the rules. Although child labor is banned, an increasing number of children worked for pay during holidays. Labor inspectors reported on the parents of such children, and the Public Prosecutor could prosecute the parents for violating the ban on child labor. In 2002, labor inspections found that almost half of companies violated the regulations applying to holiday work, including by employing children under the age of 13.

e. Acceptable Conditions of Work.—The minimum wage for adults is established by law and can be adjusted every 6 months to reflect changes in the cost of living index. Over the last few years, the statutory minimum wage has been pegged to the average wage in collective labor contracts. The gross minimum wage was approximately \$1,560 (1,249 euros) per month. For workers earning the minimum wage, employers paid about twice as much in premiums for social security benefits, which included medical insurance. The legislated minimum wage and social benefits available to minimum wage earners provided an adequate standard of living for a worker and family. Only 3 percent of workers earned the minimum wage because collective bargaining agreements, which normally were extended across a sector, usually set a minimum wage well above the legislated minimum.

A reduced minimum wage applies to persons under the age of 23, one of the groups with the highest rate of unemployment, which was intended to provide incentives for their employment. This wage ranged from 34.5 percent of the adult minimum wage for workers 16 years of age to 85 percent for those 22 years of age.

Although the law sets a 40-hour workweek, the average workweek for those with full-time jobs was 38.7 hours. Anyone working more than 4.5 hours per day was entitled to a 30-minute break. This workweek resulted from agreements reached in collective bargaining on shorter workweeks, often in conjunction with more flexible working hours. The law prohibits employers from treating part-time workers differently from those in full-time jobs.

Working conditions, including comprehensive occupational safety and health standards set by law and regulations, were monitored actively and enforced effectively by the tripartite Labor Commission. The Ministry of Labor and Social Affairs also monitored standards through its Labor Inspectorate. Workers could remove themselves from dangerous work conditions without jeopardizing their continued employment.

f. Trafficking in Persons.—The law specifically criminalizes alien smuggling and trafficking in persons; however, trafficking in persons was a problem.

The maximum sentence for trafficking in persons is 6 years' imprisonment. 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. Legislation was introduced to increase these penalties to those mandated for serious crimes and in conformity with U.N. and E.U. protocols. The Prostitution Law prohibits the employment of prostitutes under age 18 and equips the Government to fight trafficking in women and children.

The Government investigated and prosecuted traffickers. In 2002, authorities prosecuted approximately 217 trafficking cases, compared with 163 in the previous year. Between February and September, the Amsterdam and military police forces arrested 46 Dutch and Romanian nationals on suspicion of participating in a network of trafficking and forced prostitution; they allegedly recruited Romanian women and girls to work as waitresses and then confiscated the victims' passports and forced them to work as prostitutes. In July, a Breda district court sentenced the female manager of a sex club to 18 months in prison; the woman was accused of having smuggled at least 14 women, including 4 underage girls, from Eastern Europe, into the country and forced them to work as prostitutes.

The Government actively combated trafficking in persons. The Ministries of Justice, Internal Affairs, Foreign Affairs, Welfare and Health, and Social Affairs were involved, and a number of local police forces established special units to deal with trafficking. A National Police team with authority over approximately 500 police focused exclusively on trafficking investigations and provided specialized training to police in how to identify and protect possible trafficking victims. The National Rapporteur on Trafficking in Persons, an independent, publicly funded agency, reported annually to the Government on the nature, extent, and mechanisms of traf-

ficking, as well as on the effects of national policies. In June, the Government gave first-stage approval to a bill expanding the definition of trafficking in persons to include all forms of modern slavery, including social-economic exploitation, and raising maximum penalties to 12 years' imprisonment in case of serious physical injury and 15 years in case of death. The bill must still be debated in Parliament. The Government also cooperated closely with other governments on trafficking, and EUROPOL, established in The Hague, provided analytical support and administrative expertise to law enforcement agencies on trafficking matters.

The country was a destination and transit point for trafficked persons. NGOs and the police estimated that the number of women and girls trafficked for the purpose of prostitution ranged from 1,000 to 3,600. The National Rapporteur estimated the number of trafficking victims at more than 3,500 in 2000. An estimated 70 to 80 percent of victims trafficked into the country came from Central and Eastern Europe; lesser numbers came from African countries, primarily Nigeria, and from South America, Thailand, the Philippines, and China. In 2002, the Rapporteur reported that 608 trafficking victims contacted organizations offering assistance to victims.

Internal trafficking was also a problem. The National Rapporteur reported that approximately 25 police investigations in 2001 concerned internal trafficking. The victims were young, mostly immigrant girls, who were recruited internally by so-called "lover boys," primarily young Moroccans or Turks living in the country, who seduced them into prostitution. Local governments initiated a school campaign to warn girls of the danger of lover boys.

The Immigration and Naturalization Service reported the disappearance of youthful asylum seekers, particularly Angolan, Nigerian, and Chinese girls, from refugee centers who were later found in the illegal prostitution business. The Government has taken measures to combat this problem through better registration of asylum seekers and by placing young female asylum seekers in special shelters, and the problem was effectively eliminated.

A 2002 report of the Foundation Against Trafficking in Women listed Bulgaria, Nigeria, Romania, and Russia as the top originating countries for women trafficked to the country in 2001. A large number of African women, particularly Nigerians, worked illegally as prostitutes. According to the authorities, the most widely used method for trafficking African women was the fraudulent use of special asylum procedures for minors, who were virtually ensured entry. Most women trafficked from Africa claimed to be under the age of 18, although not all were. Once at the asylum center, they remained for a few days and then disappeared, only to turn up later as prostitutes in the country or elsewhere in Europe.

According to the Rapporteur's report, prostitutes from Central and Eastern Europe indicated that five out of six women liberated from trafficking organizations in the country knew that they were to be employed in the sex industry when they accepted the offer of their recruiters. However, they reported that, upon their arrival, they often were treated as slaves, physically abused, intimidated, threatened, and physically confined by their captors.

Under the law, illegal residents, who may have been victims of trafficking, may not be deported before investigations are completed. Victims were allowed 3 months to consider pressing charges, and victims who did so were allowed to stay in the country until the judicial process was completed. During this period, victims received legal, financial, and psychological assistance. In special circumstances, residence permits were granted on humanitarian grounds. After completion of the judicial process, illegal prostitutes were eligible for temporary financial assistance before returning to their native countries.

The Government subsidized NGOs working with trafficking victims, including the Dutch Foundation Against Trafficking in Women, which was an independent organization offering social support, legal advice, medical aid, shelters, and counseling to victims of trafficking.

The Justice Ministry co-financed the La Strada program, aimed at preventing trafficking in women in Central and East European countries. The Government made trafficking in persons a priority issue during its 2003 chairmanship of the Organization for Security and Cooperation in Europe. Other prevention initiatives included the Travel Agents' Association distribution of warnings about trafficking and sex with minors and public awareness campaigns aimed at tourists and travel agencies meant primarily to combat sexual exploitation of children.

NORWAY

Norway is a parliamentary democracy and constitutional monarchy with King Harald V as the head of state. It is governed by a prime minister, cabinet, and a 165-seat Parliament (Storting) that is elected every 4 years and cannot be dissolved. Free and fair elections to the modified unicameral Parliament or Storting were held in September 2001. The judiciary is independent.

The national police have primary responsibility for internal security. The civilian authorities maintained effective control of the security forces. There were no reports that security forces committed human rights abuses.

The country, which is an advanced industrial state with a mixed economy combining private and public ownership that provides a high standard of living for residents, had a population of approximately 4.5 million. The key industries were oil and gas, metals, engineering, shipbuilding, fishing, and manufacturing. The economy was characterized by low unemployment and labor shortages in many sectors.

The Government generally respected the rights of its citizens, and the law and the judiciary provided effective means of addressing individual instances of abuse.

RESPECT FOR HUMAN RIGHTS

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

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

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

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

Prison conditions generally met international standards. Men and women were held separately. Juveniles were not held separately from adults; however, it was extremely rare for juveniles to be held in prison, and social welfare authorities generally cared for them. Pretrial detainees were held separately from convicted prisoners.

The Government permits visits by independent human rights observers, although there were no such visits during the year.

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

The national police have primary responsibility for internal security; however, in times of crisis, such as internal disorder or natural catastrophe, the police may call on the armed forces for assistance. In such circumstances, the armed forces are under police authority.

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

The court system consists of the Supreme Court, the Supreme Court Appellate Court, superior courts, county courts for criminal cases, magistrate courts for civil cases, and claims courts. Special courts include the Impeachment Court (composed of parliamentarians), the labor court, trusteeship courts, fishery courts, and land ownership severance courts.

The law provides for the right to a fair trial, and an independent judiciary generally enforced this right. Courts provided counsel to indigent persons.

There were no reports of political prisoners.

f. Arbitrary Interference with Privacy, Family, Home or Correspondence.—The Constitution and the law prohibit such actions, and the Government generally respected these prohibitions in practice; violations were subjected to effective legal sanction.

Section 2. Respect for Civil Liberties, Including:

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

The independent media were active and expressed a wide variety of views without government restriction.

Access to the Internet was widely available and unrestricted.

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

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

The state church is the Evangelical Lutheran Church of Norway, which is supported financially by the State and to which 86 percent of the population nominally belongs. The Constitution requires that the King and one-half of the Cabinet belong to this church. Public debate on the relationship between church and state continued during the year. Other denominations operated 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.

The law provides that the subject “religious knowledge and education in ethics” be taught in public schools. The course covers world religions and philosophy and promotes tolerance and respect for all religious beliefs; however, based on the country’s history and the importance of Christianity to society, the course devotes the most time to Christianity. All children must attend this mandatory course, and there are no exceptions for children of other faiths; students may be exempted from participating in or performing specific religious acts such as church services or prayer, but they may not forgo instruction in the subject as a whole. Organizations for atheists as well as Muslim communities have contested the legality of forced religious teaching. Schools provided a standard form to parents to request exemptions for their children from parts of the class, and some students reportedly availed themselves of the exemption. A case brought to the European Court of Human Rights by the Norwegian Humanist Association and a group of parents contesting the law remained pending at year’s end. The Norwegian Humanist Association also lodged a complaint about the law with the U.N. Human Rights Commission.

The Workers’ Protection and Working Environment Act permits prospective employers to ask applicants for employment in private or religious schools and day care centers whether they will respect and teach Christian beliefs and principles.

Muslims encountered some difficulties in obtaining local permission to build mosques in areas where they were concentrated.

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

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

The law provides for the granting of refugee status or asylum to persons who meet the definition in the 1951 U.N. Convention Relating to the Status of Refugees and its 1967 Protocol. The Government provided protection against refoulement and granted refugee status or asylum. The Government cooperated with the office of the U.N. High Commissioner for Refugees and other humanitarian organizations in assisting refugees. The Government also provided protection to certain individuals who fell outside of the definition of the 1951 Convention Relating to the Status of Refugees or its 1967 Protocol. During the year, the Government granted protective residency (which entails the granting of permanent residence permits) to 2,063 persons, including political asylum for 558 persons and asylum as U.N. quota refugees for 721 persons. Immigration authorities rejected 8,395 applications for protective residency. In addition, 9,842 persons received residency status through a family reunification program.

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

The Constitution provides citizens with the right to change their government peacefully, and citizens exercised this right in practice through periodic, free, and fair elections held on the basis of universal suffrage. Elections to the Parliament were held in September 2001; the Labor Party won 24 percent, and three other parties each won more than 10 percent of the vote. Eight parties had representation in Parliament.

Women were increasingly well represented at all levels of government. No restrictions in law or practice hindered women’s participation in government and politics. There were 57 women in the 165-seat Parliament; women headed 8 of the 19 government ministries, chaired 5 of 15 standing committees in Parliament, and headed 2 of the 6 main political parties.

In addition to participating freely in the national political process, the Sami (formerly known as Lapps) elect their own constituent assembly, the Sameting. Under the law establishing the 39-seat body, the Sameting is a consultative group, which

meets regularly to deal with “all matters, which in [its] opinion are of special importance to the Sami people.” In practice, the Sameting has been most interested in protecting the group’s language and cultural rights and in influencing decisions on resources and lands where Sami are a majority (see Section 5). A report on the activity of the Sami Assembly is submitted to Parliament annually, and every 4 years a report on the main principles of Sami policy is presented in Parliament.

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

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

The Ministry of Foreign Affairs oversees the human rights portfolio. Based on the principle that each cabinet minister is responsible for promoting human rights in his or her field, the Government established a separate Committee of State Secretaries responsible for ensuring that human rights issues receive political emphasis and attention.

There is a parliamentary ombudsman for public administration who is also responsible for promoting human rights through his work on individual cases.

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

The Constitution prohibits discrimination based on race, sex, disability, language, or social status, and the Government generally enforced this prohibition in practice.

Women.—Societal violence against women was a problem. In 2002, there were 653 rapes reported, with 41 convictions. The police believed that increases in reported rapes and domestic abuse were due largely to greater willingness among women to report these crimes. The police investigated and prosecuted such crimes and also have instituted special programs to prevent rape and domestic violence and to counsel victims. Public and private organizations ran several shelters. Each of the country’s 19 counties had a number of such shelters. In 2002, the country’s shelters registered 39,500 overnight stays.

Prostitution is legal, but organized prostitution or “pimping” is illegal. The number of foreign women, in particular from Russia and the Baltic states, engaged in prostitution increased during the year.

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

The Gender Equality Ombudsman—charged with enforcing the Gender Equality Act—processed complaints of sexual discrimination. In 2002, there were 422 complaints and 442 telephone inquiries to the Ombudsman; women filed approximately 40 percent of the complaints, men filed 30 percent, organizations filed 13 percent, and the ombudsman’s office directly filed 16 percent.

An amendment to the Working Environment Act provides that “employees shall not be subjected to harassment or other unseemly behavior.” Employers that violate these provisions, including the harassment clause, are subject to fines or prison sentences of up to 2 years, depending on the seriousness of the offense.

The law protects the rights of women. According to the law, “women and men engaged in the same activity shall have equal wages for work of equal value”; however, according to the equal rights ombudsman’s office, which monitors enforcement of the law, women generally received 10 to 15 percent less pay and benefits than men for work of “equal value.”

Children.—The Government is committed strongly to children’s rights and welfare; it amply funded systems of education and medical care. The Government provides free education for children through the postsecondary level. Education is compulsory for 10 years, or through the ninth grade; most children stay in school at least until the age of 18. An independent Children’s Ombudsman Office, within the Ministry of Children and Families, is responsible for the protection of children under the law.

There were reports of child abuse. In 2002, a total of 738 sexual assaults by non-family members and 121 assaults by family members were reported.

Persons with Disabilities.—There was no discrimination against persons with disabilities in employment, education, or in the provision of other state services. The law mandates access to public buildings for persons with disabilities, and the Government generally enforced these provisions in practice.

Indigenous People.—The Government has taken steps to protect the cultural rights of the indigenous Sami by providing Sami language instruction at schools in their areas, radio and television programs broadcast or subtitled in Sami, and subsidies for newspapers and books oriented toward the Sami (see Section 3). A deputy

minister in the Ministry of Local Government and Regional Affairs deals specifically with Sami issues. The royal family supported the Sami through their interest in Sami culture and by visiting Sami areas. A working group headed by a former chief justice started to draft a Nordic Sami Convention, which it planned to complete in 2005.

Section 6. Worker Rights

a. The Right of Association.—The law provides workers with the right to associate freely, and workers exercised this right. With membership totaling approximately 60 percent of the workforce, unions played an important role in political and economic life, and the Government consulted them on important economic and social problems. Although the largest trade union federation was associated with the Labor Party, all unions and labor federations were free of party and government control.

The law prohibits antiunion discrimination. The Labor Court deals with complaints of antiunion discrimination; however, there were no such complaints during the year.

Unions were free to form federations and to affiliate internationally; unions maintained strong ties with such international bodies as the International Confederation of Free Trade Unions.

b. The Right to Organize and Bargain Collectively.—All workers, including government employees and military personnel, have and exercised the right to organize and bargain collectively. Collective bargaining was widespread, and most wage earners were 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.

Workers have the right to strike; however, the Government has the right, with the approval of the Parliament, to invoke compulsory arbitration under certain circumstances.

There are no export processing zones.

c. Prohibition of Forced or Bonded Labor.—The law prohibits forced or bonded labor, including by children, and there were no reports that such practices occurred. The Directorate of Labor Inspections (DLI) is responsible for compliance with the law.

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 were observed in practice and enforced by the DLI.

e. Acceptable Conditions of Work.—There is no legislated or specified minimum wage, but wages normally fall within a national scale negotiated by labor, employers, and the Government at the local and company level. Wages increased this year by approximately 4 percent. The average income, not including extensive social benefits, provided a decent standard of living for a worker and family.

Normal working hours are mandated by law and limited to 37½ hours per week. The law also provides for 25 working days of paid leave per year (31 days for those over age 60). A 28-hour rest period is mandated legally on weekends and holidays.

The law provides for safe and physically acceptable working conditions for all employed persons. Specific standards are set by the DLI in consultation with non-governmental experts. According to the law, environment committees composed of management, workers, and health personnel must be established in all enterprises with 50 or more workers, and safety delegates must be elected in all organizations. Workers have the right to remove themselves from situations that endanger their health. The DLI effectively monitored compliance with labor legislation and standards.

f. Trafficking in Persons.—There were reports of some women trafficked to the country.

In June, Parliament passed legislation to add a separate provision in the Penal Code prohibiting trafficking in persons. The new provision provides for a maximum sentence of 10 years and does not preclude traffickers from also being charged with violating pimping, immigration, and other laws. There were no prosecutions for such offenses during the year. However, in November, nine persons were charged in a major trafficking investigation. The investigation focused on two ethnic Russian women trafficked to the country from Lithuania via Sweden and forced to work as prostitutes in Oslo. The case remained under investigation by Swedish and Norwegian police at year's end.

In February, the Government presented a plan of action for trafficking, outlining its strategy to eradicate human trafficking. The plan classifies trafficking as a mod-

ern form of slavery, promotes cooperation between government authorities and NGOs, and allocates \$15 million (NOK 100 million) over 3 years to prevent and prosecute trafficking and protect victims.

The Ministry of Children and Family Affairs coordinates an inter-ministerial working group that is responsible for implementing trafficking resolutions and recommendations from the U.N. and the European Council. The Government's mandatory ethical guidelines for its employees prohibit the purchase and acceptance of sexual services.

The country was a destination for an unspecified but believed to be small number of women trafficked for the purpose of prostitution, particularly from Russia, Eastern Europe, and the Baltic states. There were no reports of trafficking within the country.

Victims of trafficking in the country had the same legal rights as other foreigners to apply for residency, asylum, welfare, social aid, and emergency health care. The Government, in cooperation with public services, crisis center, and NGOs, is responsible for assisting possible victims of trafficking; however, most asylum requests by victims were denied. During the year, the Government introduced a "reflection period," during which expulsion decisions concerning victims of trafficking may be suspended for 45 days with a view to providing practical assistance and counseling to the individual concerned.

Government officials increased awareness of trafficking by raising the issue in a number of speeches and fora. NGOs conducted outreach programs to provide trafficking victims with information on their legal rights and available health and other services.

POLAND

Poland is a multiparty democracy with a bicameral parliament. Executive power is shared by the Prime Minister, the Council of Ministers, and, to a lesser extent, the President. Alexander Kwasniewski was reelected President in elections in 2000. The social democratic Democratic Left Alliance (SLD) formed a majority coalition government with the Union of Labor (UP) and the Polish Peasant Party (PSL) following parliamentary elections in 2001. The PSL withdrew from the coalition on March 1, leaving the SLD/UP in a minority coalition government. The judiciary is independent; however, it was inefficient.

Local police, a national office of investigation, and city guards (uniformed, unarmed officers) maintain internal security. The Minister of Interior oversees the internal security forces. The civilian Minister of Defense has command and control authority over the military chief of the general staff as well as oversight of military intelligence. Civilian authorities maintained effective control of the security forces. There were no reports that security forces committed human rights abuses.

The country was in transition from a centrally planned to a market economy and had a population of approximately 39 million. The primary sectors of the economy were manufactured goods, chemicals, machinery and equipment, and agricultural products.

The Government generally respected the human rights of its citizens; however, there were problems in some areas. Prison conditions remained generally poor. Lengthy pretrial detention occurred occasionally. The court system was hampered by a cumbersome legal process, poor administration, and an inadequate budget, and court decisions frequently were not implemented. The Government restricted the right to privacy, specifically through the use of wiretaps without judicial oversight. The Government maintained some restrictions in law and in practice on freedom of speech and of the press. There were incidents of desecration of graves in both Jewish and Catholic cemeteries, and anti-Semitic sentiments persisted. Women continued to experience serious discrimination in the labor market and were subject to various legal inequities. Child prostitution was a problem. There were reports of some societal discrimination and violence against ethnic minorities. Some employers violated worker rights, particularly in the growing private sector, and antiunion discrimination persisted. Trafficking in women and children was a problem.

RESPECT FOR HUMAN RIGHTS

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

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

A civil case against Pomeranian police in connection with the 1998 beating death of 13-year-old Przemek Czaja in Slupsk remained pending at year's end.

The retrial of former Interior Minister Czeslaw Kiszczak for his role in the 1981 killings at the Wujek mine remained pending at year's end. In February, the appellate court annulled the verdict acquitting the riot police accused of killing the miners, opening the way for a new trial.

The Warsaw District Court trial of former Communist leader Jaruzelski and five others who allegedly ordered police to shoot workers during the 1970 riots in Gdansk remained pending at year's end.

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

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

The trial of four policemen for the 1997 beating of soccer fans in Gdynia remained pending at year's end.

Civil action against prison administrators in the 1996 case of a mentally retarded boy who was beaten and sodomized by inmates was dropped after the Supreme Court determined the boy had been wrongfully imprisoned and awarded his family approximately \$5,000 (20,000 PLN).

Prison conditions remained generally poor. Overcrowding, damp cells, and a lack of medical treatment were the chief problems. The prison system urgently needed additional funding. In September, the Government opened a new prison for 600 prisoners in Piotrkow Trybunalski. The Ombudsman for Human Rights continued to complain about the safety of prisoners, noting that inmates were often the victims of violent attacks by other prisoners and warders. The ratio of prisoners to rehabilitation officers was very poor. Women were held in 21 detention facilities, but only 5 were strictly for women; in 16 detention facilities, men and women were held separately. Minors (defined as 15- to 17-year-olds) sentenced for a crime were held separately from adults. Juveniles (17- to 21-year-olds) accused of serious crimes were usually sent to pretrial detention. They were not separated from adult detainees.

The Government permitted visits by independent human rights organizations. During the year, the Human Rights Ombudsmen monitored 20 detention facilities, and the Helsinki Foundation visited 7 detention centers; some visits were announced, while other visits were unannounced.

d. Arbitrary Arrest, Detention, or Exile.—The Constitution prohibits arbitrary arrest and detention, and the Government generally observed these prohibitions. Courts rather than prosecutors issue arrest warrants.

The police force, consisting of 100,000 employees, is a national body with regional and municipal units. While the public generally regarded the police positively, low-level corruption within the police force was considered widespread. Instances of corruption and serious criminal misconduct were investigated by the National Police's office of internal affairs. The personnel division handled minor disciplinary offenses. There was also concern over the extent to which political pressure was brought to bear on the police. In October, national police commander Antoni Kowalczyk resigned after it was revealed that he had changed his testimony during the investigation into the "Starachowice affair," a corruption scandal in which senior government officials tipped off suspects of an impending raid by the national police's Central Bureau of Investigation. Two senior Interior Ministry officials also were disciplined for failing to prevent leaks of this data.

The law allows a 48-hour detention period before authorities are required to bring a defendant before a court and an additional 24 hours for the court to decide whether to issue a pretrial detention order. During this period, access to a lawyer normally is limited. Once a prosecutor presents the legal basis for a formal investigation, the law provides for access to counsel. Bail was available, and most detainees were released on bail pending trial.

Detainees may be held in pretrial detention for up to 3 months and may challenge the legality of an arrest by appeal to the district court. A court may extend the pretrial detention period every 3 months for up to 18 months until the trial. Total detention time before the court issues a first sentence may not exceed 2 years. Under certain circumstances, the Supreme Court may extend the 2-year period.

The Constitution prohibits forced exile, and the Government did not employ it.

e. Denial of Fair Public Trial.—The Constitution provides for an independent judiciary, and the Government generally respected this provision in practice; however, the judiciary remained inefficient and lacked resources and public confidence.

There is a four-tiered court and prosecutorial structure. The courts consist of regional, provincial, and appellate divisions, as well as a Supreme Court. These tiers are subdivided further into five parts: Military, civil, criminal, labor, and family. Re-

gional courts try original cases, 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; the Supreme Court only handles appeals about questions of law. The prosecutorial system mirrors the court structure with national, provincial, appellate, and regional offices. Criminal cases are tried in regional and provincial courts by a panel consisting of a professional judge and two lay assessors. The seriousness of the offense determines which court has original jurisdiction.

Judges are nominated by the National Judicial Council and appointed by the President. They are appointed for life, guaranteed complete immunity from prosecution, and can be reassigned but not dismissed, except by a court decision. The Constitutional Tribunal rules on the constitutionality of legislation. Constitutional Tribunal decisions are final and binding.

The court system remained cumbersome, poorly administered, inadequately staffed, and underfunded. The courts had numerous inefficiencies—most notably, many districts had more criminal judges than prosecutors—that contributed to a lack of public confidence. Many effective judges and prosecutors left public service for the more lucrative private sector. Court decisions frequently were not implemented. Bailiffs normally ensured the execution of civil verdicts such as damage payments and evictions; however, they were underpaid, subject to intimidation and bribery, and had a mixed record on implementing decisions. Civil and administrative rulings against public institutions such as hospitals often could not be enforced due to a lack of funds. In 2002, there were over 2 million cases pending from years prior to 2001. Simple civil cases can take as long as 2 to 3 years to resolve, and the pretrial waiting time in criminal cases could be several months. The backlog and the cost of legal action appeared to deter many citizens from using the justice system, particularly in civil matters such as divorce. The long wait for routine court decisions in commercial matters was an incentive for bribery and corruption.

The Government has introduced measures to alleviate the backlog of cases within the courts. According to the Council of Europe, the Ministry of Justice utilized budget increases to hire over 200 judicial assistants, enacted procedural changes to simplify and accelerate court proceedings, and extended judicial staff work hours in order to expedite processing of cases.

Defendants are presumed innocent until proven guilty. At the end of a trial, the court renders its decision orally and then has 7 days to prepare a written decision. A defendant has the right to appeal within 14 days of the written decision. Appeals may be made on the basis of new evidence or procedural irregularities.

Once charges are filed, a defendant is allowed to consult an attorney, who is provided at public expense if necessary. Once the defendant is prepared, a trial date is set. Defendants must be present during trial and may present evidence and confront witnesses in their defense. Prosecutors can grant witnesses anonymity if they express fear of retribution from the defendant. This law, designed to help combat organized crime, impairs defendants' right to confront their accusers. Trials are usually public; however, the courts reserve the right to close a trial to the public in some circumstances, such as divorce cases, trials in which state secrets may be disclosed, or cases whose content might offend public morality (see Section 1.f.). The courts rarely invoked this right. A two-level appeal process is available in most civil and criminal matters.

The law allows a defendant and a representative, in addition to the prosecutor, to be present for a provincial appellate court's examination of a verdict.

There were no reports of political prisoners.

The Government has not established a program for restitution or compensation for private property seized during the Communist or Nazi eras. The Treasury has estimated that there were 56,000 claims outstanding for property valued at approximately \$12.5 billion (50 billion PLN). During the year, the Government held internal discussions regarding the possible form of restitution legislation. Despite the lack of a national law, some property nationalized illegally has been restituted and compensation given. The Ministry of Economy has returned approximately 1,600 properties (mostly mills, factories, and sawmills) with an estimated total value of approximately \$350 million (1.4 billion PLN). In addition, it has paid compensation of nearly \$50 million (200 million PLN) to former owners whose property could not be given back. The City of Warsaw has returned ownership of buildings and given an 80-year lease on land in approximately 1,000 cases.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence.—The Constitution prohibits such actions; however, the Government did not always respect these prohibitions in practice. The Constitution provides for the general right to privacy; however, there is no legislation that provides for this right.

The law prohibits arbitrary forced entry into homes, and search warrants issued by a prosecutor are required 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, police may enter a private residence after showing their official identification if there is no time to consult the police commander. There were no reports that police abused search warrant procedures.

The law prohibits the collection of information about a person's ethnic origin, religious convictions, health, political views, or membership in religious, political, or trade union organizations. However, the law allows that personal data may be released if necessary to carry out the statutory objectives of churches and other religious unions, associations, foundations, and other non-profit-seeking organizations or institutions with a political, scientific, religious, philosophical, or trade-union aim. Other exceptions include provision of information necessary for medical treatment, the establishment of legal claims, and scientific research, so long as the results are not published. All exceptions are subject to some restrictions. In practice, some private organizations have persisted in asking for information such as nationality in questionnaires; although violators are subject to prosecution, there were no known cases during the year.

The Government maintained a large number of wiretaps without judicial review or oversight. The law permits police and intelligence services to monitor private correspondence and to use wiretaps and electronic monitoring devices in cases involving serious crimes, narcotics, money laundering, or illegal firearm sales. Under the Criminal Code, the Minister of Justice and the Minister of Interior must authorize these investigative methods. In emergency cases, the police may initiate wiretaps or open private correspondence at the same time that they are seeking authorization. There were no credible estimates on the number of police wiretaps.

Parliamentarians and human rights groups expressed concern about the lack of control over wiretaps. There was no independent judicial review of surveillance activities, nor was there any control over how the information derived from them was used. A number of agencies had access to wiretap information, and the Police Code allows electronic surveillance to be used for the prevention of crime as well as for investigations.

Under the law on "lustration," designed to expose officials who collaborated with the Communist-era secret police, persons caught lying about their past may be prohibited from holding public office for 10 years. The law requires officials to provide sworn affidavits concerning their cooperation with the secret police; the public interest spokesman (lustration prosecutor) verifies the affidavits and brings cases of misrepresentation before the lustration court, a special 3-judge panel whose decisions may be appealed. In February, legislation was enacted exempting persons who cooperated with intelligence and counterintelligence agencies from this process. In June, the Constitutional Tribunal found the legislation to be unconstitutional on procedural grounds. In October, a new law was enacted with many of the same provisions as the earlier legislation.

In November, the Supreme Court returned the case of a Deputy Defense Minister who was judged to have lied in his affidavit to the appellate court, and the appellate court upheld its earlier ruling. Many similar cases were closed to the public because they involved classified documents (see Section 1.e.). Critics continued to voice concern that the vetting procedure may be unfair because secret police records were subject to loss or tampering.

Men are not permitted to marry without parental permission until the age of 21, whereas women may marry at the age of 18 (see Section 5).

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Speech and Press.—The Constitution provides for freedom of speech and of the press, and the Government generally respected these rights and provided for academic freedom; however, there were a few restrictions in law and practice. The Criminal Code states that an individual who "publicly insults or humiliates a constitutional institution" of the country 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. Individual citizens and businesses may also use the Criminal Code to protect their good name.

There is no restriction on the establishment of private newspapers or distribution of journals, and there were numerous private newspapers and magazines representing a wide variety of viewpoints.

The National Radio and Television Broadcasting Council (KRRiTV) has broad power to monitor and regulate programming on radio and television, allocate broadcasting frequencies and licenses, and apportion subscription revenues to public

media. Council members are legally required to suspend their membership in political parties or public associations.

The Government owns the most widely viewed television channel and 17 regional stations. Center-right politicians, watchdog institutions, and commentators accused public television of being influenced by politicians from the ruling SLD and PSL parties, whose members also have majority seats in supervisory and management boards in public television and radio.

Private television, including satellite and cable services, was available across most of the country. Private television broadcasters operated on frequencies selected by the Ministry of Communications and auctioned by the KRRiTV. Polish Television (TVP) (two channels) was the most widely viewed television, with a 46 percent market share, but had strong competition from the private TVN and Polsat networks. Catholic TV, which presented a conservative point of view, went off the air in March. Cable television and various satellite services carried the main national channels, as well as local, regional, and foreign stations, to viewers throughout the country.

The Government owned 5 national radio networks. Private radio flourished on the local, regional, and national levels alongside public radio. Companies with shares in nationwide dailies expanded networks with local radio stations. To cut costs, small local radio stations set up several networks to facilitate advertising and programming.

The law allows for the prosecution of citizens who publish or otherwise betray state secrets.

The law provides for the protection of journalistic sources, except in cases involving national security, murder, and terrorist acts.

The law stipulates that programs should not promote activities that are illegal or against state policy, morality, or the common good and requires that all broadcasts “respect the religious feelings of the audiences and, in particular, respect the Christian system of values.” The law also requires public television to provide direct media access to the main state institutions, including the presidency, to make presentations or explanations of public policy. Both public and private radio and television stations provided coverage of all ranges of political opinion.

In May, the newspaper *Zycie* appealed a Warsaw district court ruling ordering it to apologize to President Kwasniewski for publishing untrue information. The case remained pending at year’s end.

In February, the Warsaw Prosecutor’s Office filed charges against journalist Jerzy Urban for his article in *Nie*, which criticized the Pope for senility and made other derogatory remarks shortly before the 2002 Papal visit to Poland.

Books expressing a wide range of political and social viewpoints were widely available, as were periodicals and other publications from abroad.

Offending religious sentiment through public speech is punishable by a fine or a 3-year prison term. In July, artist Dorota Nieznalska was fined and sentenced to 6 months parole and 120 hours of community service for displaying her artistic collection, which included a picture of male genitalia attached to a cross, in Gdansk.

The Internet was widely available and was not regulated or restricted. The Government did not restrict academic freedom.

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

Permits are not necessary for public meetings but are required for public demonstrations; demonstration organizers must obtain permits from local authorities if a demonstration might block a public road. Organizers also are required to inform the local police of the time and place of large demonstrations and their planned route. Every gathering must have a chairperson who is required to open the demonstration, preside over it, and close it. Authorities issued permits for public gatherings on a routine basis.

Private associations need government approval to organize and must register with their district court. The procedure essentially requires the organization to sign a declaration committing them to abide by the law. In practice, the procedure is complicated and may be subject to the discretion of the judge in charge.

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

There are 15 religious groups whose relationship with the State is governed by specific legislation that outlines the internal structure of the religious groups, their activities, and procedures for property restitution, plus 139 other religious communities. Religious communities may register with the Government; however, they are not required to do so and may function freely without registration. All churches and

recognized religious groups share the same privileges, such as duty-free importation of office equipment and reduced taxes.

Although the Constitution provides for the separation of church and state, crucifixes hang in both the upper and lower houses of Parliament, as well as in many government offices. State-run radio broadcast Catholic mass on Sundays, and the Catholic Church was authorized to relicense radio and television stations to operate on frequencies assigned to the Church, the only body outside the National Radio and Television Council allowed to do so.

The law provides that offending religious sentiment through public speech is punishable by fine or prison term (see Section 2.a.).

Although the Constitution gives parents the right to bring up their children in accordance with their religious and philosophical beliefs, religious education classes continued to be taught in public schools. While children are supposed to have the choice between religious and ethics instruction, the Ombudsman's office stated that, in most schools, ethics courses were not offered due to financial constraints. The Government employed Catholic Church representatives to teach religious classes in the schools. Such classes constituted the vast majority of all religious education, since the population was approximately 95 percent Catholic. However, parents could request religious classes in any registered religion, including Protestant, Orthodox, and Jewish religions. Non-Catholic religious instruction existed but was not common. The Ministry of Education paid instructors, including priests, for teaching religion classes. In addition, Catholic Church representatives were included on a commission that determined which books qualified for school use.

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. Of approximately 10,000 communal property claims filed, nearly 4,000 have been resolved, and over 1,000 properties have been returned.

Relations between various religious communities were generally amicable; however, sporadic incidents of harassment and violence against Jews and occasional desecration of Jewish and, more often, Catholic cemeteries continued, mostly by skinheads and other marginal elements of society. On January 22, 37 tombstones and several crosses were knocked down and destroyed at a parish cemetery in Swietochlowice. On April 22, 23 tombstones were destroyed in a memorial Jewish cemetery in Legnica, the site of similar destruction in 2002. Authorities found no indication of any sect or cult activity in either case and labeled them acts of vandalism.

There were no developments by year's end in the 2002 cases of desecration of tombstones in Czeladz and in a Jewish cemetery in Wroclaw.

The investigation by Katowice authorities into the 2001 anti-Semitic, anti-European Union (EU) demonstration by approximately 400 Polish ultra nationalists remained pending at year's end.

The National Memory Institute published a white paper and discontinued its investigation of the Jedwabne massacre after concluding that beyond those persons already brought to trial, there were no other living persons against whom charges could be filed.

There is some public concern about the growth of groups perceived to be "sects" and the influence of non-mainstream religious groups. According to the National Sect Protection Committee, a private monitoring group, more citizens were joining such groups.

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

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

The law provides for the granting of refugee and asylee status to persons who meet the definition of the 1951 U.N. Convention Relating to the Status of Refugees and its 1967 Protocol. In practice, the Government provided protection against refoulement and granted asylum and refugee status. Persons recognized as refugees under the Convention are granted permission to remain in the country permanently. The Government cooperated with the U.N. High Commissioner for Refugees (UNHCR) and other humanitarian organizations in assisting refugees. In 2002, the Government received 5,158 petitions for refugee status, of which 258 were approved. During the year, the Government received 7,748 petitions, of which 219 were approved.

The law provides all prospective refugees access to a procedure for adjudicating refugee status. Prospective refugees may appeal negative status decisions by the Ministry of Internal Affairs to an independent board. The Bureau of Repatriation

and Aliens (BRA) controlled the various refugee centers and agencies and had some political control over the border guards.

The BRA has 6 months in which to render a decision on an application for refugee status. An alien may appeal the denial of a petition to the BRA's refugee board within 2 weeks of delivery of the initial decision. If the board finds a claim to be "manifestly unfounded," the alien may file an appeal within three days of the initial finding. The BRA refugee board's decisions may be appealed in the country's administrative courts. While the law calls for a decision granting or denying asylum to be rendered within 6 months from the date of the initiation of the procedure, the average application processing time was 8 months, with some cases taking as long as 18 months. The length of processing time left applicants living in legal limbo, unable to work legally, while awaiting decisions on their cases. Approximately 3 percent of all applicants were granted refugee status. A slightly higher percentage of Chechens (3.4 percent) received refugee status.

In September, the country adopted a new Aliens Protection Law. The law includes provisions relating to refugee status determination, provides for the protection for unaccompanied minors and children, and also addresses asylum issues.

According to a September UNHCR report, there was a significant increase during the year in the number of persons abandoning the procedure for securing refugee status or leaving refugee centers. Between April 14 and June 6, 1,112 Chechens applied for the discontinuation of the refugee determination procedure and subsequently sought refugee status in the Czech Republic. UNHCR also expressed concern over the number of refugees leaving the country because of difficulties integrating into society.

Unlike in previous years, there were no reports of harassment of refugee camp inhabitants by local residents or mistreatment of refugees by police.

During the year, the BRA provided extensive training for its personnel. Staff responsible for conducting interviews and refugee center staff received training on issues related to unaccompanied minors and the new "tolerated status" provisions of the Aliens Protection Law. UNHCR provided training for judges at the Supreme Administrative Court adjudicating asylum cases.

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

The Constitution provides citizens with the right to change their government peacefully, and citizens exercised this right in practice through periodic, free, and fair elections held on the basis of universal suffrage. Citizens 18 years of age and older have the right to vote and to cast secret ballots, and voting is voluntary. Multiple candidates from various political parties participated in the elections and had access to the media. Reform of the country's political and economic structure led to an invitation in 2002 to join the EU in May 2004.

The most recent national elections took place in 2001. Average voter turnout for these parliamentary elections was 46.3 percent. The elections were regarded as free and fair. Only minor irregularities (e.g., registering of hospital patients, ballot boxes too small to hold the number of ballots cast) were reported.

There were no restrictions on the participation of women in politics or government. There were 95 women among 460 members of the Sejm and 23 women among the 100 members of the Senate. There was one woman in the 16-member Cabinet.

There were two members of the German minority party in the Parliament. The electoral law exempts ethnic minority parties from the requirement that they win 5 percent of the vote nationwide to qualify for seats in individual districts.

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

A number of domestic and international human rights groups generally operated without government restriction, investigating and publishing their findings on human rights cases.

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

The Constitution states that "no one shall be discriminated against in political, social, or economic life for any reason whatsoever," and the Government attempted to ensure that these provisions are observed; however, violence and societal discrimination against women and ethnic minorities persisted.

Women.—Violence against women continued to be a problem. In a 2002 public opinion poll, 12 percent of women stated that they had been victims of domestic violence, while 7 percent stated that they had been beaten on multiple occasions. Additionally, 43 percent of respondents stated that they knew at least one woman who was physically abused by her husband. Police statistics indicated that approxi-

mately 74,000 women were victims of domestic violence in 2002. Women's organizations asserted that the number of women suffering from domestic abuse is probably much higher because battered women usually refused to admit abuse even to themselves. Violence against women remained hidden, particularly in small towns and villages. Physical abuse is illegal and spousal rape is treated in the same manner as other types of rape.

Police intervened in cases of domestic violence. The police, in cooperation with the State Agency for Solving Alcoholic Problems, use the "blue card," a record-keeping system designed to document incidents of spousal abuse. However, the program had limited effect due to inadequate funding. 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. Most convictions resulted in suspended sentences. A police spokesman stated that there were 23,921 cases of family abuse reported in 2002, of which 213 involved particularly severe abuse. According to NGOs, courts often treated domestic violence as a minor crime, pronouncing lenient verdicts or dismissing cases.

In 2002, 2,345 rape cases were reported. However, women often were unwilling to report the crime and NGOs estimated that the actual number was 10 times higher than reported.

The Government had a vice-ministerial level Plenipotentiary for the Equal Rights of Women and Men. During the year, the Plenipotentiary focused on development of a National Program for Women, which the Government approved in August, and the introduction of new anti-discrimination provisions into the labor code. Parliament passed the revised labor code, which was signed by the President in December. In addition, NGOs operated 15 centers to assist victims, provide preventive treatment and counseling to perpetrators, and train personnel working with domestic violence victims. The Office of Victims' Rights Spokesman at the Ministry of Internal Affairs and Administration was responsible for ensuring that violence victims were treated with respect by law enforcement and the judicial system. The office provided legal and psychological assistance for victims and their families.

The law does not provide for restraining orders to protect battered women against further abuse. In divorce cases, courts frequently granted a divorce without issuing a property settlement, forcing women to return to abusive husbands. This problem was exacerbated by a lack of alternative housing. Women's advocacy groups also complained there were a small number of state-supported shelters for battered women.

Prostitution is legal; however, pimping or paying for sexual activity is illegal. Due to a crackdown on prostitutes who work along major thoroughfares and at truck stops, much of the prostitution industry moved to brothels, massage parlors, or agencies offering escort services. Police estimated that there were 7,000 prostitutes in the country of whom 3,000 worked in one of the 700 agencies in operation and 3,400 worked in hotels, pubs, discos, and on the streets. The remaining 600 prostitutes worked on major thoroughfares and at truck stops.

Trafficking in women for the purpose of sexual exploitation was a problem (see Sections 6.f.).

While there are no laws specifically addressing sexual harassment, social awareness of the problem continued to increase, and there are mechanisms available 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, supervisors and subordinates, or 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.

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 were paid less for equivalent work, mainly held lower level positions, were fired more readily, and were less likely to be promoted than men. The 2003 government statistical bulletin indicated that men had a higher employment rate (50.7 percent) than women (38.1 percent) and that women had a higher unemployment rate. In July, 51.2 percent of those unemployed were women, despite the fact that they comprised a smaller share of the population actively seeking work. Despite having a generally higher level of education, women earned on average 30 percent less than men. The labor code prohibits discrimination in hiring, and the employer has the burden of proof to show that discrimination did not occur. Women are prohibited from working underground or in jobs that require heavy lifting. Apart from the Constitution, there are no laws that provide equal rights for women.

Women were employed in a wide variety of professions and occupations, and a number held high positions in government and the private sector. In agriculture, women comprised 20 percent of all principal managers of farms. Men and women had the right to take time off to care for a sick child. The pension law requires earlier retirement for women (age 60) than for men (age 65), with the result that women received approximately 60 percent of the average pension received by men. However, women may appeal forced retirement at age 60 to the labor court.

On January 14, the Sejm passed a National Development Plan that included programs to promote the equalization of women with men in all areas of work, society, and politics.

The Ombudsman for Human Rights monitored women's rights within the broader context of human rights; however, the broad scope of the office's mandate diluted its ability to function as an effective advocate of women's issues. There are several women's rights NGOs, including the Polish Foundation for Women and Family Planning and the Women's Rights Center, that were active advocates of gender equality and advanced their goals through research, monitoring, and publishing. There were also several church-sponsored women's advocacy organizations, but their cooperation with other women's NGOs was limited.

Children.—The Constitution extends some state protection to the family and children, and there is a Sejm-appointed Ombudsman for Children's Rights.

The Ombudsman—mandated to protect children from violence, cruelty, neglect, and other mistreatment—is the official point of contact for complaints about violations of human rights of children and submits requests to the appropriate law enforcement or other authorities for action. The Ombudsman submits an annual report to the Sejm on the children's rights situation and may suggest legislation to improve the human rights situation of children.

Education is universal and mandatory until age 18, and public schools are free. The Government sponsored some health programs targeted specifically at children, including a vaccination program and periodic checkups conducted in the schools; however, budget shortfalls prevented complete implementation of these programs.

Although child abuse occurred, there was no societal pattern of abuse. The law prohibits violence against children, and anyone who physically or psychologically abuses a juvenile may receive a prison sentence of 3 months to 5 years. The sentence is increased if the victim attempts suicide or the perpetrator acted with extreme cruelty. However, abuse was rarely reported, and convictions also were rare. Schools did not have procedures to protect children from abuse by teachers, and the teachers' work code provides legal immunity from prosecution for corporal punishment in the classroom.

Trafficking in children, primarily for the purpose of sexual exploitation, was a problem (see Section 6.f.). The law prohibits child prostitution; anyone who, with the purpose of obtaining a material benefit, incites a minor to prostitution or facilitates such prostitution is subject to a sentence from 1 to 10 year's imprisonment.

Men and women reach majority at the age of 18; however, a 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. 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.).

Persons with Disabilities.—There was no discrimination against persons with disabilities in employment, education, or in the provision of other state services. There were approximately 5.5 million persons with disabilities in the country by year's end. In 2002, approximately 20 percent of persons with disabilities but able to work were unemployed, slightly higher than the national unemployment rate. Advocacy groups claimed that the rate was much higher. The law allows individuals from certain disability groups to work without losing their disability benefits. Approximately 46 percent of the persons with disabilities had no more than an elementary education, compared with 32 percent of those without disabilities, and only 4 percent had a university education, compared with 9 percent of persons without disabilities.

The law mandates access to buildings for persons with disabilities; however, public buildings and transportation generally are not accessible to persons with disabilities. Implementation falls short of rights set forth in the legislation since the law provides only that buildings "should be accessible."

There were reports of some societal discrimination against persons with disabilities.

National/Racial/Ethnic Minorities.—There were occasional incidents of skinheads clashing with Roma and racially motivated violence directed at Roma. There were no developments in the 2001 case in which three suspects were arrested for vandalizing automobiles and other Romani vehicles at a resort camp.

Individuals of African, Asian, or Arab descent also reported isolated incidents of verbal, physical and other types of abuse. In 2002, two Polish men in Krakow shouted racial slurs and assaulted two foreigners of African descent; legal proceedings in the case were ongoing at year's end.

Instances of violence against Muslims were also reported. In Warsaw and Wroclaw, a number of Arabic restaurants were attacked; in Lodz a group of skinheads picketed a student residence and beat up an Arab student; and in Gdansk windows were shattered in a mosque.

Societal discrimination against Roma, who have been considered a national minority since 1998, was commonplace, and some local officials discriminated against Roma in the provision of social services. According to its leaders, the 30,000 Roma in the country faced disproportionately high unemployment and were hit harder by economic changes and restructuring than were ethnic Poles. Romani leaders complained of widespread discrimination in employment, housing, banking, the justice system, the media, and education.

The small Ukrainian and Belarusian minorities occasionally experienced petty harassment and discrimination.

The Open Republic Association reported that the greatest number of racist publications were anti-Semitic, anti-Ukrainian, and anti-German, with fewer anti-Roma and anti-Catholic publications.

There were a number of steps taken to improve the treatment of minority groups. In March, 3,500 students, journalists, and politicians joined in the fourth annual "Color Tolerance" day, removing vulgar and racist slogans directed against various ethnic and racial minorities from walls in the city of Lodz.

The Government continued to cooperate with local governments to develop and finance programs to assist the poorest Roma. Some local governments became more active in dealing with the problems of local Romani communities. During the year, the Government spent approximately \$770,000 (3 million PLN) on a pilot project to help the Romani community in Malopolska Province to increase the number of students completing high school, reduce unemployment, and improve health care and safety by providing books, training staff liaisons to the Romani community, and improving the educational and residential infrastructure in Romani communities. The school enrollment rate among Roma children has increased from 30 percent to 80 percent and a number of new homes are being built for Romani residents.

The law provides for the educational rights of ethnic minorities, including the right to be taught in their own language. There were an estimated 50,000 Lithuanians in the country, and Lithuanian minority rights, including language instruction, were addressed routinely during governmental talks. There were 31 Lithuanian-language textbooks in use during the year at different education levels, including textbooks on mathematics, physics and geography financed by the Government.

The German minority in Opole Province makes up one-third of the area's 1 million inhabitants. Some community members continued to complain of inadequate use of German in the province's schools. In 2001, the Government rejected the application by a 170,000-member Silesian community for official minority status. The Association of People of Silesian Nationality (ZLNS), which claimed a heritage distinct from that of both the Polish majority and German minority populations in the region, took the matter to the European Court for Human Rights (ECHR). In December 2001, the Court found that the Government had not violated freedom of association provisions and upheld the prior decision to deny official minority status. At the request of the ZLNS, the case was referred to the ECHR's Grand Chamber. The Grand Chamber heard arguments on the case in July, but had not issued a ruling by the end of the year.

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 choosing, and workers exercised these rights. The law sets minimum size requirements for establishing a trade union: 10 persons may form a local union, and 30 may establish a national union. Unions, including interbranch national unions and national interbranch federations, must be registered with the courts. A court decision refusing registration may be taken to an appeals court. The law does not give trade unions the freedom to exercise their right to organize all workers. For example, workers on individual contracts cannot form or join a trade union. In state-owned enterprises, such as the health sector, water, and forestry, there were cases in which workers had their normal employment contract terminated and replaced by an individual contract that took away rights they formerly enjoyed as permanent employees.

There were approximately 360 registered national-level unions. There is no precise data on work force unionization; according to press reports, 14 percent of the workforce were union members.

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 Self-Governing Trade Union (NSZZ) Solidarity had nearly 1 million members. Small spin-offs from mainstream Solidarity include the rival factions Solidarity '80, August '80, and the Christian Trade Union Solidarity.

The other principal national unions are those affiliated with the All-Poland Trade Union Alliance (OPZZ) and its affiliate, the Polish Union of Teachers. The OPZZ claimed approximately 1.3 million members, of whom 870,000 were employed; independent surveys suggested that its dues-paying membership was considerably smaller than Solidarity's.

The law prohibits antiunion discrimination; however, labor leaders reported that employers discriminated against workers who attempted to organize or join unions, particularly in the growing private sector. The law also did not prevent employer harassment of union members for trade union activity; there were unconfirmed reports that some employers sanctioned employees who tried to set up unions.

Unions have the right by law to join labor federations and confederations and to affiliate with international labor organizations. Independent labor leaders reported that these rights were observed in practice. Solidarity is a full member of the International Confederation of Free Trade Unions, the World Confederation of Labor, and the European Trade Union Confederation.

b. The Right to Organize and Bargain Collectively.—The law provides for and protects enterprise-level collective bargaining over wages and working conditions. The Tripartite Commission (unions, employers, and the Government), chaired by the Minister of Economy, Labor and Social Policy Jerzy Hausner, was the main forum that determined national-level wage and benefit increases in sensitive areas, such as the so-called budget sector (health, education, and public employees). The Commission served as an important forum for the social partners to discuss differences and grievances and often to negotiate agreements before problems erupted into conflict.

The law does not require verification of union membership 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 ground that their membership figures were unsubstantiated.

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) remained unable to negotiate with labor without the extensive involvement of the ministries to which they are subordinate, thereby complicating and politicizing the Government's labor relations.

The law provides for parties to take disputes first to labor courts, then to the prosecutor general, and, as a 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 ordered unions to reimburse employers for activity found to be illegal. However, penalties were minimal and were not an effective deterrent.

Unions have the right to strike except in “essential services”—uniformed services, state administration, and local government—where they only have the right to protest. A majority of strikes were technically illegal because one or both of the sides did not follow each step exactly as required by law. Labor courts acted slowly on deciding the legality of strikes, while sanctions against unions for calling illegal strikes, or against employers for provoking them, were minimal. Arbitration is not obligatory and depends on the agreement of disputing parties. Unions alleged that laws prohibiting retribution against strikers were not enforced consistently and that fines imposed as punishment were so minimal that they were ineffective deterrents 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 government) continued to work out ambiguities in dispute resolution mechanisms provided for in the Labor Code.

On August 16, striking employees occupied the Wagony S.A. rail car plant in Ostrow Wielkopolski to protest wage arrears. The strike ended September 2 following partial payment of back wages. In August, workers at the Tonsil electronics

plant struck to protest lack of payment and steel workers occupied the county offices in Stalowa Wola. Unionists from the Odratrans barge company blocked boat traffic on the Oder River in Szczecin and Wroclaw on September 2 to protest proposed changes to the company's supervisory board.

On September 2, approximately 10,000 Silesian miners protested mine closings in Katowice. On September 11, a similar number took part in a Warsaw march, which saw violent clashes with police and destruction of property.

In November, the Solidarity trade union organized a "Days of Protest" campaign against the Government's social policies. The campaign included protests by coal miners in Silesia and healthcare workers in Warsaw and a demonstration by persons with disabilities and pensioners in front of Parliament. The campaign ended on November 26 with an estimated 5,000 persons taking part in over 50 actions across the country.

In response to 2002 labor disturbances at the Ozarow Cable Factory, the Council of Ministers and Telefonika Cable's Industry Development Agency agreed to set up an economic zone in the Ozarow area. There was no activity on this project through the end of the year.

There are no export processing zones.

c. Prohibition of Forced or Bonded Labor.—The law prohibits forced or bonded labor, including by children; however, there were reports of child labor and trafficking in adults and children for labor (see Sections 6.d. and 6.f.).

d. Status of Child Labor Practices and Minimum Age for Employment.—The law prohibits the employment of persons under the age of 15. Persons between the ages of 15 and 18 may be employed only if they have completed primary school and the proposed employment constitutes vocational training and is not harmful to their health.

The State Labor Inspectorate (PIP) reported that increasing numbers of minors worked and that many employers violated labor rules by underpaying them or paying them late. Inspectors found violations in restaurants, on stud farms, and, in some instances, in small private sector businesses and factories. Sanctions for the illegal employment of children range from warning letters to orders to cease employing underage children. The police may enforce such orders by demanding the transfer of underage employees or shutting down all or part of the workplace, or, working through the Ministry of Labor, imposing fines ranging from approximately \$5 to \$125 (20 to 500 PLN) per offense. Cases may also be referred to an administrative tribunal, which can levy fines of up to \$1,250 (5,000 PLN). Jail sentences may be imposed for serious infractions; such cases generally involve serious injury or death. In 2002, the PIP conducted 1,450 investigations involving 6,890 possible underage employees. Fines were levied in 606 cases, amounting to approximately \$30,300 (121,210 PLN).

e. Acceptable Conditions of Work.—The Ministry of Labor, the unions, and employers' organizations negotiate a revised national minimum wage every 3 months. The national minimum monthly wage was approximately \$200 (800 PLN); it did not provide a decent standard of living for a worker and family. A large percentage of construction workers and seasonal agricultural laborers from the former Soviet Union earned less than the minimum wage. The large size of the informal economy and the small number of state labor inspectors made enforcement of the minimum wage very difficult. With unemployment high, workers often agreed to inferior working conditions and lower pay to find or keep their jobs.

The standard legal workweek is 40 hours. The law requires overtime payment for hours in excess of the standard workweek, but there were reports that this regulation is often ignored.

The Labor Code defines minimum conditions for the protection of workers' health and safety. Provisions are strict and extensive; however, enforcement was a major problem because the PIP was unable to monitor workplaces sufficiently. In 80,494 work-related accidents reported during 2002, 520 individuals were killed and 1,037 seriously injured. During the first 6 months of the year, 232 workers were killed and 460 were seriously injured. The Government reported that while most accidents were in the public sector, most serious accidents occurred in the private sector, where proportionally more deaths also occurred. Solidarity contended that the problem lies not in the law, which establishes safe standards, but in its enforcement, because sanctions for illegal behavior by employers are minimal. Employers routinely exceeded standards for exposure to chemicals, dust, and noise. In addition, there was a lack of clarity regarding which government body had responsibility for enforcing the law. The PIP may shut down workplaces where it finds unsafe conditions. Workers may remove themselves from dangerous working conditions without

losing their jobs, but there were reports that fears of employment loss prompted workers to remain on the job.

The National Unemployment Office estimated that 100,000 to 150,000 foreigners were working illegally in the country. Other estimates ranged from 250,000 to 1.5 million persons, the majority working in jobs and for wages that were unacceptable to citizens. Most illegal workers came from the former Soviet Union, Sri Lanka, and Afghanistan, although an increasingly large number were coming from Southeast Asia, particularly Vietnam. The country's relatively high wages compared to source countries and its status as an EU candidate were mainly responsible for this phenomenon.

f. Trafficking in Persons.—The law prohibits trafficking in persons; however, the country was a source, transit point, and destination for trafficked persons, primarily women and girls but also, to a lesser extent, boys.

Several Criminal Code provisions specifically address trafficking. The law prohibits trafficking in persons and pimping and imposes sentences of up to 10 years on those convicted. It also prohibits recruiting or luring persons into prostitution; penalties for this offense are also up to 10 years. The most severe sentences are for individuals trafficking in children and luring women into prostitution abroad. In September, the country ratified the U.N. protocol prohibiting and punishing acts of trafficking.

Legal authorities dealt with child traffickers more severely than traffickers in adults, in part because laws on statutory rape were easier to prosecute. As a result, the activity has been driven completely underground. Authorities did not always recognize trafficked children because traffickers used false documents identifying them as adults.

During the year, the Government sought stricter sentences and increased investigations of alleged traffickers. From April 2002 through March, police conducted 149 trafficking investigations that led to 47 arrests, 18 prosecutions, and 8 convictions and uncovered 167 trafficking victims. In January, the court sentenced 48-year old "Jerzy K." to 9 years in prison for 48 counts of criminal activity, including lying and coercing girls into prostitution, selling girls to brothels in Berlin and Belgium, and pimping. In May, a Warsaw judge sentenced three Bulgarian traffickers to 4 to 9 years in prison after a Ukrainian girl, bought and forced into prostitution, went to Warsaw police for help. The men were also charged for trafficking in two other cases, even though the females reportedly worked willingly. While child prostitution is a crime, prostitution by adults is neither prohibited nor regulated by law, making it more difficult for the police to pursue trafficking of adults.

The Ministry of Interior and the Ministry of Justice have primary responsibility for anti-trafficking efforts, with the Ministry of Foreign Affairs engaged on a bilateral and multilateral level. There were 11 agencies involved in anti-trafficking efforts. The Plenipotentiary for Equal Rights for Men and Women, who works out of the Prime Minister's office, was also involved in anti-trafficking programs.

The National Police participated in several bilateral task forces that shared information, tracked the movement of traffickers and victims across borders, and coordinated repatriations and casework. Bilateral efforts include task forces with the Czech, German, and Swedish police forces. A multilateral task force coordinated anti-trafficking with Baltic state police forces.

Individuals are trafficked to and through the country, primarily from Ukraine, Bulgaria, Romania, Belarus, and Moldova. Individuals, including citizens, were trafficked to Western Europe, including Germany, Italy, Belgium, and the Netherlands. Some internal trafficking occurred. The extent of the problem is unclear, since statistics on prostitution did not distinguish trafficking victims from those willfully engaged in prostitution and other aspects of the sex trade. The international NGO La Strada estimated that 60 percent of foreign women working as prostitutes in the country were trafficking victims. NGOs believed that the trafficking problem was likely much larger than reflected in the number of arrests and prosecutions.

Ukraine was the largest single source of foreign women trafficked in the country. Women from Bulgaria tended to be from the Turkish and Romani minorities. Of the estimated 7,000 prostitutes in the country, 2,100 (30 percent) were estimated to be of foreign origin. Women and girls who were trafficked were recruited from areas with low socioeconomic conditions, sometimes quite openly. Those from the lowest socioeconomic levels were most vulnerable to trafficking and subjected to the worst conditions. For example, Roma and ethnically Turkish Bulgarians tended to be employed as prostitutes on highways, spending a few months in the country before being trafficked further west. In contrast, women from other East European countries were trafficked into agencies run as brothels. Educated Polish and Russian women were more likely than others to be employed voluntarily by escort services.

One NGO reported that some adults and children were also trafficked into the country to provide illegal labor.

Traffickers attracted victims through such means as fake employment offers, arranged marriages, fraud, and coercive measures. Some victims believed that they were accepting employment as waitresses, maids, or nannies abroad. While en route to their purported destinations, traffickers took their passports and identity papers and exerted control over them through fear and intimidation. Traffickers threatened victims with violence, and those who resisted or tried to flee were raped, beaten or purposefully injured.

In recent years, trafficking has become increasingly organized and has been associated with a rampant growth in document fraud. As many as 90 percent of persons trafficked in the country had false travel documents, and the trafficking of a victim usually involved a network of criminals. One criminal would recruit the victim; a second would provide false travel documents and traffick her across the border; and a third would supervise her work with clients, functioning as a pimp. For example, police detained a Bulgarian woman on several occasions, each time with a new identity and passport.

La Strada and the police reported large-scale auctions of women in Warsaw and other cities. Prices for trafficked women and girls reportedly started at approximately \$1,500 (6,000 PLN). Victims usually were trafficked by nationals from the same source country; for example, Bulgarian women were trafficked by Bulgarians. Foreign traffickers systematically paid a percentage of their receipts to local traffickers operating out of the same region of the country.

Since the border guards and police could consider them to be liable for deportation due to violations of immigration laws, trafficking victims often were afraid to turn to officials for help. While the Government generally lacked resources to support victims financially, it cooperated extensively with NGOs, who provided a wide range of support services. The Government provided a public building to an NGO to use as a shelter for trafficking victims and gave another organization a grant to build a similar shelter. However, since the number of shelters remained inadequate, NGOs frequently resorted to ad hoc arrangements to shelter victims. The law allows foreign victims with illegal status to remain in the country during the investigation and trial of their traffickers. During the year, the Government provided full assistance to three victims who cooperated in prosecutions. NGOs and police cooperated on police sensitivity training to improve treatment of victims during investigations. The Government developed a pamphlet for police officers on treatment and resources for trafficking victims. NGOs reported improvement on the part of police officers in recognizing trafficking cases.

Nonetheless, victims were not always identified as such and, therefore, were not always informed of their legal status or rights. In many cases, such unrecognized victims were deported as soon as possible, preventing the Government from providing assistance. Some deported victims were met at the border by traffickers, who quickly provided them with new travel documents and returned them to the country. There was no specific assistance set aside for victims repatriated to Poland, although they were eligible for unemployment and welfare benefits. Poland cooperated fully with other countries in anti-trafficking efforts and the repatriation of victims.

Numerous NGOs were involved in anti-trafficking initiatives and victim services. NGOs and educational institutions often worked closely with local authorities to identify trafficking victims and develop training programs for local authorities. La Strada, the only NGO dealing exclusively with trafficking, cooperated with Caritas and other groups. These organizations provided a range of services, including victims' assistance hotlines, safe accommodation, therapy and psychological support, and contacts who could help victims with legal problems and reintegration into society. An increased number of trafficked women came forward for assistance; it was not clear if this was due to an increase in trafficking or because trafficking victims were more aware of or willing to seek assistance from NGOs and government offices that dealt with trafficking.

La Strada also provided training on prevention and victim support to professionals such as police, border guards, prosecutors, judges, social workers, teachers, and journalists. La Strada's "Guardian Angel" program, developed with the Helsinki Foundation, trained social workers to help victims with legal issues so they could be advocates for the victims before the courts, police, and prosecutors. La Strada also conducted various types of instruction on trafficking issues, including awareness training for police, training of Helsinki Foundation personnel, and seminars to university students. In November 2002, La Strada worked with the Government to coordinate an inter-ministerial roundtable to develop a national plan to combat trafficking. The Government adopted this plan in September.

PORTUGAL

The Portuguese Republic is a constitutional democracy with a President, a Prime Minister, and a Parliament freely elected by secret ballot in multiparty elections. National elections were held in March 2002. The judiciary is independent.

Internal security is primarily the responsibility of the Ministries of Justice and Internal Administration. The Republican National Guard (GNR) has jurisdiction outside cities, and the Public Security Police (PSP) has jurisdiction in cities. The Aliens and Borders Service (SEF) has jurisdiction on immigration and border issues. The civilian authorities maintained effective control of the security forces. Members of the security forces committed human rights abuses.

The country had a market-based economy with a population of approximately 10.4 million; during the past few years, the number of foreign immigrants quadrupled. The service sector was the leading source of employment, while employment in agriculture and industry continued to be static or declined. Manufacturing provided approximately 30 percent of total economic output.

The Government generally respected the human rights of its citizens; however, there were problems in some areas. There were isolated cases of police brutality, including three cases that resulted in deaths. Prison conditions remained poor, although there were some improvements. Lengthy pre-trial detention remained a problem. Trafficking in foreign laborers and women also was a problem.

RESPECT FOR HUMAN RIGHTS

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

a. Arbitrary or Unlawful Deprivation of Life.—There were no reports of political killings; however, police shot and killed three persons during the year. The Inspectorate General of Internal Administration (IGAI), under the Ministry of Internal Administration, handled disciplinary proceedings against members of the GNR, PSP, and SEF involved in violent incidents (see Section 1.d.).

In three different cases, police shot and killed three persons who refused an order to stop during apprehension. After investigating, the IGAI initiated disciplinary proceedings against GNR officers and PSP officers involved in the incidents.

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

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.—The Constitution prohibits such practices; however, there were infrequent but credible reports that police and prison guards beat and otherwise abused detainees.

The Government investigates reports of police mistreatment (see Section 1.d.). According to its annual activity report, the IGAI investigated 320 new incidents involving law enforcement agents during 2002. Of these 320 incidents, 5 involved the death of a civilian, 3 involved suicides of detainees, and a few involved injuries from firearms. Sixty of the incidents were deemed to have sufficient grounds for an investigation, 34 of which entered the disciplinary phase. At the end of 2002, the most recent year for which figures are available, 3 of the investigations ended in punishment, 25 were pending, and the rest were dismissed for lack of any evidence of improper action by the officer.

While investigating the case of three PSP officers who allegedly beat Aizhong Lin in custody in 2002, the IGAI found there was not enough evidence to warrant sanctioning the officers, but was awaiting the result of ongoing criminal proceedings in Lisbon before closing the case. After investigating and conducting two disciplinary proceedings related to the 2002 beating of Artur da Conceicao by PSP officers in Faro, the IGAI found the officers acted inappropriately and handed down punishments. The IGAI's investigation of the 2002 partial blinding of Pedro Miranda by a PSP officer led to two ongoing disciplinary proceedings.

Prison conditions remained poor, although there were some improvements. Problems included: overcrowding, inadequate facilities, poor health conditions, drug use by inmates, violence among inmates, and prisoner mistreatment by guards. According to the General Directorate for Prison Services (DGSP), there were 13,711 persons in prison at year's end. According to the DGSP, the overcrowding rate was 13.2 percent, representing a marked improvement over the 21.2 percent in 2002. This reduction was primarily due to use of additional capacity in three prisons. Although the physical expansion of the prisons had been completed earlier, they could not be fully utilized because of a lack of guards. The Government addressed this problem by hiring and training approximately 700 guards, allowing the new spaces to be used during the year. The European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) had criticized prisons, particularly the one near Porto. In December 2002, the CPT visited the newly expanded

(three new pavilions) prison facility near Porto, noting the positive impact the expansion would have on reducing overcrowding and improving safety.

Approximately 30 percent of the prison population had Hepatitis B or C, and 14 percent were HIV-positive. According to the DGSP, 100 persons died in prisons during the year, 15 of them by suicide (compared with 97 deaths, 19 by suicide, in 2002). A study released during the year claimed that the country has the highest prisoner mortality rate in the European Union.

Men and women were held separately. Although there was one youth prison in Leiria, juveniles were at times held with adults elsewhere in the prison system. Pre-trial detainees were held with convicted criminals.

The ombudsman investigated complaints of mistreatment by the police and prison authorities. The IGAI also conducted internal investigations in cases of alleged mistreatment in police detention centers.

The Government permitted visits by independent human rights observers during the year.

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

Internal security is primarily the responsibility of the Ministries of Justice and Internal Administration. The primary problems with the police forces were understaffing and inconsistent or weak law enforcement. There were approximately 50,000 law enforcement officials in the country. Although the media covered a large investigation during the year into GNR traffic agents who allegedly “forgave” traffic violation fines, there were no indications that corruption was a widespread problem, and the head of the GNR’s Traffic Brigade was replaced in December.

The IGAI investigated the killings by GNR agents and PSP officers in 2002 and found that PSP officers acted appropriately in the 2002 killing of Osvaldo Vaz in Lisbon. The IGAI found that the PSP officer who killed Nuno Lucas in Porto in 2002 acted inappropriately, and recommended he be dismissed from the force. They also determined that the PSP officer who killed Antonio Tavares Pereira in Setubal in 2002 acted inappropriately, and the officer was suspended for 225 days. A criminal case against the officer for aggravated homicide in Setubal was in the final phase at year’s end.

An independent ombudsman is chosen by the Parliament and the IGAI to investigate complaints of mistreatment by the police; however, nongovernmental organizations (NGOs) have been critical of the slow pace of investigations. The law provides detailed guidelines covering all aspects of arrest and custody. During the year, police officers received extensive professional training, and the Government regulated their actions through mechanisms established by law.

Under the law, an investigating judge determines whether an arrested person should be detained, released on bail, or released outright. A person may not be held for more than 48 hours without appearing before an investigating judge. Investigative detention is limited to a maximum of 6 months for each suspected crime. If a formal charge is not filed within that period, the detainee must be released. In cases of serious crimes such as murder or armed robbery, or of more than one suspect, investigative detention may last for up to 2 years and may be extended by a judge to 3 years in extraordinary circumstances. A suspect in investigative detention must be brought to trial within 18 months of being charged formally. If a suspect is not in detention, there is no specified period for going to trial. A detainee has access to lawyers, and the State assumes the cost if necessary.

During the year, prisoners went on hunger strikes to protest, among other things, prolonged periods of preventive detention. The average number of prisoners returned to custody by court order (“remand”) was high. By year’s end, 3,778 individuals (27.6 percent of the prison population) were in “preventive detention.” Preventive detainees remained in prison under this status for an average of 26 months, and up to 6 years. Judges argued that preventive detention was justified by the high incidence (40 percent) of repeat offenders. The Government began implementing the use of an electronic monitoring device as an alternative to preventive detention, with 50 preventive detainees in Lisbon participating in the program at the end of 2002. One difficulty in expanding the program was that detainees must have a fixed residence with a telephone connection and electricity. Many preventive detainees were drug addicts who lacked these requirements.

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

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

The court system, provided for 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 handles administrative and

tax disputes, and which is supported by lower administrative courts. An audit court is in the Ministry of Finance.

The Constitution provides for the right to a fair trial, and an independent judiciary generally enforced this right. All trials are public except those that may offend the dignity of the victim, such as in cases of sexual abuse of children. The accused is presumed innocent. In trials for serious crimes, a panel of three judges presides. For lesser crimes, a single judge presides. At the request of the accused, a jury may be used in trials for major crimes; in practice, requests for jury trials were extremely rare.

In the investigative and indictment phase of a high-profile pedophilia scandal, the ruling party and opposition members exchanged accusations of interference with due process (see Section 5). President Sampaio publicly criticized prosecutors for leaking privileged information to the media concerning this case.

Critics pointed to a large backlog of pending trials resulting from the inefficient functioning of the courts. Many factors contributed, including the underutilization of technology, a confusing and drawn out method of serving subpoenas, and the reluctance of the justice system to accept change. A study by the Permanent Observatory of Justice (OPJ), released in July, reported that the average length of a "first instance" judicial process was 912 days, with 14.7 percent of the processes taking over 5 years.

There were 332 courts in the country, and approximately 3,000 magistrates and judges. A law was passed in 2001 to reduce the case backlog by increasing the number of judges and by providing for a reduction in the time it takes a lawyer to become a judge. Another law provides that witnesses may testify in cases heard in distant jurisdictions via teleconference. The Ministry of Justice also implemented a plan to speed up the serving of subpoenas. Despite these reforms, staff shortages and court delays continue to be a serious problem. The President of the Judicial Workers' Union (SFJ) noted in December that courts have 1,200 vacancies (15 percent of total positions), and that although 12 new courts are scheduled to open in January 2004, they will be staffed with current employees.

There were no reports of political prisoners.

f. Arbitrary Interference with Privacy, Family, Home or Correspondence.—The Constitution prohibits such actions, and the Government generally respected these prohibitions in practice. Some groups have complained about the use of wiretaps by law enforcement agencies. The Government responded to such allegations by initiating a review of related policies.

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. An independent press, an effective judiciary, and a functioning democratic political system combined to ensure freedom of speech and of the press, including academic freedom. Internet access was not restricted.

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

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

The Roman Catholic Church is the dominant religion. Although the overwhelming majority of citizens are Roman Catholic, other religions, including Islam, Protestant Christian denominations, Judaism, and Eastern Orthodox, were practiced freely.

The 2001 Religious Freedom Act created a legislative framework for religions established in the country for at least 30 years, or recognized internationally for at least 60 years. The Act provides qualifying religions with benefits previously reserved for the Catholic Church: full tax-exempt status, legal recognition for marriage and other rites, chaplain visits to prisons and hospitals, and respect for traditional holidays. In December, enabling rules were enacted for governing the commission that will supervise the country's religious freedom; however, some rules are still needed to create a registry of religious entities.

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

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

The law provides for the granting of refugee or asylum status to those persons who meet the definition in the 1951 U.N. Convention Relating to the Status of Refugees and its 1967 Protocol. In practice, the Government provided protection against

refoulement and granted refugee status and asylum. However, the Government maintained that the majority of asylum seekers were economic refugees using the country as a gateway to other EU countries.

The Government also provides temporary protection to persons who do not qualify as refugees or asylees. The Government cooperated with the U.N. High Commissioner for Refugees and other humanitarian organizations in assisting refugees. Persons who qualified as refugees were entitled to residence permits. The total refugee population in the country was 304, including 93 from Angola and 84 from Mozambique.

During the year, 88 individuals and families, primarily from Angola, Georgia, Yugoslavia, Ukraine, Liberia, and Colombia filed asylum applications. Of the 88 applications, 2 were granted refugee status under the Geneva Convention, 11 were granted "humanitarian" residence permits, and 75 were refused. Of the 75 refusals, 16 were turned back at the border and returned to the country from which they traveled, while the rest (who were inside the country's borders when they applied) were given time to depart voluntarily before being subject to regulations governing illegal immigrants. Separately, 75 families were granted "humanitarian protection" during the year, including from Sierra Leone, Mongolia, Belarus, and Colombia.

The number of asylum applications has decreased steadily since 1998, and was at the lowest number since 1990. In 2002, there were 180 applications for asylum (primarily from Angola, Poland, and Sierra Leone), of which 14 were granted refugee status and 18 were granted "humanitarian" residence permits. The Government provides basic housing in the capital's outskirts, food, and a small amount of money for expenses for these persons. The law provides that the NGO Portuguese Refugee Council (CPR) be included in the asylum process; it provided assistance, including legal advice and temporary housing. In his visit report, the European Commissioner for Human Rights said this system worked well and praised CPR for its work.

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

The Constitution provides citizens with the right to change their government peacefully, and citizens exercised this right in practice through periodic, free, and fair elections on the basis of universal suffrage. The country is a multiparty parliamentary democracy.

There were 48 women in the 230-member Parliament. Four cabinet members—the Ministers of Finance, Foreign Affairs, Justice, and Science/Higher Education—were women. Six women held state-secretary positions, which were one rank below cabinet ministers. Some political parties adopted internal quotas for women.

Race was rarely an issue in politics; during the year, the U.N. Human Rights Committee commended the Government for allowing foreigners to vote and to run for office in local elections.

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

A number of domestic and international human rights groups generally operated without government restriction, investigating and publishing their findings on human rights cases. Government officials were receptive to their views; however, most groups complained of slow investigations or remedial actions.

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

The Constitution prohibits discrimination based on ancestry, sex, language, origin, political or ideological convictions, education, economic situation, or social condition; however, some discrimination against women and ethnic minorities persisted.

Women.—Domestic and other violence against women reportedly was a common but partially hidden problem for which few sought legal recourse. In the first half of the year, the Association for Victim Support (APAV), a non-profit charitable organization that provided confidential and free services to victims of any type of crime nationwide, received 5,006 requests for assistance via its toll-free hotline and at its offices in 13 cities. The individuals seeking help (more than 86 percent of whom were women) reported 9,928 crimes, 90 percent of which were a form of domestic violence. The Commission for Equality and Women's Rights ran 14 safe houses for domestic violence in the country and also had a 24-hours-a-day, 7 days-a-week phone service.

The law provides for criminal penalties in cases of violence by a spouse, and the judicial system prosecuted suspects accused of abusing women; however, traditional societal attitudes still discouraged many battered women from recourse to the judicial system. The law defines domestic violence as a public crime, which obliges the

police to follow through on reports of domestic violence. This gives police and the courts more leverage to prosecute such cases, and removes some of the burden on the abused women to file charges. The Penal Code grants any interested party the ability to file charges in domestic violence cases.

Parliament continued to address the problem of domestic violence through legislative initiatives. Under the law, perpetrators of domestic violence may be barred from contact with their victims, and in extreme cases, the police may order the immediate expulsion of a perpetrator from the victim's dwelling. The law also calls for the development of new programs to teach anger management to perpetrators and to assist victims with the professional development necessary to live independent lives. The law establishes a national support network and a system of compensation for victims of domestic violence. Another law provided for the expansion of the system of shelters for victims. The Government also strengthened educational campaigns for the public and specialized training for the police.

Neither prostitutes nor clients are punishable under the law, and prostitution was common. Under the law, only pimping, brothels, and the registration of prostitutes are illegal. Trafficking in women for the purpose of prostitution continued to be a problem (see Section 6.f.). Prostitution was linked closely to other types of organized crime, particularly international narcotics trafficking. The NGO Nest operated economic and social recovery programs for prostitutes.

Sexual harassment is defined as a sex crime if perpetrated by a superior in the workplace. The penalty is 2 to 3 years' imprisonment. As in the case of domestic violence, socially ingrained attitudes discouraged many women from taking advantage of the legal protection available. The Commission on Equality in the Workplace and in Employment, comprised of representatives of the Government, employers' organizations, and labor unions, is empowered to examine, but not adjudicate, complaints of sexual harassment; however, it received few such complaints.

The Civil Code provides for full legal equality for women. As of October, women comprised 51.6 percent of the total population and 51.7 percent of the unemployed. Out of the 396,601 students enrolled in higher education in 2002, 57 percent were women. Although women increasingly were represented in business, science, academia, and the professions, their average salaries were about 30 percent less than men's. The Commission for Equality and for Women's Rights (CIDM) continued to press for improved conditions for women.

The Commission on Equality in the Workplace and in Employment reviewed numerous complaints of discrimination by employers against pregnant workers and new mothers, who were protected by law. The law provides for 120 days of maternity leave with full pay and benefits. After return to work, a new mother (or father) may take time off every day to nurse or feed an infant. If pregnant or nursing women or new fathers are fired, they may take their complaint to the Government Equality Commission (CITE), which addresses 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.

Children.—The Government was strongly committed to children's rights and welfare; it amply 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, most of whom attend school. The Institute of Solidarity and Social Security, located within the Ministry of Labor and Solidarity, oversees implementation of the Government's programs for children. The Institute initiated a program to coordinate assistance for children of immigrant families and a program to support early childhood, which included the provision of better childcare facilities. The Government provides preschool education for children age 4 and older upon entry into primary school. Each year the number of students enrolled in preschool has increased. The Institute also improved the quantity and quality of temporary shelters for children aged 3 months to 3 years.

The Ministries of Labor and Solidarity, Justice, and Health sponsored a program in the maternity wards of hospitals to register newborns and enroll them in the social security and health programs. The Government provides free or low cost health care for all children up to the age of 15.

Abuse of children was a problem, although there was no societal pattern of such abuse. APAV reported 423 cases of crimes against minors (under 18) in the first half of the year, primarily involving domestic violence.

The law defines pedophilia to include consumers of child pornography as well as producers. Following guidelines approved by the EU, the Government has amended its legal code concerning pedophilia. Courts may request jurisdiction of cases involving resident nationals who commit pedophilia abroad, regardless of the victim's nationality or whether the act committed is considered a crime in that country.

High-profile investigations and court proceedings that began in 2002 related to a pedophilia operation at "Casa Pia," a children's home that has approximately 4,600 children in its care in Lisbon continued at year's end. Staff reported that more than 100 of the boys and girls who reside there may have been abused over several years. After conducting over 600 interviews and developing a 13,000-page investigation report, public prosecutors formally charged 10 persons on December 29. Those indicted include prominent political and media figures, as well as a Casa Pia worker who was charged with more than 1,000 acts of sexual abuse. Approximately half of the defendants remained in preventive detention at year's end, awaiting the start of the trials.

The interest in the Casa Pia case has led to increased awareness and intolerance of pedophilia throughout the country, including the autonomous regions of the Azores and Madeira. During the year, Judicial Police in the Azores carried out 50 investigations and questioned 19 persons suspected of participating in a pedophilia ring, and arrested the suspected organizer. A prominent Azorean government official resigned over the scandal. In a separate case in the Azores, a former city district president was sentenced to 5 years in prison for sexually abusing a 12-year-old boy. In Madeira, police received over 20 pedophilia complaints during the year.

In part to decrease the number of children in foster homes, in August, the Government passed a new adoption law that eliminated some bureaucratic procedures, significantly reduced wait and evaluation periods, and increased legal protection for adopting parents.

Trafficking of children for prostitution and forced labor remained a problem (see Section 6.f.).

The National Commission for the Protection of Children and Youth at Risk, a governmental organization, is charged with implementing the principles of the U.N. Convention on the Rights of the Child. The Commission organized public awareness programs and promoted legislation that protects children's rights. Along with the Institute for Social Development, the Commission distributed to students copies of the articles included in the Convention of the Rights of Children. The two organizations also produced two books geared toward educating children about their rights. The quasi-independent Institute for the Support of Children (IAC) organized a network of 48 NGOs dedicated to helping at-risk youth. It served as an information clearinghouse for NGOs working on children's issues, provided telephone and in-person counseling, intervention, and prevention services in cases of child abuse and neglect, and operated services assisting street children. IAC also organized a European Conference on the "Disappearance and Sexual Exploitation of Children" in Lisbon in October. The University of Minho's Institute for the Study of Children is a research center dedicated solely to the study of children's issues.

Persons with Disabilities.—There was no discrimination against persons with disabilities in employment, education, or the provision of other state services. The law mandates access to public buildings for such persons, and the Government enforced these provisions in practice; however, no such legislation covers private businesses or other facilities.

National/Racial/Ethnic Minorities.—The principal minority groups were immigrants, legal and illegal, from the country's former African colonies, Brazil and Eastern Europe. Approximately 500,000 legal immigrants were living in the country, representing approximately 5 percent of the population. The country also had a resident Roma population of approximately 50,000 persons.

The law permits victims and anti-racism associations to participate in race-related criminal trials by lodging criminal complaints, retaining their own lawyers, and calling witnesses. Anti-racism laws prohibit and penalize racial discrimination in housing, business, and health services, and provide for the creation of a Commission for Equality and Against Racial Discrimination (CERD) to work alongside the High Commissioner for Immigration and Ethnic Minorities.

In its 2002 report, the European Commission Against Racism and Intolerance (ECRI), acknowledged many positive steps taken by the Government to counter racism, including: adopting a law prohibiting racial discrimination; launching activities promoting the integration of immigrant and Roma communities in education and work; raising human rights awareness among police officers and judges; and giving CERD competency to examine individual applications. However, ECRI criticized the low number of racial/religious discrimination prosecutions, the lack of reliable information about the situation of minority groups, reports that some police used excessive force against immigrants and Roma, and that Roma were reportedly subjected to ill-treatment by police.

Section 6. Worker Rights

a. The Right of Association.—The Constitution provides for the right to establish unions by profession or industry. Workers in both the private and public sectors had the right to associate and to establish committees in the workplace to defend their interests, and they exercised these rights freely.

Two principal labor federations existed: The Workers' General Union (UGT) and the General Confederation of Portuguese Workers (CGTP). No restrictions limited the formation of additional labor federations. Unions functioned without hindrance by the Government and were associated closely with political parties. Trade union associations had the right to participate in the preparation of labor legislation.

The law prohibits anti-union discrimination, and the authorities generally enforced this prohibition in practice. The General Directorate of Labor promptly examined complaints.

There were no restrictions on the ability of unions to join federations or of federations to affiliate with international labor bodies.

b. The Right to Organize and Bargain Collectively.—The Constitution provides for collective bargaining, and it was practiced extensively in the public and private sectors. Collective bargaining disputes usually were resolved through negotiation. When collective bargaining fails, the Government may appoint a mediator at the request of either management or labor.

The Constitution permits strikes for any reason, including political causes; they were common and generally were resolved through direct negotiations. However, should a long strike occur in an essential sector such as health, energy, or transportation, the Government may order the strikers back to work for a specific period. The Government rarely has invoked this power, in part because most strikes lasted only 1 to 3 days. The law requires a "minimum level of service" to be provided during strikes in essential sectors, but this requirement was applied infrequently. When it was applied, minimum levels of service were established by agreement between the Government and the striking unions. Unions have complained, including to the International Labor Organization (ILO), that the minimum levels have been set too high. Police officers and members of the armed forces may not strike legally, but they did have unions and legal recourse within the justice/court system.

There are no export processing zones.

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

d. Status of Child Labor Practices and Minimum Age for Employment.—The minimum working age is 16 years. There were instances of child labor, but the overall incidence was small and was concentrated geographically and sectorally. The greatest problems were reported in Braga, Porto, and Faro, and tended to occur in the clothing, footwear, construction, and hotel industries.

In 2001, the Government estimated that 46,717 children on the mainland engaged in some form of economic activity, of whom 40,001 were unpaid family workers and 6,716 worked for third parties. Of those children engaged in economic activity, 86.2 percent were attending school. Most children engaged in economic activity come from the northern (57.7 percent) and central (26 percent) regions of the country. The agricultural sector employed the most children, followed by commerce, manufacturing, hotel and catering, and construction. Of those children who worked, the majority worked 1 to 3 hours per day, 1 to 2 days per week. However, some commonly worked 6 to 7 days per week.

A report published during the year by the University of Minho's Children Studies Institute noted that although child laborers in factories were common 5 years ago, efforts by government and NGO programs have almost eliminated this problem. The report said that inspections of workplaces have increased, and that fewer children have been found working. Also, school attendance has increased, with dropout rates at approximately 2 percent. However, the study noted that children continued to work in family settings, seasonal agriculture, and the restaurant and tourism industries. The extensive national network designed to combat child labor shifted some of its resources toward these businesses.

The Government's principal entity addressing, monitoring, and responding to reports of child labor is the Plan for the Elimination of Exploitation of Child Labor (PEETI). While youth from Lisbon and surrounding areas only accounted for 13.5 percent of program participants, they accounted for the highest percentage of youth subject to the worst forms of child labor. Of the child labor cases handled by PEETI in 2002, 88.7 percent involved dropping out of school (seen as a risk indicator for child labor), 4.3 percent were confirmed child labor cases (an additional 5.3 percent were unconfirmed reports of child labor), and 0.3 percent were confirmed cases in-

volved the worst forms of child labor (an additional 0.9 percent were unconfirmed worst child labor reports). Of the 2002 cases, 19.8 percent were children under the age of 15, which is the age limit for compulsory education.

During the year, PEEETI launched a comprehensive website on child labor, which included a document center and a 224-page guide on legislation and resources. It has developed, in conjunction with several NGOs, 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. There were 34 programs established in the country serving approximately 600 youth. Most of the programs were concentrated in the northern region of the country, where 73 percent of the youth were served.

PEEETI gave "scholarships" to help offset the loss of income to the family. Up to 800 teenagers participated in this work-study program on a rotating basis during the year. PEEETI also sponsored summer camps for at-risk youth to attend when school is not in session. The National Council Against the Exploitation of Child Labor (CNETI), a multi-agency Government body, coordinated efforts to eliminate child labor.

The Government's guaranteed minimum income program provided some families an alternative to sending their children to work. Since its inception, more than 691,897 persons have participated in this program. In 2001, 390,428 were receiving this benefit. The Government noted that this program had helped 16,492 children return to school.

e. Acceptable Conditions of Work.—In December, a new labor code took effect, consolidating various laws while providing for workers' rights. Minimum-wage legislation covers full-time workers as well as rural workers and domestic employees ages 18 and over. The monthly minimum wage during the year was approximately \$446.25 (357 euros). Along with widespread rent controls, basic food and utility subsidies, and phased implementation of an assured minimum income, the minimum wage afforded a decent standard of living for a worker and family. Most workers received higher wages, with the CGTP estimating an average monthly salary of approximately \$853 (682 euros), excluding public servants.

Employees generally received 14 months' pay for 11 months' work: The extra 3 months' pay were for a Christmas bonus, a vacation subsidy, and 22 days of annual leave. The maximum legal workday was 10 hours, and the maximum workweek was 40 hours. There was 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 monitored compliance through its regional inspectors.

Employers legally were responsible for accidents at work and were required by law to carry accident insurance. An existing body of legislation regulates safety and health, but labor unions continued to argue for stiffer laws. The General Directorate of Hygiene and Labor Security develops safety standards in line with EU standards, and the General Labor Inspectorate is responsible for their enforcement. However, the Inspectorate lacked sufficient funds and inspectors to combat the problem of work accidents effectively. Workers injured on the job rarely initiated lawsuits. A relatively large proportion of accidents occurred in the construction industry. Poor environmental controls in textile production also caused considerable concern. While the ability of workers to remove themselves from situations where these hazards existed was limited, it was difficult to fire workers for any reason and severance payments were high.

The law requires all contractors on a work site to accept responsibility for verifying a worker's legality, and makes every employer subject to penalties if the Government finds illegal immigrants laboring on a work site.

f. Trafficking in Persons.—The law prohibits trafficking in persons; however, trafficking in illegal workers and, to a lesser extent, in women and children for prostitution remained a problem.

The law also criminalizes the trafficking of children under 16 years of age for the purpose of sexual exploitation and the simple exhibition or distribution of pornographic materials. Each legal provision that can be applied to traffickers (such as facilitating the illegal entry of persons, employing an illegal immigrant, false documentation, extortion, fraud, and sexual exploitation) carries a penalty of between 1 and 8 years. By citing the violation of multiple provisions, judges have handed down longer sentences.

The criminal investigation of these cases was difficult, given the sophisticated methods used by the traffickers, cultural and language barriers between immigrants and citizens, and the desire of these immigrants to earn a living. Nevertheless, the

Government took an active role in investigating those involved in the trafficking of persons.

The border control agency (SEF) initiated or participated in 526 investigations during the year; 311 were in the greater Lisbon area (including the airport) and 105 were in the southern Algarve region. These operations resulted in 405 arrests or detentions involving "flagrant" violations of laws related to immigration, and these total operation/detention numbers did not include cases where the individuals were sent back to their countries of origin at the airports. Most of these 405 persons were from Africa (primarily Angola and Guinea-Bissau), Eastern Europe (primarily Ukraine, Moldova, Romania, Russia and other former-Soviet republics), Asia (primarily Pakistan and India), South America (primarily Brazil), and Portugal; the nationalities of 89 of the 405 were not recorded. According to SEF, the most serious trafficking-related crimes primarily involved individuals from Eastern Europe, but also from Brazil, parts of Africa, and China.

The individuals detained in operations involving SEF were accused of 542 crimes (compared with 510 in 2002), 357 of which involved document falsification. Other relevant charges included: Assisting illegal immigration (60), procuring illegal workers (5), sexual exploitation (7), trafficking for sexual exploitation or prostitution (2), extortion (5), physical violence (1), and kidnapping (2). SEF increased its number of liaison officers in countries of origin to help fight trafficking and illegal immigration.

In May, SEF joined six EU countries in Europol's 6-day Risk Immigration Operation IV, which took place in 6 ports (2 in the country) and resulted in the detention of 6 human traffickers, 40 cases of suspected facilitation of entry into the EU, and the denial of entry of 279 illegal immigrants.

The majority of trafficked persons originated in Moldova, Ukraine, Russia, and Belarus, for the purposes of forced and exploited labor of men. A much smaller number of women, primarily from Brazil, were trafficked into the country for prostitution. The country was also a transit point for African children, primarily from Angola, being smuggled into other European countries. Organized crime organizations, primarily of Moldovan and Ukrainian origin, were present in the country and operated largely in the transportation and extortion of Eastern European manual laborers.

Trafficked workers from Eastern Europe arrive in an organized manner. Traffickers sell "package tours" to illegal immigrants, providing them with a passport, Schengen visa, and bus transportation to the country. More than 80 percent of illegal immigrants enter the country as "tourists," having obtained Schengen visas from non-Portuguese embassies in their home countries. Along the route to the country, passengers must pay "tolls" to the traffickers. Typically upon arrival at the Spanish border, "bandits" working on behalf of the trafficking rings steal money from the trafficked persons and often steal or confiscate their passports. The victims often arrive in the country with neither money nor documents, made them easy targets for organized crime members. The SEF has cracked down on these "tourist" buses bringing illegal laborers to the country; however, the traffickers also used small vans to evade detection.

Once at their destinations, the victims lived in overcrowded, substandard "hostels." The traffickers offered them loans at very high interest rates and, for a fee, found them jobs at construction sites or other industries, e.g., textile mills, wood-working or metal shops, and marble fabrication. Generally, the traffickers' local group leader at the hostel set up the work and provided transportation. The traffickers coerced the workers into paying large portions of their salaries to them.

The trial of 20 Eastern Europeans (11 Moldovans, 5 Ukrainians, 2 Russians, 1 Georgian, and 1 Kazakhstani), arrested as part of a January 2002 operation throughout the country, began in October. They were charged with running a criminal association, running an association facilitating illegal immigration, soliciting illegal workers, sexual exploitation, issuing grave threats, and extortion (the Public Ministry was appealing the judge's decision not to include terrorism-related crimes). As a result, an alleged illegal immigration ring with ties to organized crime was dismantled.

A SEF investigation led to the detention of several individuals, including police and former SEF employees, that were accused of accepting bribes from a lawyer in exchange for granting temporary stay permits; the trial had to be re-started for technical reasons.

A revised immigration law entered into force in March, which, among other improvements, criminalized assistance given to illegal immigrants remaining in or transiting the country (the previous law only criminalized facilitating entrance into the country). The country did not have any trafficking-specific assistance programs or statistics, but APAV, many immigrant groups, and international NGOs provided

assistance to victims and raised public awareness of trafficking issues. If victims chose to remain in the country, SEF worked with NGOs to relocate them to a new area, offering residence permits to victims willing to cooperate with investigations. If victims wished to depart the country, SEF helped fund their move through the International Organization for Migration (IOM). In December, the Prime Minister and other government officials participated in the "First Congress on Immigration in Portugal."

ROMANIA

Romania is a constitutional democracy with a multiparty, bicameral parliamentary system. Prime Minister Adrian Nastase is the head of government, and President Ion Iliescu is the head of state. Nastase's Social Democratic Party (PSD) and Iliescu won elections in 2000 that were judged to be generally free and fair. The Constitution provides for an independent judiciary; however, in practice the judiciary remained subject to political influence. Widespread corruption remained a problem, although initial but only partial steps were taken to address the problem.

The National Police are primarily responsible for law enforcement, the gendarmerie for preserving public order, and the Border Police for maintaining border security. The Ministry of Administration and Interior supervises these organizations. The military has primary responsibility for protection against external threats. An internal intelligence service assesses threats to national security, but has no law enforcement powers. Civilian authorities maintained effective control of security and intelligence organizations, although some concerns were expressed regarding the possible misuse of intelligence agencies for political purposes. Some members of security forces committed serious human rights abuses.

The country was a middle-income developing country in transition from a centrally-planned to a market economy. Its population was approximately 21.7 million. Economic activity was primarily in the manufacturing, agriculture, and energy sectors. During the year, economic growth was estimated at 4.8 percent and inflation at 14.1 percent.

The Government generally respected the human rights of its citizens; however, there were problems in some areas. Police officers sometimes beat detainees and reportedly harassed and used excessive force against Roma. While some progress was made in reforming the police, cases of inhuman and degrading treatment continued to be reported. Investigations of police abuses generally were lengthy and inconclusive and rarely resulted in prosecution or punishment. While civilian courts had jurisdiction over National Police abuses, abuses by other security forces remained in the military court system, where procedures were unnecessarily lengthy and often inconclusive. Prison conditions remained harsh and overcrowding was a serious problem; however, conditions improved somewhat. At times, authorities violated the prohibition against arbitrary arrest and detention.

Government action and inaction at times restricted freedom of speech and of the press. During the year, there was a pattern of intimidation, harassment, and violence against journalists who wrote critical reports on government activities or government and ruling party officials. Religious groups not officially recognized by the Government complained of discriminatory treatment by authorities. Societal harassment of religious minorities, violence and discrimination against women, and restitution of property confiscated during the Communist regime remained problems. There were large numbers of impoverished homeless children in major cities. Discrimination and instances of societal violence against Roma continued. Child labor abuses continued. There were reports of government interference in trade union activity. Trafficking in women and girls for the purpose of prostitution was a problem, which the Government increasingly took steps to address.

RESPECT FOR HUMAN RIGHTS

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

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

In the past, police at times used excessive force that led to the deaths of citizens. An autopsy established trustees and police officers beat Mihai Iorga to death in prison in 2002. Police had stated that Iorga's death was due to an alcoholic coma. No charges had been filed by year's end.

The case of two officers who were demoted and charged with criminal acts in the 2001 beating death of a detainee in Cugir remained pending at year's end.

The non-governmental organization (NGO) Romani CRISS continued to investigate the June 2002 death of 18-year-old Nelu Balasoiu, a Rom, who was found dead in Jilava prison near Bucharest. In December, the prosecutor's office decided not to begin a criminal investigation of the police officers involved in the case, ruling that according to the medical investigations, Balasoiu died because of health reasons and not as the result of the officers' behavior. The family and Romani CRISS planned to appeal the decision.

A military tribunal continued to investigate possible abuse by two police officers in the 2001 beating death of Dumitru Grigoras while in custody in Bacau county.

In October, the Supreme Court sentenced two former agents of the disbanded security service under the Communist regime to 10 years in prison for the 1985 beating death of dissident Gheorghe Ursu. Charges were reduced from murder to inciting murder, and the sentence reduced from 11 years. The two defendants, who had gone into hiding, turned themselves in after the Supreme Court verdict was announced.

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

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.—The Constitution prohibits such practices; however, there were credible reports that police beat detainees and used excessive force. Human rights organizations have cited numerous reports of police torture and mistreatment. The Police Organization Law, which took effect in May 2002, allows the use of firearms against persons fleeing arrest.

Romani NGOs claimed that police used excessive force against Roma and subjected them to brutal treatment and harassment. In June, during a raid in Tulcea, a plainclothes officer beat Mihai Dumitru, who required hospitalization. Responding to a complaint by NGO Romani CRISS, the Ministry of Administration and Interior acknowledged the officer's guilt and announced that the county Council of Discipline of Police Inspectorate would punish him according to the Police Officer's Status Law. The Council had not announced its final determination of punishment by year's end. The case was also referred to court for criminal prosecution; however, it had not been decided by the end of the year. Other examples included: Police beat a married Roma couple in Simleul Silvaniei, Salaj county after the wife refused to sign a report for a fine and the husband went to the police to ask about her; on April 11, a drunk police officer in Parancea, Buzau county beat Lucia Lacatusu, a 19-year-old Rom; and, on June 13, police allegedly beat four Roma from one family. All three cases were under investigation at year's end.

There were no developments in the investigation of the alleged March 2002 police beating of Severius Tanase in Sacele, Brasov county.

The cases of Mugurel Soare, in which an officer was alleged to have used excessive force, and Adrian Georgescu, a gay man who was harassed, were before the European Court of Human Rights (ECHR) at year's end.

Prison conditions remained harsh. There were 45 penal units including 34 prisons, 6 prison hospitals and 3 juvenile detention facilities. Overcrowding remained a serious problem, although there was a slight improvement over 2002. As of December, 43,200 persons, including 876 minors, were in prison or juvenile detention facilities, while the legal capacity of the system is 37,372. To reduce the prison population, the law provides alternative sentences such as community service for minor offenses, which were implemented at times during the year.

Human rights organizations reported that the abuse of prisoners by other prisoners and by authorities continued to be a problem. The "cell boss" system (under which a prisoner could be designated by authorities to be in charge of other prisoners in the same cell) was replaced with an "elected representative" system. While this change improved conditions slightly, each "elected representative" had to be approved by prison authorities, making the system less democratic than expected.

Given limited space available in the prison system, detainees awaiting trial were sometimes held in the same facilities as convicted prisoners. Conditions were roughly the same for both (same food, types of cells, etc.), but detainees were usually kept segregated from the general prison population, and usually enjoyed more frequent access to visitors and generally free access to legal representatives.

Men and women, adults and juveniles, and pretrial detainees and convicted criminals were held separately.

In June, the Government issued an ordinance granting prisoners broader rights regarding information access, correspondence, telephone calls, health care, and visits.

The Government permitted prison visits by human rights observers and media representatives. According to the General Directorate for Penitentiaries, there were

6,653 individual or group visits by media and domestic and foreign NGOs to penitentiaries during the year.

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

The Ministry of Interior and Administration commands the Romanian Police and the Gendarmerie as well as the Border Police, Foreigners Authority, National Office for Refugees, General Direction of Information and Internal Protection (classified information management), Special Protection and Intervention Group, and the Special Aviation Unit. The police are organized into the General (i.e., National) Police Inspectorate, the General Police Directorate of Bucharest, 40 county-level police inspectorates, 8 police inspectorates for transportation, and 3 educational institutions for the training of policemen. Counties are responsible for police units located within their respective geographic areas.

While the police generally followed the law and internal procedures, corruption was a continuing problem. Low-level corruption, the omnipresent “small” bribe, was a main cause of citizens’ lack of respect for the police and contributed to a corresponding lack of police authority. Extremely low salaries (sometimes not paid on time) contributed to the susceptibility of individual law enforcement officials to bribes.

The Government addressed these problems by increasing training to create a more professional police force and by punishing corruption. During the year, 1,627 policemen (of whom 450 were officers and 1,175 were agents) were found to have engaged in misconduct, resulting in 1,715 sanctions to 491 officers and 1,224 agents. At year’s end, 30 policemen (5 officers and 25 agents) were undergoing criminal prosecution for abusive conduct and abuse of office, and 12 policemen (3 officers and 9 agents) were under criminal investigations for acts endangering life and health.

In June, 50 police officers were transferred for 6 years to the National Anti-corruption Prosecutor’s Office to strengthen the institutional framework for fighting corruption and ensure the efficient functioning of the office. The office sought to recruit 10 additional police officers.

In October, the constitutional provisions concerning arrest and detention were amended. Only judges are now permitted to issue arrest and search warrants (previously, prosecutors had this authority). A judge may order temporary detention for periods of 30 or 60 days depending upon the status of the case. The court may extend these time periods; however, pretrial detention cannot exceed 180 days. Pretrial detention counts toward sentence time if a detainee is convicted. Courts and prosecutors may be liable for unjustifiable, illegal, or abusive measures. The law requires authorities to inform those arrested of the charges against them and their legal rights. Police must notify detainees of their rights in a language they understand before obtaining a statement.

The Police Organization Law allows police to take any person who endangers the public, other persons, or the social order and whose identity cannot be established to a police station. Police often used this provision to detain persons up to 24 hours. Minors who were at least 16 years of age were subject to arrest for all offenses; minors between the ages of 14 and 16 were subject to arrest if shown to have full mental capacity; minors under the age of 14 had no penal responsibility. The confidentiality of discussions between detainees and their lawyers was generally respected in practice.

The Government detained asylum seekers indefinitely in some cases (see Section 2.d.).

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

e. Denial of Fair Public Trial.—The Constitution provides for an independent judiciary; however, in practice, the judiciary remained subject to political influence. In October, the Constitution was amended to increase the independence of the Superior Council of Magistrates (SCM), the representative body of the judiciary, by increasing its membership from 17 to 19 and diluting the role of the executive branch by, for example, removing the Justice Minister as chair of the SCM. The SCM controls the selection, promotion, transfer, and sanctioning of magistrates. However, the SCM remains vulnerable to political influence because its non-de jure members must be approved by the Senate and its rules allow the executive branch to fill vacancies on an interim basis. The president of the country may attend and chair SCM meetings. The justice minister administratively supervises prosecutors and has the power to open an investigation, but not to dismiss an ongoing investigation.

The Government has taken measures to fight systemic corruption. In April, it passed an anti-corruption package of laws that defined conflict of interest more clearly and more extensively for public officials. The National Anti-Corruption Pros-

ecutor's Office (PNA) is authorized to investigate charges of corruption by high officials or corruption that involved more than approximately \$100,000 (3.5 billion lei) or seriously disturbed the activity of public authorities. Since September 2002, the PNA reportedly investigated or prosecuted 32 judges and 12 prosecutors. Five judges and 2 prosecutors were convicted for corruption; the trials of 12 judges and 4 prosecutors were in the final phase of appeals. Thirty-four notaries and 40 court enforcement officers were also investigated, and 12 notaries and 4 court enforcement officers sent to trial.

A number of parliamentarians have maintained their private legal practices, although the law was revised to limit the kinds of cases they could accept. The media reported allegations that some may have manipulated the legislative process to benefit their private clients. Investigation of parliamentarians was complicated by a system of constitutionally mandated approvals.

The law establishes a four-tier legal system, including appellate courts. Defendants have final recourse to the High Court of Cassation and Justice or, for constitutional matters, to the Constitutional Court. A prosecutor's office is associated with each court. Under constitutional revisions adopted in October, the SCM nominates a candidate for General Prosecutor (who is appointed by the President), who has increased independence in relation to the executive branch. Another constitutional amendment provision allows for the use of the native language of minorities in courts or with authorities.

The Police Officer's Status Law provides for the investigation by civilian prosecutors of crimes by the National Police. Military prosecutors continue to try cases that involve "state security," and the gendarmerie and Border Police continue to fall under military jurisdiction. Human rights NGOs have noted that cases involving the police continue to be tried by military courts. Military court investigations of police abuse were lengthy and not followed by further court actions. Local and international human rights groups have criticized the handling of cases by the military courts, claiming that the military prosecutor's investigations were unnecessarily lengthy and often inconclusive.

The law provides for the right to a fair trial; however, the judiciary suffered from corruption. Defendants are presumed innocent. The law requires that an attorney be appointed for defendants who cannot afford legal representation or are otherwise unable to select counsel. In practice, the local bar association provided attorneys to the indigent and was compensated by the Ministry of Justice. Either a plaintiff or a defendant may appeal. The law provides that confessions extracted as a result of police brutality may be withdrawn by the accused when brought before the court; the practice of extracting confessions through beating occurred occasionally (see Section 1.c.). The judicial system tended to be inefficient and slow.

There were no reports of political prisoners.

Restitution of church, communal, and individual property remained a serious problem marked by a cumbersome administrative process and a slow return of property to owners. The Government took few steps to restore to the Greek Catholic Church properties that were given to the Orthodox Church in the Communist era, returning only 5 properties out of 2,207 requests. In the case of individual properties, the ECHR has ruled on a total of 43 property restitution cases in favor of the former owners who had either been wronged in court or denied restitution on various grounds; 19 of these rulings occurred during the year. The Government generally respected ECHR rulings.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence.—The law prohibits such actions; however, there were some restrictions. The Constitution provides for protection against the search of residences without a warrant; however, this protection is subordinate to "national security or public order." The law defines national security very broadly and lists as threats not only crimes such as terrorism, treason, espionage, assassination, and armed insurrection, but also totalitarian, racist, and anti-Semitic actions or attempts to change the national borders. Security officials may enter residences without authorization from a prosecutor if they deem a threat to national security to be "imminent;" however, such actions were rare.

The Constitution states that the privacy of legal means of communication is inviolable. However, the law allows the security services to monitor communications on national security grounds after obtaining authorization. The law requires the Internal Intelligence Service (SRI) to obtain a warrant from the "public prosecutor specially appointed by the General Public Prosecutor" for activities involving national security threats. The SRI may legally engage in surveillance, request official documents or information, and consult with technical experts to determine whether a situation constitutes a threat to national security or to prevent a crime.

The law permits citizens access to secret police files kept by the Communist government. Any individual who was a citizen after 1945 is entitled to see his or her

file. A council approved by Parliament reviews files and releases the information unless it involves state secrets or threatens national security. The files remained in intelligence service custody. This law has been criticized for exempting files of current intelligence service employees from review and also for restricting the definition of an informer to an individual who received payment for services, making identification of individuals who collaborated with the Securitate for other reasons, such as personal advancement or ideological commitment, impossible. In addition, release of files has been impeded by the inability of the lustration body to meet with a quorum of members. The consistent absence of PSD and PRM members has given rise to speculation that neither of these parties desires to see progress in the release of files. Public criticism of the council by some officials, including the Prime Minister, has further fueled this speculation.

Under new legislation, foreign citizens of certain states, primarily third world countries, must report their presence to police if they stay in private accommodations for 10 days or longer.

Under a government program, Roma living illegally in Bucharest on public land were forced to relocate to their home counties. In April, several dozen Roma living illegally in the outskirts of Bucharest's Militari district were evicted on sanitation grounds, according to local authorities. Roma activists disputed the legal grounds for this act, but did not take legal action.

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Speech and Press.—The Constitution provides for freedom of expression and of the press, and the Government generally respected these rights in practice; however, certain legal prohibitions against “defamation of the country” and “offense to authority” potentially limited these rights. While there are no legal limitations on the exercise of press freedom, frequent complaints by ruling party officials suggested that authorities might use punishments, such as heavy fines, abusively to restrict these rights.

In general, journalists and private citizens could criticize the Government and other authorities, including at senior levels, but there were a number of cases in which authorities ridiculed or reprimanded their critics rather than respond to serious issues in substance. In addition, many media outlets—electronic and print—had substantial tax arrears. Fears of government audits and punitive tax actions to collect these arrears inhibited negative coverage of leading government figures.

Independent media continued to grow in an increasingly competitive market. Several hundred daily and weekly newspapers were published. Foreign news publications may be imported and distributed freely, but high costs limited their circulation. Several private television stations broadcast nationwide, and there were numerous other private local television and radio stations. Approximately 4 million households had cable television, giving significant portions of the population access to private and foreign broadcasts. State Television (RTV), Radio Romania, and the Europa FM radio network remained the only national broadcasters able to reach the majority of the rural population. Independent stations continued to enlarge their coverage by over-the-air, cable, and satellite transmissions.

Television remained the most widely available source of information, with almost 80 percent of the population getting their information from television newscasts. A recent research report by the National Audiovisual Council (CNA) claimed that over 85 percent of households had at least one television set.

Print and electronic media coverage generally reflected the political views of owners and covered a wide range of the political spectrum. This trend was more visible in the small cities and rural areas. Private television stations tended to avoid direct criticism of the Government and ruling party, particularly on corruption or other controversial issues. Media monitoring reports suggested that this reluctance to criticize was due to owners' fears that the Government would retaliate by seeking back taxes or auditing stations. State-owned television and radio clearly allocated more broadcast time to the Government and the ruling party than to the opposition. Media NGOs such as the Media Monitoring Agency and the Center for Independent Journalism reported that the prime time newscasts of the four largest television networks (RTV, ProTV, Antena 1, and Prima TV) were generally biased in the Government's favor.

PSD parliamentarians and their political allies also purchased numerous independent media outlets in the provinces, including several British Broadcasting Company (BBC) affiliate stations that, subsequent to their purchase, cut off BBC Romanian Service news programs which had been regularly rebroadcast by several of these stations. In December, RTV cancelled a popular political talk show after Government and ruling party officials repeatedly criticized the program for featuring too many opposition party guests. However, by the end of the year, RTV had signifi-

cantly improved the accuracy and balance of its news reporting in general and, in October, was named as the television station with the most balanced newscasts by the Media Monitoring Agency (MMA). Antena 1 also changed its editorial policies in the fall and became more critical of the ruling party after its owner, the leader of a minor political party and businessman, withdrew his party from the ruling coalition.

There were reports of harassment, intimidation, various forms of pressure, and violence against journalists who were perceived as overly critical of the Government or ruling party. Some of this pressure allegedly occurred with at least tacit support by local government and party officials. According to the Center for Independent Journalism in Bucharest, there were 10 major incidents involving a total of 14 journalists who were physically attacked during the year.

In February, police officers attacked two reporters of the daily Romania Libera in the city of Sighet after one took a photo of their police car. Police beat and handcuffed one journalist and destroyed film from his camera. In September, the journalists won a lawsuit with the court ruling that the officers had to pay damages to one of the journalists as well as court-related expenses.

In May, PSD officials attempted to pressure a journalist from the respected daily Adevarul to stop his investigation of financial activities in a sector of Bucharest. According to media reports, Bucharest District 5 Mayor Marian Vanghelie told one reporter to stop his investigation or Vanghelie would have his bodyguards follow him. Vanghelie suggested the journalist would end up in a car trunk. Also in May, Tourism Minister Dan Matei Agathon reportedly told an Adevarul correspondent in Constanta that he would cut government advertising from the daily if she did not stop reporting about Agathon's activities and projects on the seaside. Under media pressure, Agathon later apologized.

In November, the Romanian service of the BBC did not renew the contract of a long-serving reporter, Traian Ungureanu. Ungureanu was respected for his political analyses and known for frequent criticisms of PSD policies. Press colleagues believed Ungureanu's removal was linked to these criticisms; the BBC responded by saying that Ungureanu, a 14-year veteran, had failed a routine voice test. Several reporters and an editor at the BBC resigned to protest the dismissal.

In early December, unknown persons severely beat a journalist from the Timisoara bureau of the influential national daily Evenimentul Zilei. While the incident was still under investigation at the end of the year, there were strong indications that the attack was related to the victim's investigative reporting. The reporter had frequently criticized ruling PSD party officials and their business activities in Timis County. The victim sued police, and local officials were critical of law enforcement authorities for lack of progress in the investigation.

Also in December, Csondy Szoltan, a journalist in Miercurea Ciuc for the Hungarian-language paper Hargita Nepe, was seriously injured when he was attacked in the hall of his apartment building. It was the second time that Szoltan was attacked during the year. The journalist was known for his investigations into the city's underworld, in particular for his series on a number of cars that were set on fire earlier during the year in which the main suspect was a local businessman. The MMA urged authorities to investigate the case and warned that police and prosecutors in Miercurea Ciuc were not capable of carrying out their investigations because of pressure exerted by local organized crime.

On December 21, an Antena 1 cameraman was beaten while filming a fire at the villa of former Health Minister Mircea Beuran in the village of Ciolpani. The cameraman suffered several contusions and his leg was put in traction. Local citizens, who were angered by his presence, beat the cameraman; some alleged that the guards at Beuran's residence began the attack. The journalist was on public property and had not broken any law; he has issued a criminal complaint against his attackers. A local policeman reportedly assisted in the beating and did not intervene to protect the cameraman.

In February, a court sentenced a reporter and the daily Gazeta de Sudto to pay damages of approximately \$18,000 (600 million lei) to the then prefect of Olt County, Marin Diaconescu of the PSD, for reporting that the prefect was "overwhelmed" by the situation in a local plant. In July, the media reported that unknown persons severely beat two journalists in the Jiu Valley. The journalists were known for their numerous reports on alleged illegal activities by local authorities and miners' leaders in the region.

Laws restricting freedom of speech continued to cause concern among the media and NGOs. While the Chamber of Deputies removed imprisonment as a legal penalty for insulting authorities in 2002, the offense may still be punished with a fine. In addition, the Government retained a prison term (2 to 24 months) for libel, which could be increased to 3 to 36 months if the libel was directed at public officials. Arti-

cle 168 of the Penal Code provides criminal penalties for spreading false information aimed at attacking national security.

There were allegations of pro-Government bias and self-censorship inside the state-owned Radio Romania. In one case, an employee accused the Director General of censoring her newscasts by ordering the removal of any story critical of the Government or the PSD and claimed she was forced to retire. The Director General maintained that the employee was from the Communist-era old guard and opposed programming reforms to make the radio more competitive and responsive to its listeners. He also claimed she had reached the mandatory retirement age of 57 and denied the censorship charge. At the private station Europa FM, three senior news department members resigned in April after accusing the owner of political manipulation of news broadcasts.

There were cases of journalists who criticized PSD leaders being forced to leave their jobs. In Targu-Jiu, Gorj County, the editor and producer at local TV station RCS left her job in March after her show was cut off in mid-broadcast while she was discussing corruption scandals involving local leaders. The RCS board told her that their editorial policy did not allow any information that might put local authorities in a negative light. The journalist sued the CNA for not taking action against RCS's censorship policies; the trial was ongoing at year's end.

The Government privatized the state-owned newspaper and magazine distribution company Rodipet in December. Prior to privatization, the company, which previously had a monopoly on newspaper and magazine distribution, was exposed to new competition from other smaller companies, including a distribution company owned by several daily newspapers. While some distribution problems persisted in remote areas, cities experienced full distribution of newspapers.

The Government did not restrict access to the Internet or academic freedom.

b. Freedom of Peaceful Assembly and Association.—The Constitution provides for freedom of assembly, and the Government generally respected that right in practice. The law provides for unarmed citizens to assemble peacefully, 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. Permits are not required to assemble in some public places. However, demonstration organizers must apply for a permit in advance. Authorities may prohibit a public gathering by notifying the organizers in writing within 48 hours of receipt of a permit request. The law prohibits counter demonstrations that coincide with scheduled public gatherings. The law prohibits fascist, communist, racist, or xenophobic symbols (such as statues of war criminals on public land), ideologies, or organizations. Unauthorized demonstrators may be fined.

The Constitution provides for freedom of association, and the Government generally respected this right in practice. Political parties are required to have at least 25,000 members to have legal status, a number that some NGOs have criticized as being inordinately high.

c. Freedom of Religion.—The Constitution provides for freedom of religion, and the Government generally respected this right in practice; however, there were some restrictions, and several minority religious groups continued to claim credibly that government officials and Romanian Orthodox clergy impeded their proselytizing and interfered with other religious activities.

The Government requires religious groups to register. Representatives of religious groups that sought recognition alleged that the process was arbitrary, and that they did not receive clear instructions concerning the requirements.

The Government gives the highest level of recognition to 17 religions, which are eligible to receive state financial support. These recognized religions have the right to establish schools, receive funds to build churches, pay clergy salaries with state funds, subsidize clergy housing, broadcast religious programs on radio and television, apply for broadcasting licenses for denominational frequencies, and enjoy tax-exempt status.

In May, the Government issued an order to comply with a 2000 Supreme Court ruling mandating the highest level of recognition to the Jehovah's Witnesses. The Jehovah's Witnesses were the first group to gain this status since 1989.

The Government also registered religious groups as either religious and charitable foundations or as non-profit cultural associations. In a January decree, the Government reestablished mandatory approval by the State Secretariat for Religions for the registration of religious associations.

The law provides for peaceful religious assembly; however, several minority religious groups complained that, on various occasions, local authorities and Orthodox priests prevented religious activities from taking place, even when their organizers had been issued permits. The Evangelical Alliance reported difficulties obtaining ap-

proval to use public halls for religious activities following pressure by Orthodox priests. In some cases, Orthodox priests incited the local population against activities by the Seventh-day Adventist Church and members of Jehovah's Witnesses. The press reported several instances of Romanian Orthodox clergy harassing members of other faiths, such as pressuring non-Orthodox school children to attend Orthodox religion classes or not allowing members of religious groups to proselytize near Orthodox churches.

Government building permit regulations do not differentiate between level of registration of religions in terms of what they are allowed to build as places of worship. Although most minority religious groups declared that they had received permits to build places of worship without difficulty, some made credible complaints that permits were unduly delayed.

Several religious groups made credible complaints that low-level government officials and Romanian Orthodox clergy impeded their efforts to proselytize, interfered in religious activities, and otherwise discriminated against them during the year. In some instances, local police and administrative authorities tacitly supported societal campaigns against proselytizing that at times were violent. In some localities, legal proselytizing was perceived as being directed at adherents of established churches, and conflicts occurred. Members of Jehovah's Witnesses and the Seventh-day Adventist Church reported such cases.

Religions with the highest level of recognition have the right to teach religion in public schools; however, a number of religious groups, including the Evangelical Alliance and the Seventh-day Adventist Church, reported that they had been unable to hold classes because of the Orthodox clergy's influence. Additionally, the Seventh-day Adventist Church reported cases of Adventist children who were pressured to attend Orthodox religion classes.

Up to March 2002, religious groups submitted 7,568 property restitution claims. Before 2002, the Government returned a small number of religious and communal properties to their owners by decree. In June 2002, Parliament passed a law restituting large numbers of religious properties, but not places of worship. Religious minorities frequently did not succeed in regaining possession of these properties, since many housed state offices, schools, hospitals, or cultural institutions that would require relocation, and lawsuits and protests by occupants delayed their physical return. A national commission began operation in June to consider restitution on a case-by-case basis. This process of systematic religious property restitution resulted in the return of 200 buildings since June.

The Greek Catholic, or Uniate, Church made only limited progress in recovering properties taken by the Romanian Orthodox Church after their forced merger in 1948. The exclusion of places of worship from the June 2002 restitution law primarily affected Greek Catholics; churches of other faiths generally were not seized by the Communists. Of the approximately 2,600 Greek Catholic churches and monasteries taken, only a handful have been returned. Apparently to avoid restitution, the Orthodox Church demolished many Greek Catholic churches under various pretexts, such as being structurally unsafe.

The historical Hungarian churches, including the Hungarian Roman Catholic and the Hungarian Protestant Reformed, Evangelical, and Unitarian churches, received only a small number of their properties back. Of 1,630 buildings confiscated from these churches, approximately 20 were returned. The Jewish community received 42 buildings by government decree, but has obtained full or partial possession of only 27.

The "New Right" (Noua Dreapta) organization (a small extremist group with nationalistic, xenophobic views) continued to harass verbally, and sometimes physically, members of the Church of Jesus Christ of Latter-day Saints in cities, including Bucharest and Iasi. Many representatives of minority religions credibly complained that private and governmental organizations operating hospitals, children's homes, and shelters for the elderly often permitted only Orthodox priests to provide religious assistance in them. Charitable activities by minority churches in children's homes and shelters often were interpreted as proselytizing. Orthodox priests reportedly denied permission to the Christian Evangelical and the Seventh-day Adventist churches to bury members in several rural localities; it was not clear whether church or public cemeteries were involved.

The extremist press continued to publish anti-Semitic articles. The Legionnaires (Iron Guard), an extreme nationalist, anti-Semitic, pro-Nazi group, continued to republish inflammatory books from the interwar period. Extremist publicists made repeated attempts to deny that Holocaust activities occurred in the country or in Romanian-administered territory, a view that was also expressed by members of the extremist Greater Romania Party (PRM). Religious services to commemorate legionnaire leaders continued to be held in Orthodox churches. During the year, a Jewish

cemetery was desecrated in one locality. There were no developments in the 2000–2001 desecrations of Jewish synagogues and cemeteries.

In June, the Government denied the occurrence of the Holocaust within Romania's World War II borders in a communique, but subsequently retracted the statement and assumed responsibility for the pro-Nazi regime's crimes against Jews. Although government spokesmen claimed that the phrase containing the denial had been inserted by someone not authorized to do so, the person responsible was neither identified nor reprimanded. In July, in an interview with an Israeli newspaper, President Iliescu appeared to minimize the Holocaust by claiming that suffering and persecution was not unique to the Jewish population in Europe. He later said that his interview had been presented in an incomplete and selective way. In September, the Government released a 152-page teaching manual for schools that dealt with Holocaust denial and provided figures for the number of Jews killed, details about concentration camps, death chambers, and the persecution of Roma, homosexuals and Jehovah's Witnesses. Anecdotal information suggested that schools have only slowly started to discuss Romania's involvement in Holocaust-related atrocities. In October, the Government established an International Committee on the Holocaust in Romania to analyze and to improve public understanding of Holocaust events in the country. The Committee was charged with submitting a report on its findings in 2005.

In July, a Brasov resident was given a suspended 2½-year sentence for nationalist-chauvinistic and fascist propaganda.

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

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

The law provides for the granting of asylum and refugee status to persons who meet the definition in the 1951 U.N. Convention Relating to the Status of Refugees and its 1967 Protocol. In practice, the Government provided protection against refoulement and granted refugee status or asylum. The Government cooperated with the U.N. High Commissioner for Refugees (UNHCR) and other humanitarian organizations in assisting refugees. The Government also provides temporary protection to individuals who do not qualify as asylees or refugees. Under a 2002 government emergency ordinance, foreigners may not be expelled to a country where their life is jeopardized.

During the year, the National Office for Refugees received 885 applications for asylum and 192 applications submitted for the second time. Most of the applicants came from Iraq (329), China (204), and India (157); 326 entered the country illegally. During the same period, 206 applications were approved. The Government funded programs to integrate refugees into society; refugee-focused NGOs developed similar programs. However, programs for integrating refugees developed slowly. There were two shelters that could accommodate 750 refugees in Bucharest and a 20-bed shelter at Otopeni Airport. An additional shelter that could accommodate 60 minors was completed in Bucharest during the year. Two shelters for 500 people were under construction in Galati and Timisoara. There were no voluntary repatriations during the year.

The law establishes a refugee office in the Ministry of Administration and Interior to receive, process, and house asylum seekers. The Ministry of Administration and Interior and the Labor Ministry funded programs to assist asylum seekers and refugees, although some experienced repeated administrative difficulty in obtaining regularized protected status due to Government requests for substantial documentation. Government financial support (reimbursable loans for 6 to 9 months) was minimal and usually not enough to cover basic needs. An increasing number of illegal migrants regarded the country as a transit point to other 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 exercised this right in practice through periodic, free, and fair elections held on the basis of universal suffrage.

The October 18–19 referendum on proposed amendments to the Constitution was characterized by widespread efforts by government officials to ensure the minimum 50 percent voter turnout required for the referendum to be legally valid was met. Civic action groups reported some notable irregularities, including political pressure on and by locally elected leaders and special lotteries and other material incentives provided to bring out the vote. There were also reports of some ballot boxes being moved from polling stations and taken to other locations to increase voter turnout.

In 2000 elections that were judged to be generally free and fair, the center-left PSD won a near majority in the legislature and the PSD candidate, Ion Iliescu, won the presidency. The PSD formed a minority government with support from the Democratic Union of Hungarians in Romania (UDMR). The extremist, xenophobic Greater Romania Party (PRM) won the next largest share of parliamentary and presidential votes. Allegations of widespread vote fraud by the losing PRM candidate, Corneliu Vadim Tudor, were not judged by observers to be credible.

While there are no legal restrictions on women's participation in government or politics, societal attitudes were a significant barrier. In Parliament, there were 38 out of 345 deputies and 12 out of 140 senators who were women; members are elected by party lists and not directly by constituents. Three of the 25 original cabinet members and 2 of the 21 re-shuffled (June) cabinet members were women. Women in general voted in the same proportion as men. None of the 42 county prefects (appointed representatives of the central government) were women.

The Constitution and law grant each recognized ethnic minority one representative in the Chamber of Deputies, provided that the minority's political organization obtains 5 percent of the votes needed to elect a deputy outright. Organizations representing 18 minority groups were given deputies under this provision in 2000. Ethnic Hungarians, represented by the UDMR, obtained parliamentary representation through the normal electoral process. Roma were underrepresented in Parliament; low Roma voter turnout and internal divisions within the Roma community worked against the consolidation of votes for any single candidate, organization, or party. There were two Romani parliamentarians. The former Romani minority representative joined the PSD and sat in the Chamber of Deputies, while the Constitution and electoral legislation allowed an additional seat for the Roma. In 2002, the PSD signed a 2-year protocol of cooperation with the German minority. During the year, the PSD renewed protocols of cooperation with the Hungarian and Roma minorities signed in 2002.

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

A number of domestic and international human rights groups generally operated without government restriction, investigating and publishing their findings on human rights cases. Government officials were generally cooperative and responsive to NGOs, although some offices were slow to respond to inquiries.

Domestic human rights monitoring groups included APADOR-CH, the independent Romanian Society for Human Rights (SIRDO), the League for the Defense of Human Rights (LADO), the Romanian Institute for Human Rights, and several issue-specific groups such as the Young Generation of Roma and Romani CRISS. Other groups, such as political parties and trade unions, also monitored the observance of human rights. These groups, as well as international human rights organizations, functioned freely without government interference.

An Ombudsman's Office worked to protect citizens from abuse by public officials. By September, it had received 5,400 complaints, many of which were rejected because they involved problems with the judiciary and not the administration. The office, which dealt not only with human rights, but with all facets of citizens' interaction with the Government, was only moderately effective due to its limited authority and resources.

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

The Constitution forbids discrimination based on race, nationality, ethnic origin, language, sex, opinion and political allegiance, wealth, or social background; however, in practice the Government did not enforce these provisions effectively, and women, Roma, and other minorities were subject to various forms of discrimination.

An emergency ordinance passed in January 2002 prohibited discrimination based on a number of factors and established the ability to sue on the grounds of discrimination. The National Council on Combating Discrimination, the agency enforcing the ordinance, was established on July 31. In August, a new ordinance increased fines for discriminatory acts up to approximately \$1,200 (40 million lei).

According to the National Union of Organization of Persons Affected by HIV/AIDS (UNOPA), the principle of confidentiality and the right to work were sometimes disregarded in cases of persons with HIV. For example, some employees reportedly were hired and fired according to their HIV status in violation of the labor laws.

Women.—Violence against women, including rape, continued to be a serious problem. Both human and women's rights groups reported that domestic violence was common. According to a 2002 U.N. survey, 45 percent of women have been verbally abused, 30 percent physically abused, and 7 percent sexually abused. In May, a law was adopted that made police intervention possible in domestic violence cases. There

is no specific law to address spousal abuse or rape. The prosecution of rape cases was difficult because it required both a medical certificate and a witness, and a rapist could avoid punishment if he married the victim. The successful prosecution of spousal rape cases was almost impossible. A law passed in January mandated the same penalties for rape and sexual abuse without regard to the victim's gender.

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

The Constitution grants women and men equal rights; however, in practice the Government did not enforce these provisions, nor did authorities focus attention or resources on women's issues.

The law prohibits any act of gender discrimination, including sexual harassment. Few resources were available for women to deal with economic discrimination. Despite existing laws and educational equality, women had a higher rate of unemployment than men, occupied few influential positions in the private sector, and earned lower wages. A department in the Ministry of Labor and Social Protection advanced women's concerns and family policies. It organized programs for women, proposed new laws, monitored legislation for sexual bias, targeted resources to train women for skilled professions, and addressed the problems of single mothers, especially in rural areas. There is an Ombudsman in the Department for Child, Woman, and Family Protection to resolve complaints of discrimination.

Children.—The Government administered health care and public education programs for children, despite scarce resources that limited the availability of services. International agencies and NGOs supplemented government programs in these areas.

Education was free and compulsory through the eighth grade. After the eighth grade, schools charged fees for books, which discouraged attendance for lower income children, particularly Roma. During the 2001–2002 school year, approximately 96 percent of primary school-age children attended school, including kindergarten. Boys and girls generally received the same treatment in schools. The Ministry of Education reported that the dropout rate in the 2000–2001 school year was approximately 0.6 percent.

UNOPA reported that there were repeated interruptions in treatment for AIDS patients, mostly children, in the health system. The unnecessary discontinuity of treatment was more harmful than non-treatment and increased the potential of drug resistance development.

Laws to protect children from abuse and neglect were inadequate, and there were reports that abuse of children was a problem. While there are criminal penalties, there was no consistent policy or procedure for reporting child abuse and neglect and no system for treating families who abuse their children. In 2001, the National Authority for Child Protection and Adoption informally counted child abuse events reported by the Departments of Child Protection in each county and determined that there were a total of 1,770 physical abuse cases and 183 sexual abuse cases. A task force coordinated by the National Authority is developing standards, training, policies, and procedures for dealing with the problem.

Although illegal, marriages between Roma children under the age of consent were common. In October, the Government ordered a 12-year-old Roma girl and a 15 year-old Roma boy separated and all intimate relations between them halted after a highly-publicized marriage. However, human rights groups reported that such marriages continued, frequently without notice or intervention by authorities.

Trafficking in girls for the purpose of prostitution was a problem (see Section 6.f.).

The numbers of children reported in care institutions varies considerably because there is no detailed and standardized reporting system. In addition to increasing the use of foster care and care within the extended family, the National Authority for Child Protection and Adoption helped finance the creation of community alternatives to state child care institutions. The former canine spital (specialized medical placement units), which were the last to be transferred to the National Authority for Child Protection and Adoption, continued to have the worst conditions.

Living conditions have improved in most child care institutions in recent years. The EU Report for Romania released during the year noted significant progress in the reform of child protection. More than half of the 86,000 children in public care were placed with families (extended family, foster care), while 37,000 children remained in residential care (including special schools). A methodology for the closure of large residential institutions had been developed and was being implemented; 54 large institutions had been closed. By June, a total of 776 units providing alternative child-protection services had been established (mother and baby centers, family type homes, counseling services). While some 120 large institutions remained, the report noted that the majority had been restructured into family-type modules and material living conditions were generally appropriate.

The EU Report for Romania also noted that the situation of children with disabilities has also improved. The majority of the old style residential institutions had been closed or restructured, while preparations were underway to close the remaining inappropriate institutions. A growing number of services were available to support children with disabilities and their families so that children do not have to be placed out of home.

Numbers of impoverished and apparently homeless children were seen on the streets of the larger cities. While the Government did not have statistics defining the scope of the problem nationwide, police reports and social workers' estimates placed the number of street children nationwide at 1,500. However, this number was lower than had been estimated in the past and questionable, given that street children were extremely difficult to count.

Approximately half of the children remaining in the large childcare institutions were between the ages of 14 and 18. Without changes to the system, a significant number were likely to leave these institutions with no skills and employment and no ability to earn a living or obtain housing. There was no systematic provision of labor market information, skills training, or job placement services for these young persons and there was a high probability that they would gravitate to the streets, engaging in prostitution or crime. In 2002, a greater emphasis began to be placed on this group with programs being developed to aid the integration of its members into society. In March 2002, the Government passed Law 116, which mandates that the National Agency for Employment provide up to 75 percent of the median national salary to employers for hiring persons between 16 and 25 years who are at risk of social exclusion.

NGOs working with children remained particularly concerned about the number of minors in prison (see Section 1.c.). These NGOs continued to seek alternative solutions to sending juveniles to prison, such as parole. Because time served while awaiting trial counts toward prison sentences, but not toward the time to be served in a juvenile detention center, some minors actually requested prison sentences.

Persons with Disabilities.—Difficult economic conditions and serious budgetary constraints contributed to harsh living conditions for those with physical or mental disabilities. Outside of large institutions, social services for persons with disabilities were almost nonexistent. Many persons with disabilities could not make use of government-provided transportation discounts because public transport did not have facilitated access. The law does not mandate accessibility for persons with disabilities to buildings and public transportation.

National/Racial/Ethnic Minorities.—In June, the Department for Interethnic Relations and the National Office for Roma were placed under the General Secretariat of the Government. These offices were responsible for monitoring the problems of ethnic minorities, maintaining contacts with minority groups, submitting proposals for draft legislation and administrative measures, maintaining links with local authorities, and investigating complaints.

Ethnic Hungarians are the largest minority community, with 1,434,377 members according to the 2002 census. Their UDMR party was in de facto political alliance with the ruling minority PSD Government after signing a protocol of cooperation with the PSD in February.

A government decree permits students in state-funded primary and secondary schools to be taught in their own language, with the exception of secondary school courses on the history and geography of the country. In the Moldavia region, some in the Roman Catholic Csango community, who speak an archaic form of Hungarian, repeatedly complained that there was no schooling available in their language. They established two groups with Hungarian as the maternal language in schools in Pustiana and Cleja.

According to the final results of the 2002 census, the Roma population numbered 535,250, or 2.5 percent of the population. Some observers, including the European Commission, estimated that the Roma population was actually between 1.1 and 1.5 million. Roma groups complained that police brutality, including beatings and harassment, was routine (see Section 1.c.). Under a government program, Roma living illegally in Bucharest on public land were forced to relocate to their counties of origin (see Section 1.f.). According to the Government, only 27 percent of Roma had steady jobs and only half of those jobs were considered skilled. Illiteracy among Roma older than 45 years of age was approximately 30 percent.

The National Council on Combating Discrimination received 456 public complaints during the year, of which 314 were resolved. In another 61 cases, the Council decided to take action on its own initiative. Of the total number of 517 cases, 96 involved discrimination on ethnic grounds. Of these, over half of complaints involved discrimination against Roma. The Council levied and collected fines in 28

cases, the largest amounting to approximately \$600 (20 million lei). The Council set up a National Anti-Discrimination Alliance, a forum for discussion with NGOs, in March and drafted a National Anti-Discrimination Plan in September.

While the Government reported that 60 percent of the goals of the 2001 National Strategy for the Improvement of the Situation of Roma were achieved, Roma NGOs asserted that, with the exception of the establishment of bodies to implement the strategy, there were few practical achievements. The National Office for Roma maintained a database on the living conditions and needs of the Roma community. However, the National Office was understaffed and its approximately \$1.7 million (56 billion lei) budget was insufficient to fully implement the strategy.

The Roma population continued to be subject to societal discrimination. The National Council on Combating Discrimination fined two private companies approximately \$60 and \$240 (2 and 8 million lei) for denying access to Roma. Some schools, such as in Cehei, Salaj county, segregated Roma children. Following a complaint by Romani CRISS to the Ministry of Education, the situation was partially resolved by year's end.

At the end of November, the ruling PSD signed an agreement of cooperation with the Roma Party. It called for the continued monitoring of the Roma situation, the hiring of Roma in state institutions, and programs to educate the public about racism and discrimination.

A partnership protocol that sets forth cooperative measures between the Health Ministry and the Roma Party to ensure that Roma have access to health care continued during the year. The protocol helped resolve most complaints of discrimination against Roma in the health system and led to several vaccination campaigns for Roma children. Romani CRISS maintained a training program (with private funding) in cooperation with the Ministry of Health for Roma medical-social mediators, and 160 such mediators were hired by the Directorate of Public Health.

A survey by the Press Monitoring Agency in June-July showed that approximately 80 percent of the television news on Roma concerned conflict-generating events, such as illegal migration and police raids in Roma communities, and used images reflecting stereotypes.

Section 6. Worker Rights

a. The Right of Association.—All workers, except certain public employees, have the legal right to associate freely and to form and join labor unions without previous authorization, and they freely exercised this right. The new Trade Union Law, which took effect in February, improved legal guarantees of the right of association, allowing public employees and farmers to form or join unions. A minimum of 15 persons of the same profession can set up a union organization, even if they work for different employers. Ministry of Defense, Ministry of Administration and Interior, and intelligence personnel are not allowed to unionize.

The majority of workers belonged to approximately 18 national trade union confederations and smaller independent trade unions. Trade unions may acquire property, support members' 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. Workers may not be forced to join or withdraw from unions, and union officials who resign elected positions and return to the regular work force are protected against employer retaliation.

The right to form unions generally was respected in practice. However, some employers created enterprise-friendly "yellow unions." Anti-union employers—usually foreign companies—could make employment conditional upon a worker agreeing not to create or join a union. Unions reported that the Government interfered in trade union activities, collective bargaining, and strikes, and alleged that union registration requirements were excessive.

The law prohibits antiunion discrimination, and the Government generally respected this prohibition in practice.

Past studies indicated that labor laws fell short of International Labor Organization (ILO) standards in areas such as election of union representatives, arbitration, liability of strike organizers, the restriction of eligibility for trade unions, and the restriction of eligibility for trade union membership and offices. Most of these issues were resolved by the new Labor Code and the Trade Union Law. Draft texts of the laws were sent to the ILO for review and comment, and the final texts included most of the ILO's recommendations.

The law stipulates that labor unions should be free from government or political party control, a provision that the Government generally respected in practice. Unions were free to engage in political activity and did 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 and Cartel Alfa are affiliated with the World Labor Confederation. Representatives of foreign and international organizations freely visited and advised domestic trade unionists.

b. The Right to Organize and Bargain Collectively.—Workers have the right to bargain collectively, but collective bargaining was hindered by state control of many industrial enterprises and the absence of independent management representatives at these entities. Although the law supports collective bargaining as an institution, resulting contracts were not consistently enforceable. Basic wage scales at state-owned enterprises were established through collective bargaining with the Government. Public employees could bargain for everything except salaries, which were set by the Government. Unions claimed that downsizing decisions resulting from agreements with international financial institutions violated labor agreements.

The collective labor dispute law establishes the conciliation, mediation, and arbitration procedures that must be followed during strikes. The law provides for establishment of tripartite arbitration panels from arbitrators approved by the Economic and Social Council, where trade unions and employers associations each have one-third of the membership. Nevertheless, mediation capability has not developed fully. Local panels were poorly trained, and unions continued to take disputes to the Government for resolution.

Neither the new Labor Code nor the new Trade Union Law changed lengthy and cumbersome requirements that make it difficult to hold strikes legally. Unions may strike only if all conciliation means have failed, and the employer is given 48 hours notice. Strikes can only be held to defend the workers' economic interest and not for political reasons. Companies can claim damages from strike initiators if a court deems a strike illegal. Unions complained that they must submit their grievances to government-sponsored conciliation before initiating a strike, and that the courts had a propensity to declare illegal the majority of strikes. Judges, prosecutors, and related Ministry of Justice staff are prohibited to strike, as are Ministry of Defense, Ministry of Administration and Interior, and intelligence service employees. As in the past, fear of job losses due to privatization motivated many strikes. The Government took unions' concerns into account in its privatization strategies.

Labor unrest continued at the Resita steel plant.

Labor legislation is applied uniformly through the country, including in the 6 free trade zones and the 31 disadvantaged zones.

c. Prohibition of Forced or Bonded Labor.—The Constitution prohibits forced or bonded labor, including by children; however, there were reports of Roma children involved in child labor and trafficking (see Sections 6.d. and 6.f.).

The Ministry of Labor, Social Solidarity and Family is responsible for enforcing the law.

d. Status of Child Labor Practices and Minimum Age for Employment.—The minimum employment age is 16 years, but children may work with the consent of parents or guardians at age 15, although only "according to their physical development, aptitude, and knowledge." Minors are prohibited from working in hazardous conditions. Violations of the child labor laws are punishable by imprisonment for periods of 2 months to 3 years. 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 authority to impose fines and close factories to ensure compliance with the law.

A department in the Office of the Prime Minister is responsible for child protection. The Government established organizations in the counties and in Bucharest to enforce child welfare laws. The roles and responsibilities of the agencies that enforce child labor laws remained ill defined, and these laws were often enforced only when a particularly grave case became public. Despite the prevalence of child labor, there were no reports of anyone being charged or convicted this year under any of the child labor laws.

There were no accurate statistics on illegally employed children. Child labor, including begging, selling trinkets on the street, or washing windshields, remained widespread in the Roma community; these children could be of any age.

There was recognition of the problem, and the country continued to show progress in eliminating the worst forms of child labor. Child labor legislation was adequate, but enforcement tended to be lax except in extreme cases, most notably those that attract media attention, such as a case in which children had been "sold" by a rural family to work on a pig farm. The case only came to light when one of the children was grievously injured and had to receive medical care.

A memorandum of understanding between the Government and the ILO on the elimination of child labor was extended for 5 years in June 2002. With ILO support, the Government began implementing a comprehensive International Program on the Elimination of Child Labor (IPEC). The program encompassed measures to: Prevent the increase of child labor in both urban and rural areas; build the capacity of government and non-government agencies to address child labor cases; research the extent and nature of the child labor problem; and raise public awareness. The program's strategy was to identify vulnerable groups and initiate measures in partnership with government agencies, trade unions, universities, and NGOs.

During the year, the National Steering Committee of the Ministry of Labor, Social Solidarity and Family developed a national action plan on child labor. Under the plan, units were established to investigate and monitor child labor, a national advisory group set up to disseminate information, and inter-sectoral teams established in Bucharest and 18 counties.

e. Acceptable Conditions of Work.—Most wage rates were established through collective bargaining at the enterprise level and based on minimum wages for specific economic sectors and categories of workers. The Government set these minimums after negotiation with industry representatives and labor confederations. Minimum wage rates generally were observed and enforced. During the year, the minimum monthly wage was raised from approximately \$53 (1,750,000 lei) to approximately \$72 (2.5 million lei). The minimum monthly wage did not provide a decent standard of living for a worker and family. Prices for utilities continued to rise, but basic food and pharmaceutical products were subsidized. Housing was priced by the market.

A new Labor Code took effect on March 1. The Code was expected to be further refined in approximately 16 subsequent special laws. The Labor Code provides for a standard workweek of 40 hours or 5 days, with overtime paid for weekend or holiday work or work in excess of 40 hours, but not to exceed 48 hours, per week. The Code requires a 24-hour rest period in the workweek, although most workers received 2 days off per week. Paid holidays range from 18 to 24 working 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.

Neither the Government nor industry, much of which is still state owned, had the resources to improve workplace health and safety conditions significantly. The Ministry of Labor, and Social Solidarity and Family established and enforced safety standards for most industries. However, it lacked trained personnel for enforcement, and employers often ignored its recommendations. Workers have the right to refuse dangerous work assignments, but seldom invoked it in practice.

After a 2001 explosion killed 10 workers in the port of Constanta, shipyard workers protested the lack of safety equipment and management violations of safety procedures. A government delegation led by Privatization Minister Musatescu mediated talks between workers and management; the situation remained unresolved at year's end. The mining industry particularly continued to be unsafe.

f. Trafficking in Persons.—The law prohibits trafficking; however, trafficking in persons continued to be a serious problem. There were some reports of police involvement in trafficking.

A 2001 law prohibiting trafficking took effect on February 6. It defines trafficking as the use of coercion to recruit, transport, harbor, or receive humans for exploitation. Coercion includes fraud or misrepresentation. Exploitation includes slavery, forced labor, prostitution, performance in pornographic films, organ theft, or other conditions that violate human rights. For minors under the age of 18, it is not necessary to prove coercion.

The law provides for 3 to 12 years' imprisonment for trafficking in minors between 15 and 18 years of age. Sentences are increased to 5 to 15 years for trafficking in minors under age 15, if there are two or more victims, or if a victim suffers serious bodily harm or health problems. The sentence for trafficking that leads to the death or suicide of the victim is 5 to 25 years. These penalties are increased by 3 years if the trafficker belongs to an organized crime group and by 2 years if coercion is applied against minors. Consent of a trafficked person does not exempt the trafficker from liability.

The Government increased its efforts against trafficking and police officers continued to pursue cases via their Human Trafficking Task Force. The police assigned 15 officers at headquarters in Bucharest and over 87 officers in 15 zonal centers across the country to investigate trafficking. Of the 87 officers assigned to zonal centers, 42 were women who had received training in anti-trafficking procedures. They continued to expand interagency and local resources assigned to trafficking, and the Government established itself as a strong participant in regional law enforcement

cooperation. During the first 6 months of the year, police identified a total of 658 trafficking crimes. A total of 488 individuals were under investigation for violations connected with trafficking, and, as of June, police had arrested 130 suspects and dismantled 184 trafficking networks. Authorities obtained 9 final convictions under the new trafficking law (for cases in 2001 and 2002) with 7 years given as the maximum sentence for each offense. This contrasted with 2002, when police identified 459 crimes and investigated 420 persons. The Government reported 50 anti-trafficking convictions during the year, compared with none the year before.

In September, press reports indicated that French police arrested 67 adults in a Roma encampment outside Paris and charged them with organizing sexual enslavement of Roma children allegedly kidnapped from the country and brought to France to steal and prostitute themselves.

Starting in 2001, the Prosecutor General's office assigned prosecutors throughout the country to prosecute trafficking and related cases. A handful of prosecutions occurred for pimping offenses. Prosecutions based on indictments under the new trafficking law continued.

During September, the Government participated in the launch of the SECI Regional Anti-Crime Center's Operation Mirage 2003. The success of Operation Mirage in the summer of 2002 led to this second effort at an aggressive and active regional operation to counter trafficking and illegal migration in the Balkans. During the operation, police in the country checked 5,920 controlled places (such as night clubs, discotheques, restaurants, and border crossing points), identified 463 victims and 595 traffickers, initiated 319 criminal procedures, and arrested or charged 207 traffickers.

The country was an origin and transit point for trafficked women and girls from Moldova, Ukraine and other parts of the former Soviet Union to Bosnia, Serbia and Montenegro (including Kosovo), Macedonia, Turkey, Albania, Greece, Cyprus, Italy, France, Germany, Hungary, the Netherlands, Poland, the United Arab Emirates, Japan, and Cambodia for sexual exploitation. Since trafficking patterns are changing, the International Organization for Migration (IOM) noted that it was not possible to estimate accurately the number of trafficked women for the year. Iasi and Timisoara remained major transit centers. Trafficking routes generally went from the border with Moldova to all Balkan countries. While victims were primarily women and girls trafficked for sexual exploitation, there were reports that men were trafficked to Greece for agricultural labor.

Often women were recruited by persons they knew or by newspaper advertisements. A friend or relative would make the initial offer, often telling the victim that she would obtain a job as a baby sitter or waitress. According to the IOM, most women were unaware that they would be forced into prostitution. A minority of trafficked women were sold into prostitution by parents or husbands or kidnapped by trafficking rings. Government officials reported that trafficking rings appeared to be operated primarily by citizens; several domestic prostitution rings were active.

The IOM reported that it assisted 159 trafficking victims, all but two of whom were female, during the year. Of those, 145 were repatriated and 14 provided with integration assistance. Since 2002, the NGO Save the Children dealt with 40 cases related to trafficking, 10 of which involved children. Save the Children noted that trafficking of persons to serve as beggars in Western Europe and the United States continued to be a problem.

The country had approximately 35,000 children in orphanages, some of which reportedly paid insufficient attention to the dangers of girls being trafficked from their facilities. Persons forced out of orphanages between the ages of 16 and 18 often had no identity documents, very little education, and few, if any, job skills. NGOs believed that many girls from orphanages were unaware of the danger and fell victim to trafficking networks.

The Government continued to recognize that corruption in the police, particularly local forces, is a problem. During the year, 2 border police officers were investigated for corruption crimes related to trafficking and removed from duty at Otopeni Airport; 13 Border Police officials (4 from the eastern border, and 9 from the western) were also under investigation for corruption crimes related to trafficking at year's end. Training and personnel changes continued, and most police acknowledged that the country is a source of trafficked victims. Police continued to investigate suspected trafficking through border crossing checks. Border Police questioned victims and attempted to identify traffickers. Organized Crime Directorate officers assigned to investigate trafficking questioned suspects that were identified by victims.

The law requires the Government to protect trafficking victims and authorizes undercover operations and electronic surveillance against traffickers. The law also eliminates criminal penalties for prostitution if the victim turns in or cooperates in the investigation of traffickers.

The Government generally provided little aid to repatriated victims. The IOM, the Ministry of Administration and Interior, and a small number of local NGOs dealt with trafficking issues. The IOM and the Ministry operated a shelter in Bucharest for up to 10 victims with the assistance of Romanian Orthodox Church social workers, NGOs in Bucharest, and the National Office for Refugees. The NGO Reaching Out operated a shelter in Pitesti and the local NGO Alternative Sociale opened a shelter in Iasi with the IOM and Greek Orthodox Church support.

During the year, numerous media stories and anti-trafficking messages on government-sponsored television raised awareness of the problem. All relevant ministries participated in an IOM-coordinated Counter Trafficking Steering Committee and the IOM, with some support from foreign governments, continued its campaign to increase awareness of the problem.

RUSSIA

The 1993 Constitution established a governmental structure with a strong head of state (President), a government headed by a prime minister, and a bicameral legislature (Federal Assembly) consisting of a lower house (State Duma) and an upper house (Federation Council). The country has a multi-party system, but the pro-presidential party that controls over two-thirds of the Duma puts majority support within reach for all presidential priorities. President Vladimir Putin was elected in March 2000. A new Duma was chosen on December 7, in an electoral process that the Organization of Security and Cooperation in Europe (OSCE) described as technically well managed but marred by widespread misuse of administrative resources by pro-government parties, systematically biased media coverage, and inequitable treatment of political parties. The Constitution provides for an independent judiciary. Although seriously impaired by a shortage of resources and by corruption, and still subject to undue influence from other branches of Government, the judiciary continued to show some increasing independence, and the criminal justice system was slowly undergoing reforms.

The Ministry of Internal Affairs (MVD), the Federal Security Service (FSB), the Procuracy, and the Federal Tax Police are responsible for law enforcement at all levels of Government. The FSB has broad law enforcement functions, including fighting crime and corruption, in addition to its core responsibilities of security, counterintelligence, and counterterrorism. The FSB operated with only limited oversight by the Procuracy and the courts. The primary mission of the armed forces is national defense, although the Government has employed them in local internal conflicts, and they were also available to control civil disturbances. The authorities increasingly dealt with security threats in parts of the country by employing militarized elements of the security services. Members of the security forces, particularly within the internal affairs apparatus, continued to commit numerous and serious human rights abuses.

The country had a population of approximately 145 million. The economy continued to grow, and the annual Gross Domestic Produce (GDP) growth was 7 percent compared with 4.5 percent in 2002; GDP was \$365 billion. Industrial production grew by 5.9 percent, and real income increased by 8.6 percent; however, approximately 27 percent of the population continued to live below the official monthly subsistence level of \$73. As of November, official unemployment was 8.6 percent, up from 7.1 percent at the end of 2002. Corruption continued to be a negative factor in the development of the economy and commercial relations.

Although the Government generally respected the human rights of its citizens in some areas, its human rights record worsened in a few areas. The Government's record remained poor in the continuing struggle with separatists in Chechnya, where federal security forces demonstrated little respect for basic human rights. There were credible reports of serious violations, including numerous reports of unlawful killings, and of abuse of civilians by both the Government and Chechen fighters in the Chechen conflict. There were reports of both government and rebel involvement in politically motivated disappearances in Chechnya. Parliamentary elections held on December 7 failed to meet international standards, although the voting process was technically well run. Criminal charges and threats of arrest or actual arrest against major financial supporters of opposition parties, and seizure of party materials from opposition parties, undermined the parties' ability to compete.

There were credible reports that law enforcement personnel frequently engaged in torture, violence, and other brutal or humiliating treatment and often did so with impunity. Hazing in the armed forces remained a problem. Prison conditions continued to be extremely harsh and frequently life-threatening. Arbitrary arrest and

lengthy pretrial detention, while significantly reduced by a new Code of Criminal Procedure, remained problems, as did police corruption. Although there were some improvements, assessments of the progress made in implementing the significant reforms in criminal procedures code enacted in 2002 were mixed at year's end. Government protection for judges from threats by organized criminal defendants was inadequate, and a series of alleged espionage cases continued during the year and caused continued concerns regarding the lack of due process and the influence of the FSB in court cases. Authorities continued to infringe on citizens' privacy rights.

Government pressure continued to weaken freedom of expression and the independence and freedom of some media, particularly major national television networks and regional media outlets; this resulted in the elimination of the last major non-state television station; however, a wide variety of views continued to be expressed in the press. Authorities, primarily at the local level, restricted freedom of assembly and imposed restrictions on some religious groups. Societal discrimination, harassment, and violence against members of some religious minorities remained problems. Local governments restricted citizens' freedom of movement, primarily by denying legal resident permits to new residents from other areas of the country. Government institutions intended to protect human rights were relatively weak but remained active and public. The Government placed restrictions on the activities of both nongovernmental organizations (NGOs) and international organizations in Chechnya. Ethnic minorities, including Roma and persons from the Caucasus and Central Asia, faced widespread governmental and societal discrimination, and, at times, violence. There were increasing limits on workers' rights, and instances of forced labor and child labor were reported. Trafficking in persons, particularly women and girls, was a serious problem.

RESPECT FOR HUMAN RIGHTS

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

a. Arbitrary or Unlawful Deprivation of Life.—There were no confirmed reports of political killings by government agents; however, there continued to be credible reports that the federal armed forces engaged in unlawful killings in Chechnya. There also were credible reports that the armed forces used indiscriminate force at various times in the Chechen conflict in areas with significant civilian populations, resulting in numerous deaths (see Section 1.g.). They generally conducted such actions with impunity; however, there was at least one conviction; on July 25, a military court convicted Colonel Yuriy Budanov of charges of kidnapping, murder and abuse of authority in the death of an 18-year-old Chechen woman (see Section 1.g.). Hazing in the armed forces resulted in the deaths of servicemen (see Section 1.c.).

The press and media NGOs reported that unknown parties killed a number of journalists, presumably because of the journalists' work (see Section 2.a.).

Attacks on ethnic and racial minorities resulted in at least one death (see Section 5).

There were a number of killings of government officials throughout the country, some of which may have been politically motivated, in connection with either the ongoing strife in Chechnya, or with politics. A prominent Duma Deputy and Liberal Russia party co-Chairman, Sergey Yushenkov, was shot to death on April 17. Yushenkov had been an outspoken critic of the Putin Administration on a number of issues, and he was engaged in rivalry for leadership within his own party. A number of observers charged that the professionally executed killing was politically motivated. The first court hearing on Yushenkov's case was held on December 26. The prosecutor accused six persons, including Mikhail Kodanov, co-chair of the Liberal Russia party, and a supporter of President Putin's adversary Boris Berezovskiy.

Yuri Shchekochikhin, a Member of the Duma and deputy editor of *Novaya Gazeta*, died in July under mysterious circumstances. Along with Yushenkov, he had begun to investigate charges of FSB responsibility for a series of 1999 apartment building bombings at the time of his death. In December, Yabloko launched its own investigation into Shchekochikhin's death.

On May 14, the St. Petersburg city court returned a guilty verdict for all four suspects in the 1999 killing of St. Petersburg legislative assembly Deputy Viktor Novoselov. Artur Gudkov, who had played the key role in the killing, received a life sentence; the other three received shorter sentences. Law enforcement officials were still looking for the individual or individuals who ordered the killing.

On June 26, a court acquitted all defendants charged with the 1994 murder of journalist Dimitriy Kholodov (see Section 2.a.).

Although the FSB announced in 2002 that they had arrested six unidentified suspects and charged them with the 1998 killing of Galina Starovoytova, a prominent Duma deputy, the investigation continued, and the suspects remained in detention

at year's end. Human rights activists were convinced the suspects were not the masterminds of the killing, and some claimed that the Liberal Democratic Party of Russia was behind it.

Chechen rebels killed numerous civilians and increased their killings of civilian officials and militia associated with the Federally-appointed Chechen administration (see Section 1.g.). Chechen fighters killed a number of federal soldiers whom they took prisoner (see Section 1.g.). Large numbers of individuals were kidnapped and killed in Chechnya during the year (see Sections 1.b., 1.c., and 5). Both sides, as well as criminal elements, were involved in these activities. Authorities attributed bombing incidents in Dagestan and several cities in southern areas of the country to Chechen rebels.

Government forces and Chechen fighters have used landmines extensively in Chechnya and Dagestan since August 1999; there were many civilian landmine casualties in Chechnya during the year.

b. Disappearance.—There were reports of government involvement in politically motivated disappearances in Chechnya. The NGO Memorial claimed that federal military forces have detained thousands of persons from Chechnya since the beginning of the conflict. According to Memorial, there were 472 cases of disappearances during the year. Memorial based this statistic only on the 25 to 30 percent of Chechnya to which Memorial had access, and it speculated that the actual number was at least three times higher. Of the 472, 269 disappeared without a trace, 48 were later found dead with marks of torture, and 155 were later released after a ransom was paid. According to Memorial, there was a sharp rise in disappearances during the year but a dramatic decline before the March constitutional referendum and the October presidential elections.

For example, Human Rights Watch (HRW) reported that Russian forces had “disappeared” at least 26 people between late December 2002 and late February. This was the highest rate of “disappearances” documented by HRW since 1999. HRW reported that, on June 2, security forces took five men, including Said-Magomed Imakaev and Ruslan Utsaev, from their homes in the Chechen village of Novye Atagi. Russian federal troops had detained Said-Magomed Imakaev's son, Said-Khusein Imakaev, in December 2000. There was at least one report that an NGO worker in Chechnya was kidnapped and threatened during the year (see Section 4).

The August 2002 kidnapping by unknown persons of the head of the Doctors without Borders Mission in Dagestan, which neighbors Chechnya, remained unsolved. Police and security services continued to investigate the case. This event, and overall security problems in the region, led the U.N. and many NGOs to suspend their activities temporarily, although the International Committee of the Red Cross (ICRC) resumed operations in Dagestan in November.

There were numerous investigations into kidnappings, but as of January, only 1 of the 1,178 criminal cases initiated in relation to kidnapping had resulted in the commencement of criminal proceedings against an employee of the state law enforcement agencies. In the view of many observers, Government forces were implicated in many of the kidnappings. This led Rudolf Bindig, the Council of Europe's (COE) Rapporteur, to complain of a climate of impunity for state forces in Chechnya.

There were no developments in the ongoing criminal investigation into the disappearance in 2000 of former speaker of the Chechen Parliament and former field commander Ruslan Alikhadzhiyev, whom federal forces allegedly detained in Shali, and resolution of the case appeared unlikely.

Memorial estimated early in the year that the number of individuals unaccounted for in Chechnya since 1999 was somewhere between several hundred and more than 2 thousand. Russian and Chechen officials, including Chechen President Akhmed Kadyrov, acknowledged that disappearances continued but attributed many of them to separatist fighters. Memorial and other observers have said Kadyrov's security forces were also responsible for kidnappings. While many disappearances remained unresolved, the abductors released most of those taken, often after their relatives paid a bribe.

Criminal groups in the Northern Caucasus, some of which may have links to elements of the rebel forces, frequently resorted to kidnapping. The main motivation behind such cases apparently was ransom, although some cases had political or religious overtones. The hostage-takers held many of their victims in Chechnya or Dagestan.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.—The Constitution prohibits torture, violence, and other brutal or humiliating treatment or punishment; however, there were credible reports that law enforcement personnel frequently engaged in these practices to coerce confessions from suspects and

that the Government often did not hold officials accountable for such actions. Neither the law nor the Criminal Code defines torture; it is mentioned only in the Constitution. As a result, it was difficult to charge perpetrators. The only accusation prosecutors could bring against the police was that they exceeded their authority or committed a simple assault.

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 described the practice of such abuse as widespread. Numerous press reports indicated that the police frequently beat persons with little or no provocation or used excessive force to subdue detainees.

Although there was no indication of a return to the widespread use of psychiatric methods against political prisoners, an NGO cited Sergey Volkov, whom the authorities described as a specialist in "sects," as stating that approximately 10 Jehovah's Witnesses were in the psychiatric hospital in Penza, where doctors were trying to "return to them their mental health." Human rights activists, including Yuriy Savenko, head of the Independent Psychiatric Association of Russia, charged that political considerations had influenced a psychiatric evaluation supervised by the Ministry of Health that led to the determination that Platon Obukhov, a diplomat charged with espionage, was mentally ill. At year's end, Obukhov was undergoing treatment in a psychiatric hospital near Moscow.

Physical abuse by police officers usually occurred within the first few hours or days of arrest and usually took one of four forms: Beatings with fists, batons, or other objects; asphyxiation using gas masks or bags (at times 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 abuse were difficult to substantiate because of lack of access by medical professionals and because the techniques used often left few or no permanent physical traces. There were credible reports that government forces and Chechen fighters in Chechnya tortured detainees (see Section 1.g.).

Reports by refugees, NGOs, and the press suggested a pattern of police beatings, arrests, and extortion directed at persons with dark skin, or who appeared to be from the Caucasus, Central Asia, or Africa, as well as Roma (see Section 5). Police continued to harass defense lawyers, including through beatings and arrests, and continued to intimidate witnesses (see Section 1.e.).

Police on at least one occasion beat protesters (see Section 2.b.).

Various abuses against military servicemen, including, but not limited to, the practice of "dedovshchina" (the violent, at times fatal, hazing of new junior recruits for the armed services, MVD, and border guards), continued during the year. Press reports cited serving and former armed forces personnel, the Main Military Procurator's Office (MMPO), and NGOs monitoring conditions in the armed forces, which indicated that this mistreatment often included the use of beatings or threats of increased hazing to extort money or material goods. On September 3, the chief military prosecutor announced that approximately 2,000 hazing incidents had been reported in the military in the first half of the year, an increase of 30 percent from the same period in 2002. According to the chief military prosecutor, over 300 criminal cases were opened regarding hazing incidents in the army during the year. He estimated that 1,200 soldiers had died in non-combat situations in the first half of the year, of which at least 16 were the result of hazing. At least five other deaths of military personnel have been attributed to cases of assault and battery. Soldiers often did not report hazing to either unit officers or military procurators due to fear of reprisals, since officers in some cases reportedly tolerated or even encouraged such hazing as a means of controlling their units. There also were reports that officers used beatings to discipline soldiers whom they found to be "inattentive to their duties." Hazing reportedly was a serious problem in Chechnya, particularly where contract soldiers and conscripts served together.

Both the Union of Soldiers' Mothers Committee (USMC) and the MMPO received numerous reports about "nonstatutory relations," in which officers or sergeants physically assaulted or humiliated their subordinates. Observers have commonly attributed this tendency to stressful conditions—for example, degrading and substandard living conditions—that persisted throughout the armed forces and to the widespread placement of inexperienced reserve officers, on active duty for 2 years, as leaders of primary troop units.

Despite the acknowledged seriousness of the problem, the leadership of the armed forces made only superficial efforts to implement substantive reforms in training, education, and administration programs within units to combat abuse. The limited scale of their efforts was due at least in part to lack of funding and to the leadership's preoccupation with urgent reorganization problems and the fighting in Chechnya. Although the MMPO continued to cooperate with the USMC to inves-

tigate allegations of abuse, the USMC believed that as a result of fear of reprisals, the indifference of commanders, and deliberate efforts to cover up such activity, most hazing incidents and assaults were not reported.

Prison conditions remained extremely harsh and frequently life threatening. The Ministry of Justice administered the penitentiary system centrally from Moscow. The Ministries of Justice, Health, Defense, and Education all maintained penal facilities. There were five basic forms of custody in the criminal justice system: Police temporary detention centers, pretrial detention facilities known as Special Isolation Facilities (SIZOs), correctional labor colonies (ITKs), prisons designated for those who violate ITK rules, and educational labor colonies (VTKs) for juveniles. Responsibility for operating the country's penal facilities fell under the Ministry of Justice's Main Directorate for Execution of Sentences (GUIN). As of August, there were approximately 877,000 persons in the custody of the criminal justice system. Men were held separately from women, as were juveniles from adults. The FSB continued to run the "Lefortovo" pretrial detention center in Moscow, in keeping with a 1998 Presidential decree. The COE's rapporteurs called in 2002 for the transfer of the penitentiary system to the Ministry of Justice "without delay." Lefortovo appeared to be the only SIZO not under the control of the Ministry of Justice.

The Government did not release statistics on the number of detainees and prisoners who were killed or died in custody, or on the number of law enforcement and prison personnel disciplined. The Moscow Center for Prison Reform (PCPR) estimated that in earlier years, 10,000 to 11,000 prisoners died annually in penitentiary facilities, 2,500 of them in SIZOs. During the year, these numbers were estimated to be somewhat lower. Most died as a result of poor sanitary conditions or lack of medical care (the leading cause of death was heart disease). The press often reported on individuals who were mistreated, injured, or killed in various SIZOs; some of the reported cases indicated habitual abuse by the same officers.

Abuse of prisoners by other prisoners continued to be a problem. Violence among inmates, including beatings and rape, was common. There were elaborate inmate-enforced caste systems in which informers, homosexuals, rapists, prison rape victims, child molesters, and others were considered to be "untouchable" and were treated very harshly, with little or no protection provided by the prison authorities.

Penal institutions frequently remained overcrowded; however, there were some improvements. Mass amnesties offered immediate relief. The authorities also took longer-term and more systemic measures to reduce the size of the prison population. These included the use of alternative sentencing in some regions and revisions of both the Criminal Code and the Criminal Procedures Code that eliminate incarceration as a penalty for a large number of less serious offenses. Many penal facilities remained in urgent need of renovation and upgrading. By law, authorities must provide inmates with adequate space, food, and medical attention; with the dramatic decrease in prison populations, they were increasingly meeting these standards.

Inmates in the prison system often suffered from inadequate medical care. In 2001, President Putin described the problem of disease in the prison system as a potential "Chernobyl." According to the GUIN, as of July 1 there were approximately 77,000 tuberculosis-infected persons and 37,000 HIV-infected persons in SIZOs and correction colonies. Public health measures, funded by international aid and by the doubling of government resources for the prison system's medical budget, have effected a limited reversal of the spread of tuberculosis but have not contained the spread of HIV. Detention facilities had tuberculosis infection rates far higher than in the population at large. The Saratov Oblast administration, concerned with the tuberculosis crisis in its facilities, fully funded the tuberculosis-related medicinal needs of prisoners, according to the PCPR. The PCPR also reported that conditions in penal facilities varied among the regions. Some regions offered assistance in the form of food, clothing, and medicine. NGOs and religious groups offered other support.

ITKs held the bulk of the nation's convicts. There were 753 ITKs. Guards reportedly disciplined prisoners severely to break down resistance. At times, guards humiliated, beat, and starved prisoners. According to the PCPR, conditions in the ITKs were better than those in the SIZOs, because the ITKs had fresh air. In the timber correctional colonies, where hardened criminals served their time, beatings, torture, and rape by guards reportedly were common. The country's "prisons"—distinct from the ITKs—were penitentiary institutions for those who repeatedly violated the rules in effect in the ITKs.

Conditions in police station detention centers varied considerably but generally were harsh; however, average periods of stay in such facilities decreased, and overcrowding was greatly alleviated. Implementation in July 2002 of the new Criminal Procedures Code and the overall reduction in the use of pretrial detention for petty criminals reduced both the numbers of persons being held and the length of time

they may be held in pretrial detention. Since 2000, the pretrial population has declined by approximately 46 percent, virtually eliminating the problem of overcrowding in those institutions.

Despite these improvements, conditions in SIZOs, where suspects were confined while awaiting the completion of a criminal investigation, trial, sentencing, or appeal, remained extremely harsh and posed a serious threat to health and life. Health, nutrition, and sanitation standards remained low due to a lack of funding. Head lice, scabies, and various skin diseases were prevalent. Prisoners and detainees typically relied on families to provide them with extra food. Poor ventilation was thought to contribute to cardiac problems and lowered resistance to disease.

Because of substandard pretrial detention conditions, defendants at times claimed that they had confessed simply to be moved to comparatively less harsh prison conditions. Defendants' retractions of confessions made under these conditions generally were ignored, as were those who attempted to retract confessions they claimed they were coerced to make (see Section 1.e.).

VTKs are facilities for prisoners from 14 to 20 years of age. Male and female prisoners were held separately. In August, GUIN reported that there were 62 educational colonies, 3 of which were for girls. Conditions in the VTKs were significantly better than in the ITKs, but juveniles in the VTKs and juvenile SIZO cells reportedly also suffered from beatings, torture, and rape. The PCPR reported that such facilities had a poor psychological atmosphere and lacked educational and vocational training opportunities. Many of the juveniles were from orphanages, had no outside support, and were unaware of their rights. There also were two prisons for children in Moscow. Boys were held with adults in small, crowded, and smoky cells. Schooling in the prisons for children was sporadic at best, with students of different ages studying together when a teacher could be found.

The Government generally permitted the ICRC to work throughout the country, and the ICRC carried out regular prison visits and provided advice to authorities on how to improve prison conditions. However, there were limitations on access in the northern Caucasus where the organization was particularly active. In that region, the Government granted the organization access to some facilities where Chechen detainees were held, but the pretrial detention centers and filtration camps for suspected Chechen fighters were not always accessible to the ICRC or other human rights monitors (see Section 1.g.).

d. Arbitrary Arrest, Detention, or Exile.—The Constitution provides that individuals may be arrested, taken into custody, or detained beyond 24 hours only upon a judicial decision; however, arbitrary arrest and detention remained problems. The Chief Justice of the Russian Supreme Court was quoted in May as saying that cases where law enforcement bodies asked courts to approve arrests, 92 percent were approved and 8 percent disapproved. He added that approximately 10 percent of such court decisions were appealed, with 87 percent of the arrests upheld by higher courts. The Criminal Procedures Code gives authorities the means to implement these requirements, and progress was made toward effective judicial oversight over arrests and detentions.

The Ministry of Internal Affairs, the national police, exists on the federal, regional, and local levels. Corruption was widespread and, although regulations and national laws prohibit corrupt activities, there were few crackdowns on illegal police activity. There were reports that the Government addressed only a fraction of the crimes federal forces committed against civilians in Chechnya (see Section 1.g.). Government agencies such as the MVD have begun to educate officers about safeguarding human rights during law enforcement activities through training provided by foreign governments; however, security forces remained largely unreformed.

The Criminal Procedures Code stipulates that if the police have probable cause to believe that a suspect has committed a crime, or that the suspect is an imminent threat to others, they may detain him for not more than 24 hours. During that time, they must notify the procurator, who then has 24 hours to confirm the charge or release the suspect. The Code also requires that the Procuracy obtain a judicial order for arrest, search, or seizure.

There were credible reports that security forces regularly continued to single out persons from the Caucasus for document checks, detention, and the extortion of bribes. According to NGOs, federal forces commonly detained groups of Chechen men at checkpoints along the borders, and during "mopping-up" operations following military hostilities, or in targeted operations known as "night raids," and severely beat and tortured them.

The Criminal Procedures Code also specifies the introduction of jury trials to the rest of the country (an experiment in jury trials has been underway in 9 out of 89 regions since 1993) for crimes punishable by more than 10 years' imprisonment. By the end of the year, 83 of the 89 regions implemented jury trials. On January 1,

2004, five of the remaining six regions, including St. Petersburg, were scheduled to implement jury trials, leaving only Chechnya, which was scheduled to begin jury trials on January 1, 2007. The new Criminal Procedures Code includes a formal procedure for pleading guilty and includes incentives such as shorter sentences and shorter trials for certain classes of crimes. In the first 6 months that this provision was available, it applied only to crimes punishable by less than 3 years' imprisonment. In that period, 100,400 criminal defendants made use of the new procedure. In July, the Code was amended to simplify the procedure and expand its availability to defendants facing up to 10 years' imprisonment.

The Criminal Procedures Code limits the duration of detention without access to counsel or family members and rendered statements given in the absence of a defense attorney unusable in court; however, there were reports that these reforms were being undermined by the police practice of obtaining "friendly" defense counsel for these interviews and the overall ignorance by defense counsel of these provisions. Despite the Code, courts remained reluctant to exclude evidence allegedly obtained through coercive means (see Section 1.e.).

In June, the Criminal Procedures Code was amended to permit "witnesses" to bring their own attorneys to interviews conducted by the police. This amendment was designed to address the police practice of interrogating suspects without the presence of counsel under the fiction that they were witnesses, and then after incriminating statements were obtained, declaring the suspects to be defendants. Generally was believed that if the witness was aware that that counsel could be present, witnesses were not being denied this right. Citizens' ignorance of their new rights was a problem. The Government was engaged in a public education program to inform citizens of their rights and responsibilities under the system introduced by the Code of Criminal Procedures, such as the right to a lawyer and the obligation to serve on juries when called. The Council of Judges together with the Supreme Court of the Russian Federation and the Russian Information Agency Novosty, conducted an educational program called "Public Trust" for citizens explaining the work of the judicial system and citizens' rights.

Judges generally freed suspects whose confessions were taken without lawyers present or who were held in excess of detention limits. The Supreme Court overturned a number of cases in which lower court judges granted permission to detain individuals on what the Supreme Court considered to be inadequate grounds.

Some regional and local authorities took advantage of the system's procedural weaknesses to arrest persons on false pretexts for expressing views critical of the Government. Human rights advocates in some regions were charged with libel, contempt of court, or interference in judicial procedures in cases with distinct political overtones. Journalists, among others, have been charged with other offenses and held either in excess of normal periods of detention or for offenses that do not require detention at all (see Sections 2.a. and 4).

The law prohibits pretrial detention for crimes carrying a sentence of less than 3 years unless the defendant poses a demonstrable flight risk; detention during trial is limited to 6 months, except where particularly grave crimes are involved. The Code specifies that within 2 months of a suspect's arrest police should complete their investigation and transfer the file to the procurator for arraignment. A procurator may request the court to extend the period of criminal investigation to 6 months in "complex" cases with the authorization of a judge. With the personal approval of the Procurator General, the judge may extend that period up to 18 months. Juveniles may be detained only in cases of grave crimes.

The Code states that police may detain an individual not more than 24 hours before the case is referred to the procurator and gives the procurator 24 hours in which to open or reject the criminal case. At that point, the procurator must decide whether to seek pretrial detention from the court. Pretrial detention is limited in most cases to 6 months. The investigators have 2 months to refer the case file to the court and request more time for detention. Only in a small number of serious crimes and complex investigations can the Procuracy request an extension of detention for an additional 6 months, and only with the personal approval of the Procurator General can they apply to the court for an extension to a maximum of 18 months. During the first 6 months in which the new procedures were in place, no such 18-month extensions were requested and most cases went to trial in the allotted 6 months. According to Chief Justice Lebedev, from January until May, the courts received 37,000 applications for the extension of pretrial detention; 35,000 were granted. These procedures were generally respected; however, there were still some judges and regions that did not appear to enforce them fully.

An individual detained before January 2002 could spend up to 3 years awaiting trial in a SIZO; however, the Criminal Procedures Code gives the courts, rather than the Procuracy, the authority to review detention, and although the Supreme

Court instructed all judges to enforce strictly statutory limits on pretrial detention, insufficient time had elapsed by year's end to permit evaluation of compliance with these instructions.

By December, there were approximately 866,500 persons in corrective facilities, prisons, and detention camps, including approximately 150,000 in prisons and in pretrial detention. In December, Minister of Justice Chaika stated, "since the population of imprisoned persons reached its peak in May 2000, it has been reduced overall by 240,000 persons."

At the end of December, a court suspended the trial of Igor Sutyagin, a disarmament researcher with the U.S. and Canada Institute, with the result that Sutyagin remained in pretrial detention where he has been since 1999 on suspicion of espionage. Prosecutors accused Sutyagin of passing classified information about the country's nuclear weapons to a London-based firm, but the Kaluga regional court ruled in 2001 that the evidence presented by the procurator did not support the charges brought against him and returned the case to the procurator for further investigation.

The European Court of Human Rights (ECHR) ruled in October that authorities in Yekaterinburg had violated Tamara Nikolayevna Rakevich's international rights to liberty and security by holding her for 29 days, rather than the statutory 5 days, before providing her with an opportunity to challenge her incarceration. Psychiatrists had diagnosed Rakevich with paranoid schizophrenia.

Significant reforms occurred in law enforcement and judicial procedures, however, the apparently selective arrest and detention of prominent businessman Mikhail Khodorkovsky on the eve of parliamentary elections raised a number of concerns over the arbitrary use of the judicial system.

The Constitution prohibits forced exile, and the Government did not employ it.

e. Denial of Fair Public Trial.—The Constitution provides for an independent judiciary, and there were increasing signs of judicial independence; however, the judiciary did not act as an effective counterweight to other branches of the Government. Judges remained subject to some influence from the executive, military, and security forces, particularly in high profile or politically sensitive cases. The judiciary continued to lack sufficient resources and was subject to corruption. At times, government authorities refused to implement court decisions, including some ordering them to register certain religious groups and organizations.

The judiciary is divided into three branches. The courts of general jurisdiction, including military courts, are subordinated to the Supreme Court. These courts hear civil and criminal cases and include district courts, which serve every urban and rural district, regional courts, and 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 (commercial) court system under the High Court of Arbitration constitutes a second branch of the judicial system. Arbitration courts hear cases involving business disputes between legal entities, and between legal entities and the state. The Constitutional Court (as well as constitutional courts in a number of administrative entities of the Russian Federation) constitutes the third branch.

The President approves judges after they have been nominated by the qualifying collegia, which were assemblies of judges. These collegia also had the authority to remove judges for misbehavior and to approve procurators' requests to prosecute judges.

Justices of the peace, introduced beginning in 1998, deal with criminal cases involving maximum sentences of less than 3 years and some civil cases. There were 5,576 justices of the peace throughout the country, although there remained many vacancies in this system. These judges handle a variety of civil cases as well as criminal cases. In those areas where the system of Justices of the peace had been implemented completely, backlogs and delays in trial proceedings decreased significantly, both among those cases referred to the justices of the peace and in the courts of general jurisdiction, because dockets were freed to accept more serious cases more rapidly. Justices of the peace were in various stages of development according to region, but were functioning nationwide, producing significant reductions in case backlogs and freeing the courts of general jurisdiction for more serious cases. In some regions, Justices of the peace assumed 65 percent of federal judges' civil cases and up to 25 percent of their criminal matters, which may have contributed to easing overcrowding in pretrial detention facilities (see Sections 1.c. and 1.d.). Justices of the peace were working in all regions except Kareliya and Chechnya.

Low salaries and lack of prestige continued to make it difficult to attract talented new judges and contributed to the vulnerability of existing judges to bribery and corruption. Working conditions for judges remained poor and lacking in physical security, and support personnel continued to be underpaid. Judges remained subject

to intimidation and bribery from officials and others, and the authorities did not provide adequate protection from intimidation or threats from powerful criminal defendants.

The Criminal Procedures Code provides for the strengthening of the role of the judiciary in relation to the Procuracy by requiring judicial approval of arrest warrants, searches, seizures, and detention (see Section 1.d.). Judicial reforms enacted in 2001 provide for public representation on the qualifying collegia that rate judicial candidates as qualified to hold the office and which impose disciplinary measures. Such public representatives began to serve in some places in 2002 and more widely during the year, and have contributed at least somewhat to a sense that these processes are more open than in the past. In addition, the Supreme Qualifying Collegium of Judges began to make public some information concerning cases in which it had removed judges from office for various kinds of malfeasance in 2002 and continued this practice during the year, thereby adding at least a degree of transparency to the judicial discipline system. According to the Russian Supreme Court, qualification commissions dismissed 68 judges and ordered disciplinary action for over 220 judges during the year.

In addition, judicial training was mandated and strengthened during the year, and the new Academy of Justice under the Supreme Court, with responsibility for training and regular re-training of judges, began operation, with 10 branches in the regions.

The Constitution provides for the right to a fair trial; however, this right was restricted in practice. Assessments of the effects of the new criminal code on this process were mixed as of year's end. Abuses of the right to a fair trial declined; however, numerous critics argued that the country remained far from having a truly adversarial criminal procedure. The domestic press reported that 9,000 persons, or 0.8 percent of defendants, were acquitted in 2002, double the number from the previous year; however, figures suggested that the courts were slow in implementing judicial reforms. One legal observer noted that higher courts overturned 40 percent of the acquittals granted by lower courts, but only .05 percent of the guilty verdicts.

As of December 2002, 69 regions used adversarial jury trials. On July 1, 14 more regions, including the City of Moscow, began jury trials. On January 1, 2004, five more regions, including St. Petersburg, are scheduled to begin using jury trials, leaving only Chechnya scheduled to begin jury trials on January 1, 2007. According to observers, a majority of defense attorneys, defendants, and the public favored jury trials and an adversarial approach to criminal justice. However, trial by jury is available for only a small number of the most serious offences. The remaining criminal cases still were tried by single judges, since the two "peoples assessors" who sat with a judge before the introduction of reforms have been removed. According to the Supreme Court, there were 492 jury trials involving approximately 1,000 defendants during the year. Approximately 15 percent of these trials resulted in acquittals (compared to 0.8 percent of bench trials). As there is no double jeopardy bar to seeking review of acquittals, approximately one-quarter of these acquittals were overturned on appeal.

Many defendants did not attempt to exercise their right to counsel, believing that such efforts would be pointless. NGOs reported that investigators found ways to deny suspects access to counsel, such as by restricting visiting hours. Suspects often were unable or unwilling to exercise their right to counsel during pretrial questioning. Many defendants recanted testimony given during pretrial questioning, stating that they were denied access to a lawyer, that they were coerced into making false confessions or statements, or that they had confessed in order to escape poor conditions in pretrial detention facilities (see Section 1.d.). In the past, human rights monitors have documented cases in which prosecutors obtained convictions on the basis of testimony that the defendant recanted in court, even in the absence of other proof of guilt; however, the Criminal Procedures Code specifically excludes such confessions from evidence.

The Criminal Procedures Code and Federal Defense Bar statute provide for the appointment of a lawyer free of charge if a suspect cannot afford one; however, this provision often was not effective in practice. Lawyers tried to avoid accepting these cases since the Government did not always pay them. In January, a Federal Russian Bar was established, and the bar undertook the obligation to design a system to provide for the representation of indigent suspects. However, the high cost of competent legal representation meant that lower-income defendants often lacked legal representation. There were no defense attorneys in remote areas of the country.

There were public centers that provided legal advice to the general public. These centers usually were run on a part-time basis by lawyers who, while they could not

afford to offer trial counsel or actual legal work, offered advice at no cost on legal rights and recourse under the law.

The Independent Council of Legal Expertise has reported that defense lawyers continued to be the targets of police harassment, including beatings and arrests. Professional associations at both the local and federal levels reported abuses throughout the country, charging that police tried to intimidate defense attorneys and cover up their own criminal activities.

The arrest and trial of Mikhail Trepashkin raised concerns about the undue influence of the FSB and arbitrary use of the judicial system. Trepashkin, an attorney and former FSB official, was arrested in October and charged with disclosing state secrets and illegal possession of a handgun and ammunition. A closed trial began on the case in December based on an indictment that was not made public. Trepashkin had served as a consultant to an independent parliamentary commission headed by then-deputies Sergei Yushenkov, who was killed in April, and Sergei Kovalyov, a prominent human rights advocate (see Section 1.a.). With Trepashkin's assistance, the commission investigated allegations of FSB responsibility for a series of apartment building bombings in 1999 that were blamed on Chechens, and which served as partial justification for the Government's resumption of the armed conflict against Chechen fighters. Trepashkin's October arrest came 1 month after his charges of FSB responsibility were cited in a book and 1 week before he was scheduled to represent the relatives of a victim of one of the apartment building bombings. After his arrest, Trepashkin wrote a letter describing extremely poor and filthy conditions in his detention cell (see Section 1.c.).

Authorities abrogated due process in continuing to pursue several "espionage" cases involving foreigners who worked with Russians and allegedly obtained information that the security services considered sensitive. The proceedings in these cases took place behind closed doors, and the defendants and their attorneys encountered difficulties in learning the details of the charges. Observers believed that the FSB was seeking to discourage Russians and foreigners from investigating problems that the security services considered sensitive, and were concerned by the apparently undue influence of the security services. On August 25, the Vladivostok court found Vladimir Shchurov, Director of the Sonar Laboratory of the Pacific Oceanographic Institute, guilty of revealing state secrets. Shchurov received a 2-year suspended sentence and was freed under amnesty. Regional FSB authorities brought the case in 2000. In June, prosecutors refused to support two of the three original FSB charges against the scientist for lack of evidence. The verdict reflected the tensions between security and scientific inquiry, as the court case pitted Shchurov and the scientific and human rights communities that supported him against the security services.

A Moscow court suspended the trial of Igor Sutyagin, a disarmament researcher with the U.S. and Canada Institute who had been detained in 1999 on suspicion of espionage. Sutyagin was serving his fifth year in prison without a trial (see Section 1.d.). Prosecutors accused Sutyagin of passing classified information about the country's nuclear weapons to a London-based firm, but the Kaluga regional court ruled in December 2001 that the evidence presented by the procurator did not support the charges brought against him and returned the case to the procurator for further investigation.

Grigoriy Pasko, a former military journalist and a former active-duty officer in the Pacific Fleet, who received a 4-year sentence in December 2001 for espionage, continued to appeal to the ECHR to have his conviction overturned. Pasko was granted parole in January 2002 after he served two-thirds (2 years and 8 months) of his sentence. The Russian Supreme Court had rejected his appeal on three occasions.

Platon Obukhov, a diplomat charged with espionage, was determined to be mentally ill and at the end of 2002 was undergoing treatment in a psychiatric hospital near Moscow. Yuriy Savenko, head of the Independent Psychiatric Association of Russia, and other human rights activists criticized Obukhov's 2001 trial, charging that political considerations and pressure from the FSB influenced the psychiatric evaluation supervised by the Ministry of Health.

In a positive development, on December 29, a jury in Krasnoyarsk acquitted physicist Valentin Danilov of charges of spying for China while working on a commercial contract. A number of observers attributed the acquittal to the fact that a jury heard the case.

There were no credible reports of political prisoners.

f. Arbitrary Interference with Privacy, Family, Home or Correspondence.—The Constitution states that officials may enter a private residence only in cases prescribed by federal law or on the basis of a judicial decision; however, authorities did not always observe these provisions. The Constitution permits the Government to monitor correspondence, telephone conversations, and other means of communica-

tion only with judicial permission and prohibits the collection, storage, utilization, and dissemination of information about a person's private life without his consent. A 1999 Law on Operational Search Activity partially implemented these provisions, and the new Criminal Procedures Code implemented others; however, problems remained. Authorities continued to infringe on citizens' privacy rights. There were reports of electronic surveillance by government officials and others without judicial permission. Law enforcement officials in Moscow reportedly entered residences and other premises without warrants. There were no reports of government action against authorities who violated these safeguards.

In 1999, Internet service providers were required to install, at their own expense, a device that routes all customer traffic to an FSB terminal. Providers that do not comply with the requirements face either loss of their licenses or denial of their license renewal. While the framers of this "System for Operational Investigative Measures" (SORM-2) claimed that the regulation did not violate the Constitution or the Civil Code, because it required a court order to authorize the FSB to read the transmissions, there appeared to be no mechanism to prevent unauthorized FSB access to the traffic or private information without a warrant. In 2000, Communications Minister Leonid Reyman issued an order stating that the FSB was no longer required to provide telecommunications companies and individuals documentation on targets of interest prior to accessing information. Human rights activists suggested that this order only formalized existing practices, established since SORM was introduced, of monitoring communications without providing any information or legal justification to those being monitored. Despite the 2000 Supreme Court ruling upholding the requirements that the FSB conduct monitoring only by court order, the oversight and enforcement of these provisions were inadequate in practice.

A Doctrine of Information Security of the Russian Federation that President Putin signed in 2000, although without legal standing, indicated that law enforcement authorities should have wide discretion in carrying out SORM surveillance of telephone, cellular, and wireless communications. Human rights observers continued to allege that officers in the special services, including authorities at the highest levels of the MVD and the FSB, used their services' power to gather compromising materials on political and public figures, both as political insurance and to remove rivals. They accused persons in these agencies, both active and retired, of working with commercial or criminal organizations for the same purpose. There were credible reports that regional branches of the FSB continued to exert pressure on citizens employed by foreign firms and organizations, often with the goal of coercing them into becoming informants.

Government forces in Chechnya looted valuables and food from houses in regions that they controlled (see Section 1.g.).

g. Use of Excessive Force and Violations of Humanitarian Law in Internal and External Conflicts.—The indiscriminate use of force by government troops in the Chechen conflict has 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. President Putin announced in 2001 the successful completion of the active military phase of the struggle against separatism in Chechnya and stated that an anti-terrorist operation under the direction of the FSB would begin immediately. The security situation prevented most foreign observers from traveling to the region, and the Government enforced strict controls on both foreign and domestic media access (see Section 2.a.).

Federal authorities—both military and civilian—have limited journalists' access to war zones since the beginning of the second war in Chechnya in October 1999. Most domestic journalists and editors appeared to exercise self-censorship and avoided subjects embarrassing to the Government with regard to the conflict (see Section 2.a.). Human rights observers also faced limitations in access to the region (see Section 4). These restrictions made independent observation of conditions and verification of reports very difficult and limited the available sources of information concerning the conflict. However, human rights groups with staff in the region continued to release credible reports of human rights abuses and atrocities committed by federal forces during the year. A wide range of reports indicated that federal military operations resulted in numerous civilian casualties and the massive destruction of property and infrastructure, despite claims by federal authorities that government forces utilized precision targeting when combating rebels. There were no reliable estimates of the number of civilians killed as a result of federal military operations; estimates of the totals since 1999 varied from hundreds to thousands. It was also impossible to verify the number of civilians injured by federal forces.

Mopping up or "cleansing" operations known as "zachistki" continued periodically throughout the year, although federal forces shifted tactics toward more targeted operations. Although this change reduced large-scale abuses that often accompanied

zachistki, human rights organizations indicated that disappearances of those detained in these raids continued. Human rights activists, including Memorial, reported that federal forces continued to ignore order #80, issued in 2002, which established rules on how to carry out passport checks and mopping-up operations. That order required that the military forces have license plates on their vehicles when entering a village, that military personnel should be accompanied by a representative of the Procuracy and local officials, that they identify themselves when entering a house, and that lists be made and shared with local authorities of all persons arrested during a mopping-up operation. For example, in January, federal forces conducted a sweep in the town of Argun. According to reports, the federal forces dragged residents from their beds and took them to a quarry where they detained and tortured them. Relatives of the detained found two bodies that had been blown up in the quarry. Residents were able to identify one of the bodies as a resident whom federal forces had arrested. Only after mass protests in Argun were most of those detained released. All of them showed signs of physical abuse and required medical attention.

According to the NGO Memorial, in March, in the village of Alkhan-Yurt, armed men in armored personnel carriers arrested two Chechen police officers. Their bodies were found 8 days later riddled with bullets and showed signs of having been tortured by electric shocks.

Federal forces and police conducted security sweeps in neighboring Ingushetiya that also resulted in reported human rights violations and disappearances. In June, Federation and pro-Moscow Chechen forces conducted at least seven operations in Ingushetiya, according to HRW. As with similar operations in Chechnya, reports of beatings, arbitrary detentions, and looting usually followed these operations. In August, pro-Moscow Chechen police abducted five men from a polyclinic in Ingushetiya. According to reports, police burst into the clinic firing weapons. One of those detained was wounded. One of the policemen struck a doctor with a rifle. As of October 1, the whereabouts of the five were unknown. Ingush prosecutors opened a criminal case.

Government forces and Chechen fighters have used landmines extensively in Chechnya and Dagestan since 1999; there were many civilian landmine casualties in Chechnya during the year.

In addition to casualties attributable to indiscriminate use of force by the federal armed forces, individual federal servicemen or units committed many abuses. According to human rights observers, government forces responding to Chechen attacks at times engaged in indiscriminate reprisals against combatants and non-combatants alike. Federal forces were also believed to be responsible for the killing of Umar Zabiev, a civilian, in June near the Ingush village of Galashki. Heavy machine gun fire hit the car in which Zabiev, his brother, and his mother were riding as they were returning home. The gunfire was believed to come from a nearby column of armored vehicles. Umar Zabiev stayed with his injured mother and sent his brother to bring help. When villagers arrived a short time later, Umar was missing. His body was found the next morning bearing clear marks of torture and gunshot wounds. Police searching the area found more than 100 spent cartridges and other items that indicated the presence of Federation military personnel.

Command and control among military and special police units often appeared to be weak, and a climate of lawlessness, corruption, and impunity flourished.

Federation forces continued to use antipersonnel mines in Chechnya. Reports from hospitals operating in the region indicated that many patients were landmine or ordnance victims and that such weaponry was the primary cause of death. Government officials reported that in Chechnya there were 5,695 landmine casualties in 2002, including 125 deaths. The casualties included 938 children. By comparison, there were 2,140 landmine casualties in 2001.

There were additional discoveries of mass graves and "dumping grounds" for victims allegedly executed by government forces in Chechnya. There were no reports by year's end that the Government intended to investigate earlier cases. Memorial reported that in February, near the village of Kapustino, the bodies of seven men were found, and each showed signs of violent death; five of the deceased men were identified as having been arrested during 2002 by men believed to be Federal security officers. In August, villagers in Staryy Atagi witnessed a body thrown out of an armored vehicle and then blown up. They found body fragments at the site that were later determined to be the remains of a man arrested by Federal forces.

Large numbers of individuals were declared missing during the year, although estimates of the total number varied (see Section 1.b.). Of 267 persons declared missing during the first 6 months of the year, law enforcement agencies had solved 5 of these cases. HRW and other NGOs estimated that nearly 60 persons disappeared every month in Chechnya.

On March 15, human rights activist Imran Ezhiev, the head of the regional office of the Russian-Chechen Friendship Society and a regional representative of the Moscow Helsinki Group, was kidnapped by unidentified armed, masked men in Chechnya and held for 3 days before being released (see Section 4).

Armed forces and police units reportedly routinely abused and tortured persons held at so-called filtration camps, where federal authorities sorted out fighters or those suspected of aiding the rebels from civilians. Federal forces reportedly ransomed Chechen detainees (and, at times, their corpses) to their families for prices ranging from several hundred to thousands of dollars. According to human rights NGOs, federal troops on numerous occasions looted valuables and foodstuffs in regions they controlled. Many internally displaced persons (IDPs) reported that guards at checkpoints forced them to provide payments or harassed and pressured them. 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 indiscriminate use of force by federal troops resulted in a massive destruction of housing, as well as commercial and administrative structures. Gas and water supply facilities and other types of infrastructure also were damaged severely. Representatives of international organizations and NGOs who visited Chechnya reported little evidence of federal assistance for rebuilding war-torn areas.

There were widespread reports of the killing or abuse of captured fighters by federal troops, as well as by the Chechen fighters, and a policy of "no surrender" appeared to prevail in many units on both sides. Federal forces reportedly beat, raped, tortured, and killed numerous detainees.

The Government investigated and tried some members of the military for crimes against civilians in Chechnya; however, there were few convictions (see Section 1.d.). According to reports, of the 1,700 cases filed against servicemen by military prosecutors, 345 had been halted for various reasons, including amnesties, and 360 had been handed over to the courts. Human rights observers alleged that the Government addressed only a fraction of the crimes federal forces committed against civilians in Chechnya.

According to Russian Justice Minister Yuriy Chaika, from the start of the conflict through November, 54 servicemen, including 8 officers, had been found guilty of crimes against civilians in Chechnya. Four servicemen, including three officers, were on trial for murder charges over the 2002 deaths of six Chechen civilians in a court in the southern city of Rostov-on-Don.

Memorial concluded that the majority of cases opened for alleged crimes by Federation servicemen against civilians resulted in no charges. Cases were closed or investigations suspended because of the absence of the bodies or because of an inability to identify a suspect. In a trial widely regarded as a test case, a military court, on July 25, convicted Colonel Yuriy Budanov of charges of kidnapping, murder, and abuse of authority in the death of an 18-year-old Chechen woman. Budanov, the highest-ranking officer tried for crimes in Chechnya, was sentenced to 10 years in prison. The ruling represented a positive step, although the sentence was a relatively lenient punishment for murder. In 2002, the court had ruled that Budanov was temporarily insane at the time of the killing. At that time, prosecutors asked the court to drop the murder charges. Those prosecutors were later replaced, and the new prosecution team and lawyers for the girl's family successfully appealed the decision, leading to the new trial in which Budanov was convicted.

The Government announced an amnesty program as part of an effort to persuade Chechen fighters to lay down their weapons. The offer of amnesty was also extended to Federation soldiers and police accused of crimes in Chechnya. After the September 1 deadline passed, government officials announced that 195 Chechens had applied for amnesty. Officials further announced that 225 Federation servicemen and police officers had applied.

Individuals seeking accountability for abuses in Chechnya became the targets of government forces. According to Memorial, government troops in May killed Zura Bitieva and five members of her family in the Kalinovskaya settlement. Bitieva had actively campaigned against the Federation military and its human rights violations during the first war and at the start of the second war. Authorities arrested her in January 2000 and held her for 1 month in the filtration camp at Chernokosovo. Following her release, she filed a case with the ECHR. In February, she had been one of a group of women who demanded an investigation of a reported mass grave near the Kapustino settlement. In March, Bitieva's husband and their son were charged with possession of narcotics and put on trial shortly before they were killed.

In response to international criticism of the human rights situation in Chechnya, the Government established several federal bodies to examine alleged domestic human rights violations. An Independent Commission on Human Rights in the

Northern Caucasus headed by the Chairman of the State Duma Committee on Legislation maintained a number of offices in Chechnya and Ingushetiya. A Special Presidential Representative for Human Rights in Chechnya appointed by President Putin had branches in Moscow and in Chechnya to take complaints about alleged human rights violations. These two organizations heard hundreds 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 procurators. Almost all complainants alleged violations of military discipline and other common crimes.

Chechen rebel fighters also committed serious human rights abuses. According to various reports, they killed civilians who would not assist them, used civilians as human shields, forced civilians to build fortifications, and prevented refugees from fleeing Chechnya. In several cases, Chechen fighters killed elderly Russian civilians for no apparent reason other than their ethnicity. As with the many reported violations by federal troops, there were difficulties in verifying or investigating these incidents.

During the year, Chechen rebels carried out several bombings, and terrorist acts, including suicide bombings, increased. In May, a truck bomb outside the regional government building in Znamenskoye, Chechnya, killed 59 persons. Terrorist Shamil Basayev, a Chechen commander, claimed responsibility. Two days later, a woman blew herself up at an Islamic festival in Chechnya attended by then-Head of Administration Kadyrov. The blast killed 16 people. In June, a woman detonated explosives next to a bus shuttling Russian military and civilian personnel to an air base in North Ossetia. In July, 2 women detonated explosives while standing at the gates of a rock festival, killing 16 others. In August, suicide bombers drove a truck laden with explosives into a military hospital in Mozdok, killing 50 people, including wounded soldiers. In September, a car bomb exploded outside the headquarters of the Ingush branch of the FSB, killing three people. In Moscow, a bomb disposal expert died when a bomb outside a restaurant went off as he approached. Police had found the bomb when they detained a woman from Chechnya as she tried to enter a downtown restaurant. Chechen fighters planted landmines or used improvised explosives that killed or injured federal forces and often provoked federal counterattacks on civilian areas. On December 9, a woman believed to be from Chechnya, blew herself up in front of the National Hotel, killing 6 and wounding 14 persons. The bomber reportedly asked where the State Duma was located before detonating her explosives in front of the hotel; the National Hotel is located 170 yards from the Kremlin.

In other incidents, rebels took up positions in populated areas and fired on federal forces, thereby exposing the civilians to federal counterattacks. When villagers protested, the rebels sometimes beat them or fired upon them. Chechen fighters also targeted civilian officials working for the pro-Moscow Chechen Administration. In October, they killed the mayor of Shali, Musa Dakayev, and his son when they fired upon their car. The media reported that Dakayev was the fourth mayor of a Chechen town killed within 6 months. Chechen fighters also reportedly abused, tortured, and killed captured soldiers from federal forces. Rebels continued a concerted campaign, begun in 2001, to kill civilian officials of the Government-supported Chechen administration. According to Chechen sources, rebel factions also used violence to eliminate their economic rivals in illegal activities or to settle personal accounts.

Chechen fighters launched numerous attacks on government forces and police in Ingushetiya during the year.

Individual rebel field commanders reportedly were responsible for funding their units, and some allegedly resorted to drug smuggling and kidnapping to raise funds. As a result, it often was difficult, if not impossible, to make a distinction between rebel units and criminal gangs. Some rebels allegedly received financial and other forms of assistance from foreign supporters of international terrorism. Officials continued to maintain that there were 200 to 300 foreign fighters in Chechnya.

According to a December 2002 report by the U.N. special representative for children and armed conflict, Chechen rebels used children to plant landmines and explosives (see Section 5).

International organizations estimated that the number of IDPs and refugees who left Chechnya as a result of the conflict reached a high of approximately 280,000 in the spring of 2000 (see Section 2.d.). At various times during the conflict, authorities restricted the movement of persons fleeing Chechnya and exerted pressure on them to return to Chechnya (see Section 2.d.). As of September, the United Nations High Commission for Refugees (UNHCR) estimated that 75,651 displaced persons remained in Ingushetiya and 141,000 IDPs.

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Speech and Press.—The Constitution provides for freedom of speech and of the press; however, government pressure on the media persisted, resulting in numerous infringements of these rights. Faced with continuing financial difficulties as well as increased pressure from the Government and large private companies with links to the Government, many media organizations saw their autonomy weakened further during the year. By a variety of means, the Government continued to exert influence over national television and radio, the most widespread sources of information for the public, particularly in television coverage of the parliamentary elections during the year. The public continued to have access to a broad spectrum of viewpoints in the print media and, for those with access, on the Internet.

While the Government generally respected freedom of expression, this did not always extend to sensitive issues such as the conduct of Russian forces in Chechnya or to discussions of religion. For example, the August reorganization of VTsIOM, an independent, commercially-viable, state-owned, polling agency, was widely seen as an attempt to eliminate an independent source of information about issues such as political party ratings and public opinion on the war in Chechnya. The Government depicted the reorganization as part of its program to privatize State enterprises, but the new board of directors was comprised of officials from the ministries and the presidential administration. However, the original VTsIOM reorganized under the name of VTsIOM–A and continued to conduct polls and publish their results. In October, a Moscow movie theater cancelled an independent film festival on Chechnya, reportedly out of concern that the films would offend the Kremlin. The Sakharov Center Director, one of the film festival’s organizers, accused Russian authorities of pressuring the movie theater into canceling the event.

Following the vandalism of an exhibit on religious art at the Sakharov Center in Moscow in January, prosecutors launched criminal proceedings against two senior officials of the Center and three of the exhibit’s artists. On December 25, prosecutors formally charged the Center’s Director with inciting religious and ethnic hatred. Although police detained the six vandals responsible for defacing the art exhibit, they pressed charges against only two. A Moscow court dismissed the charges, ruling that the vandals had the right to express their disgust at the exhibit.

At times, the authorities exerted pressure in a number of ways on journalists, particularly those who reported on corruption or Chechnya, or criticized officials.

Five of the six national, and more than 20 percent of the 35,000 registered local, newspapers and periodicals remained in private hands; however, the Government attempted to influence the reporting of independent publications. Only approximately one-fourth of the 750 television stations in the country remained in private hands, and the Government indirectly influenced most private media companies through partial government ownership of federal and local-level commercial structures, including the gas monopoly Gazprom and the oil company Lukoil, which in turn owned large shares of media companies.

Of the three national television stations, the State owned the Rossiya Channel (RTR) and a majority of First Channel (ORT). The Government owned a 38 percent controlling stake of Gazprom, which in turn had a controlling ownership stake in the third national television station, the prominent, privately owned NTV. It also maintained ownership of the largest radio stations, Radio Mayak and Radio Rossii and news agencies ITAR–TASS and RIA–Novosti.

The Government exerted its influence most directly on state-owned media. As in 2002, the senior staff of RTR, one of the country’s two largest networks, reported that managers offered “guidance” to program announcers and selected reporters, indicating which politicians they should support and which they should criticize. Criticism of presidential policies was strongly discouraged and even prohibited. Correspondents claimed that senior management at times asked them to obtain senior management approval for reports on sensitive political matters prior to broadcasting, and that “negative” language was occasionally edited out. At times, high-level Presidential Administration officials reportedly complained to RTR executives about reporting they viewed as critical of the President.

OSCE election observers noted that during the parliamentary election campaign, state-owned television networks actively promoted candidates from United Russia, the political party of the presidential administration, without providing comparable coverage for candidates from other parties.

Of the regional print media monitored by the OSCE observers, 19 of 24 were described as giving clear support to United Russia.

During the year, the Government enhanced its influence over NTV, once owned by Vladimir Gusinskiy but taken over in 2001 by Gazprom Media, the media arm of government-owned gas monopoly, Gazprom. Although NTV lost a number of popular shows and announcers following the Gazprom Media takeover, and viewership

declined, the network remained among the four leading television stations. Under a new Chief Executive Officer (CEO), financier Boris Jordan, NTV continued its coverage of controversial topics, and Jordan undertook measures that made it possible for NTV to break even in 2002 for the first time since the station was established in 1993. However, in January, Gazprom abruptly fired Jordan as head of Gazprom Media, a move some media analysts attributed to NTV's coverage of the Moscow theater hostage crisis in November 2002. Shortly afterward, Jordan resigned as the head of NTV. Media analysts said that Aleksandr Dybal, who was endorsed by the Kremlin to replace Jordan as head of Gazprom Media, took steps to ensure NTV's loyalty to the Government. Although NTV has preserved its relatively balanced approach to news reporting, analysts claimed that the change in the network's top management made it more susceptible to government pressure.

In June, the Press Ministry took TV Spektrum (TVS), the only remaining nationwide non-state affiliated channel, off the air and assigned the frequency on a temporary basis to the state-owned Sports Channel. In spite of the initial high public interest in TVS, many of whose personnel had originally been associated with NTV before the Government takeover, the network was unable to compete with first-tier networks, and its ratings plummeted. Unable to challenge the monopoly of the advertising giant Video International (VI), reportedly controlled by Media Minister Mikhail Lesin, TVS managed to raise only a fraction of the anticipated advertising revenues. Disputes among the shareholders over editorial and business issues aggravated TVS' problems. In May, TVS was disconnected from the Moscow cable network in a debt dispute, thereby losing the most valuable segment of the advertising market. By June, unpaid wages and growing debts to program producers led to the departure of many popular journalists and highly rated shows. In an official statement, the Press Ministry said TVS was taken off the air because of financial problems and to protect viewers' interests. Observers interpreted the move as an attempt to destroy the last remaining non-state national broadcaster, although some media analysts said that Lesin wanted to take TVS off the air so that he could control the sixth frequency and monopolize the lucrative advertising for VI.

A number of journalists were beaten, killed, or reported missing for reasons that may have been associated with their journalistic activities. The journalists had published critical information about local governments and influential businesses or reported on crime and other sensitive issues. According to the Moscow-based Glasnost Defense Foundation, 10 journalists were killed during the year under mysterious circumstances, and 96 were physically attacked. An Agence France-Presse correspondent was kidnapped in Ingushetiya and had not been freed by year's end. The Glasnost Defense Foundation, together with Journalists without Borders and the Committee to Protect Journalists (CPJ), also documented numerous cases of censorship and police intimidation of media personnel. In most cases where assailants attacked journalists physically, authorities and observers were unable to establish a direct link between the assault and those who reportedly had taken offense at the reporting in question. As in 2002, independent media NGOs characterized beatings by unknown assailants of journalists as "routine," noting that those who pursued investigative stories on corruption and organized crime found themselves at greatest risk.

On January 4, two off-duty policemen in Moscow beat Vladimir Sukhomlin to death in what was apparently a contract killing. Sukhomlin was a computer programmer, who had founded the Military History Forum website, Serbia.ru, and Chechnya.ru. The accused faced a maximum punishment of 15 years in prison for activities resulting in "the death of the victim because of negligence." The police did not explain why the charges had been downgraded from murder. Sukhomlin's friends and relatives believed that the murder was related to Sukhomlin's journalistic activities.

On April 18, Dmitry Shvets, deputy head of TV-21 in Murmansk, was shot dead outside the station's offices. Media reports quoted anonymous sources saying the killing was politically motivated. Media defense advocates noted that the channel had previously received threats from unknown sources, specifically against another TV-21 journalist, Oleg Motsokin.

On July 18, journalist Alikhan Guliyev was shot and killed in Moscow. Since arriving in Moscow from Ingushetiya in the summer of 2002, Guliyev had worked as a freelance journalist covering Chechnya for TV Tsentral and the daily newspaper Kommersant. While in Ingushetiya, Guliyev had worked for the public television station Groznyy State Television and Radio (GTRK). In early 2002, Guliyev had filed a complaint against Ingushetiya's Interior Minister, Khamsat Gutseriyev, who was running for President of the Ingush Republic. Guliyev claimed Gutseriyev was ineligible to run while holding the office of minister of interior. The Supreme Court of Ingushetiya upheld the complaint and disqualified Gutseriyev as a candidate. In

March 2002, unknown assailants fired upon Gulieyev's car. A criminal investigation was initiated.

On October 9, two unknown assailants stabbed to death Aleksey Sidorov, editor-in-chief of the daily newspaper Tolyattinskoye Obozreniye published in Tolyatti, Samara region, near the entrance to his apartment building. Local police said that the assailants did not rob the victim. Sidorov succeeded Valeriy Ivanov, also killed in an apparent contract assassination in 2002. Local media and media advocacy organizations linked his death to his newspaper's investigative reporting on Tolyatti authorities' connections with the city's criminal groups, whose activities center on the Tolyatti-based VAZ automobile plant. Police subsequently arrested and charged a factory worker with the crime, but a number of observers, including media experts and a lawyer representing Sidorov's family, were skeptical about the Government's case.

High profile cases of murdered or kidnapped journalists from earlier years remained unsolved. The cases of missing or murdered journalists from 2002 include: Natalya Skryl, correspondent for the Taganrog newspaper Nashe Vremya; Sergey Kalinovskiy, editor-in-chief of the newspaper Moskovskiy Komsomolets-Smolensk; Valeriy Ivanov, editor-in-chief of Tolyattinskoye Obozreniye; Aleksandr Plotnikov, founder of the newspaper Gostinyi Dvor; Chuvash reporter Nikolay Vasilyev; Igor Salikov, head of information security for Moskovskiy Komsomolets-Penza; Yuriy Frolov, deputy director of Propaganda Publishing; and Ilyas Magomedov, head of the independent station, Groznyy Television. The cases of murdered journalists from 2001 include: Vladimir Kirsanov, a local newspaper editor from Kurgan, and Eduard Markevich, editor of Novyye Reft in Reftinskiy.

As a result of consistent pressure applied by authorities over the years to control reporting on Chechnya and corruption among officials, an overall tendency by media to censor their own reports on these issues continued during the year, particularly among state-controlled television. Authorities selectively denied journalists access to information, including, for example, filming opportunities and statistics theoretically available to the public. They withheld financial support from government media operations that exercised independent editorial judgment and attempted to influence the appointment of senior editors at regional and local newspapers and broadcast media organizations. On occasion, they removed reporters from their jobs, brought libel suits against journalists, and intimidated and harassed journalists.

The North Caucasus region continued to be one of the most dangerous regions for journalists. Kidnapping and assaults remained serious threats. On July 4, in Ingushetiya, Ali Astamirov, a Chechen correspondent for AFP, was kidnapped by unknown armed assailants and has not been heard from since. Astamirov was based in Nazran, the capital of Ingushetiya, and had been reporting on Chechnya and Chechen refugees. He previously worked for Groznyy Television in Chechnya. In October, the media defense organization Reporters Without Borders called on the COE and the OSCE to intercede with the Russian authorities to intensify their efforts to find Astamirov.

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, including media outlets owned by the federal, regional, and local governments, remained largely intact and posed a continued threat to editorial independence. Government structures, banking interests, and the state-controlled energy giants United Energy Systems and Gazprom continued to dominate the Moscow media market and extend their influence into the regions. The continuing financial difficulties during the year of most news organizations exacerbated this problem, thereby sustaining their dependence on financial sponsors and, in some cases, the federal and regional governments. As a result of this dependence, the autonomy of the media, and its ability to act as a watchdog, remained weak.

During the year, private media organizations and journalists across the country often remained dependent on the Government for transmission facilities and access to property, printing and distribution services. As in 2002, the media advocacy group Glasnost Defense Foundation (GDF) reported that approximately 90 percent of print media organizations relied on State-controlled organizations for paper, printing, or distribution, while many television stations were forced to rely on the Government (in particular, regional committees for the management of state property) for access to the airwaves and office space. The GDF also reported that officials continued to manipulate a variety of other "instruments of leverage" (including the price of printing at state-controlled publishing houses) in an effort to apply pressure on private media rivals. The GDF noted that this practice continued to be more common outside the Moscow area.

In August, a state-owned printing plant in the Ryazan region refused to print the local newspaper *Meshcherskaya Nov*, citing an order of the regional administration. *Meshcherskaya Nov* journalists linked the administration's move to the paper's frequent criticism of the administration's performance.

Private print and broadcast media, like other enterprises, were vulnerable to arbitrary changes in the policy and practice of tax collection. Although media routinely continued to receive tax breaks on high-cost items such as paper, the GDF and other media NGOs documented numerous instances of government use of taxation mechanisms to pressure media across the country. The Government also occasionally sought to limit reporting on tax matters. Journalists continued to depend on local authorities for accreditation to major news events. There were widespread reports that authorities showed favoritism toward reporters associated or aligned with the federal or local administration and denied access to journalists representing independent media organizations. In Velikiy Novgorod, in April, the only invitee to a meeting with Nikolai Krasilnikov, head of the Natural Resources and Environmental Protection Division in the Russian Natural Resources Ministry, was Lyudmila Petrishchyova, editor-in-chief of the municipal newspaper, *Velikiy Novgorod*. Krasilnikov refused to talk with correspondents of the independent newspapers *Russkiy Karavan* and *Novyi Obyvatel'*, pleading lack of time. The media advocacy group Center for Journalism in Extreme Situations believes the independent publications were kept out of the meeting because of previous reporting that had revealed widespread violations of federal and local environmental protection legislation.

In September, State Duma deputies and journalists petitioned the Constitutional Court to overturn a series of clauses in the voters' rights law that restrict the media's ability to carry out objective reporting during the Duma campaign. The Duma Deputies and journalists argued that the legislation was limiting their ability to fulfill their professional duties. At the end of October, a court decision struck down one clause of the controversial law "on basic guarantees of voters' rights," which was followed 2 days later by a statement from President Putin in support of the Court's ruling. The impact of the decision, issued only 1 month before the election, was minimal—journalists engaged in self-censorship throughout the campaign.

Authorities on the federal and local levels continued to bring lawsuits and other legal actions against journalists and journalistic organizations during the year, the majority of them in response to unfavorable coverage of government policy or operations. The GDF estimated that nearly 300 hundred such cases were brought during the year. In June, Konstantin Sterledev and Konstantin Bakharev, two reporters for the Perm daily newspaper *Zvezda*, went on trial, accused of revealing state secrets. In 2002, the reporters had published articles regarding methods allegedly used by the regional office of the FSB. Freimut Duve, the media representative for the OSCE, wrote a letter to Foreign Minister Igor Ivanov and Presidential Envoy to the Volga Federal District Sergey Kiriyyenko asking their views on the trial. Members of the British PEN organization asked President Putin and Justice Minister Yuriy Chaika to have the case thrown out, because they believed that the trial contradicted international freedom of speech standards. In July, the Perm regional court acquitted Sterledev and Bakharev. The regional prosecutor's office appealed the acquittal to the Supreme Court that upheld the acquittal in a November ruling.

Some regional and local authorities took advantage of the judicial system's procedural weaknesses to arrest persons on false pretenses for expressing views critical of the Government. With some exceptions, judges appeared unwilling to challenge powerful federal and local officials who sought to prosecute journalists. These proceedings often resulted in stiff fines and occasionally in jail terms. In August, a Chelyabinsk district court sentenced German Galkin, deputy editor of *Vecherniy Chelyabinsk* daily, to one year in a hard labor camp as a result of a libel suit filed in June 2002 by Vice Governors of Chelyabinsk region, Konstantin Bochkaryov and Andrey Kosilov. Three articles published in *Rabochaya Gazeta* in 2002 accused the officials of corruption and links to organized crime, but Galkin was not listed in bylines for the articles and denied having written them. According to GDF, Galkin was the first journalist in the post-Soviet era to be jailed for libel. International media defense representatives from Reporters Without Borders, the CPJ, the COE, and the OSCE expressed their concerns about the severity of the sentence, which they believed could have a chilling effect on freedom of expression and information and freedom of the media. At Galkin's appeal, on October 6, the Kalininskiy District Court of Chelyabinsk upheld the sentence, but Galkin planned an appeal to a higher court. The sentence was upheld, but suspended on appeal, and Galkin was released.

GDF reported that in June, the Kyzyl city court in the Republic of Tuva upheld an earlier ruling by a Kyzyl district court, which had sentenced Stanislav Pivovarov to a suspended 1-year prison term for insulting Tuva Prime Minister Sherig-Oola

Oordzhak. Pivovarov, a local politician who contributed articles to the Stolitsa newspaper, appealed the ruling to the Tuva Supreme Court. According to the Glasnost Foundation, no revision of the court's decision was expected.

In August, the Supreme Court acquitted Olga Kitova of libel charges and upheld charges of assaulting a police officer. Kitova was a correspondent for Belgorodskaya Pravda and a member of the Belgorod regional parliament. Authorities harassed her for her reporting on regional government officials. Police arrested her twice in 2001, and she suffered a heart attack while being held in pretrial detention. Previously she had received a 2½-year suspended sentence on libel charges, and, in July 2002, the Supreme Court reduced her extended jail time by 5 months. Kitova was living in Moscow and employed by the daily newspaper Russkiy Kuryer at year's end.

In May the Military Collegium of the Supreme Court overturned the 2002 acquittal of six men accused of organizing the 1994 murder of Dimitriy Kholodov, military affairs correspondent for the news daily Moskovskiy Komsomolets. The Supreme Court ruled that the Moscow Circuit Military Court had "failed to take all available evidence into account," in particular, testimony of one defendant, who stated that then-Minister of Defense Pavel Grachev asked him to "deal with Kholodov" because of the journalist's coverage of corruption in the military.

Novaya Gazeta reporter Anna Politkovskaya, who gained international recognition and received death threats because of her reporting on Chechnya, was forced into hiding in 2001. In October 2002, she received e-mail death threats signed "Kadet," the nickname for Sergey Lapin, a member of the OMON (special forces unit of the Ministry of Interior). On March 4, the prosecutor's office in Nizhnevartovsk dropped the criminal charges against Lapin, citing evidence that Viktor Didenko, who died in 2002, had sent the e-mail threats to Politkovskaya and had signed them with Lapin's nickname.

In September, in Krasnoyarsk, police detained Valeriy Zabolotskiy, a photographer from the local daily Krasnoyarskiy Rabochiy, who was taking pictures for his newspaper. Police claimed that Zabolotskiy was taking photos of police. The journalist was released later that day.

On April 8, a Media Industrial Committee composed of heads of major media organizations adopted an Anti-terrorist Convention, a set of self-imposed rules of reporting on terrorist acts. The Convention established a priority of human life over press freedom, required journalists to report sensitive information to authorities, obliged journalists to seek approval from authorities to interview terrorists, and prohibited live broadcasts of terrorists.

In June, the Press Ministry extended for an additional 5 years Radio Free Europe/Radio Liberty's (RFE/RL) broadcasting license, which was due to expire July 3. In October 2002, President Putin revoked a 1991 presidential decree that authorized RFE/RL to open a permanent bureau in Moscow and instructed the Ministry of Foreign Affairs to accredit RFE/RL. According to press reports at the time, President Putin attributed the decision to revoke the 1991 decree to a desire to put all foreign bureaus on the same legal footing and to the belief that the 1994 law on mass media has made then-President Yeltsin's 1991 decree obsolete. Some media advocacy groups associated President Putin's revocation with RFE/RL broadcasts to Chechnya.

On October 30, the Russian Constitutional Court struck down a controversial provision of the law "On Basic Guarantees of Electoral Rights." The provision would have made it possible to close media organizations for campaigning for or against candidates, for disseminating information about candidates not related to their professional duties, and for any activity "forming positive or negative attitudes towards a candidate." The court drew a distinction between the concepts of election canvassing and information. Under the amended version of the law, only those statements published in the media that have been proven by court to be aimed at supporting a certain candidate constitute election canvassing. The court ruled that a positive or negative opinion of a candidate or the expression of preference for a candidate does not in itself constitute election canvassing. Although the Constitutional Court demonstrated relative independence in this decision, the damage had already been done. With only 1 month left in the election campaign at the time of the ruling, journalists continued to practice self-censorship through the end of the campaign (see Section 3).

There were no discernible repercussions on the press from the Security Council's June 2000 Information Security Doctrine, which outlines "threats to Russian national security" in the fields of "mass media, means of mass communication, and information technology" (see Section 1.f.). However, many observers continued to view it as an indication that the Kremlin considered the media to be subject to the administration and control of the Government.

The Duma made no further attempts at passing an amendment introduced after the October 2002 Dubrovka theater seizure that would have restricted reporting on anti-terrorist operations. In response to widespread criticism from the media and other organizations, President Putin had vetoed an earlier amendment passed by the Duma in November 2002.

Government efforts to limit critical coverage of its attempt to subdue what it regarded as a security threat posed by the rebellion in Chechnya were widely seen as a major impetus for its pressure on the media. Confiscations of records and equipment and efforts by federal and regional authorities—both military and civilian—to limit journalists' access to war zones continued. On September 3, Akmed Kadyrov, the Kremlin-appointed head of Chechnya, combined the nationalities ministry with the press ministry, fired his press minister, Bislan Gantamirov, and appointed his campaign manager, Taus Dzhabraïlov, as the head of the newly combined ministry. The next day, Kadyrov's security forces surrounded the headquarters of GTRK, a station created in March by Gantamirov, and prevented journalists from leaving the building with microphones, cameras, and other equipment needed to conduct television interviews. Kadyrov's forces told the journalists that they would not be allowed to leave the building with equipment that belonged to the State. Press reports quoted GTRK deputy director Islam Musaev as saying all the radio journalists had resigned, while other reports said a majority of the television journalists had resigned. The reorganization and management change occurred after Gantamirov publicly endorsed Kadyrov's rival in the presidential race.

Internet access appeared to be unrestricted, but the Government required Internet service providers to provide dedicated lines to the security establishment so that police could track private e-mail communications and monitor Internet activity. SORM-2 continued during the year to limit the electronic privacy of both citizens and foreigners (see Section 1.f.).

The Government did not restrict academic freedom; however, during the year human rights activists questioned whether the Sutyagin case and others discouraged academic freedom and contact with foreigners on issues that might be deemed sensitive (see Section 1.e.).

b. Freedom of Peaceful Assembly and Association.—The Constitution provides for freedom of assembly and the Government generally respected this right in practice; however, at times local Governments restricted this right.

Organizations were required to obtain permits in order to hold public meetings, and the application process had to be initiated between 5 and 10 days before the scheduled event. Although religious gatherings and assemblies did not require permits, in at least one case the Jehovah's Witnesses organization in Yuzhno-Sakhalinsk was fined for meeting without a permit. While the Ministry of Justice readily granted permits to demonstrate to both opponents and supporters of the government, some groups were either denied permission to assemble or had their permission withdrawn by local officials after Ministry of Justice officials had issued them.

On April 15, police beat participants from an ultra-nationalist organization who were engaged in an unsanctioned demonstration to protest the celebration of St. Petersburg's 300th anniversary. Three of the protesters were beaten so seriously that they had to be hospitalized (see Section 1.c.).

The Constitution provides for freedom of association, and the Government generally respected this right in practice. Public organizations must register their by-laws and the names of their leaders with the Ministry of Justice.

By law, political parties must have 10,000 members in order to be registered and function legally, with no less than 100 members in a majority of the country's 89 regions (see Section 3).

In February, the authorities banned the Islamist party Hizb ut-Tahrir for having terrorist connections and seeking to overthrow the Government. In April, the authorities launched a crackdown on the party, rounding up 55 leaders and members of the group in the capital by year's end. Party members denied the charges against the organization and called the raids an example of persecution. The FSB announced that the raid had resulted in the discovery of extensive munitions.

c. Freedom of Religion.—The Constitution provides for freedom of religion, and the Government generally respected this right in practice; however, in some cases the authorities imposed restrictions on some groups. Although the Constitution provides for the equality of all religions before the law and the separation of church and state, the Government did not always respect this provision in practice.

There were continuing indications that the security services were treating the leadership of some minority religious groups, particularly Muslims and Roman Catholics, as security threats (see Section 2.b.).

Many religious minority groups and NGOs complained of what they believed was collusion between the Russian Orthodox Church and the state. Neither the Constitution nor the 1997 law accords explicit privileges or advantages to “traditional religions;” however, many politicians and public figures argued for closer cooperation with them, above all with the Russian Orthodox Church’s Moscow Patriarchate. Public statements by some government officials, including President Putin, and anecdotal evidence from religious minority groups, suggested that the Russian Orthodox Church increasingly enjoyed a status that approached official. The Church has entered into a number of agreements with government ministries giving it special access to institutions such as schools, hospitals, prisons, the police, the FSB, and the army. The Russian Orthodox Church appears to have had greater success reclaiming pre-revolutionary property than other groups, and many religious workers believed that the Russian Orthodox Church played a role in the cancellation of visas held by non-Orthodox foreign religious workers.

A 1997 law regulating religious practice limits the rights, activities, and status of religious “groups” existing in the country for less than 15 years and requires that religious groups exist for 15 years before they can qualify for “organization” status, which conveys juridical status. All religious organizations were required to register or reregister by the end of 2000 or face liquidation (deprivation of juridical status). Groups that were unregistered previously, including groups new to the country, were severely hindered in their ability to practice their faith. The Ministry of the Justice reported that, as of January, 20,448 organizations were registered. While isolated difficulties with registration continued to appear in different regions around the country, human rights lawyers and representatives of religious minorities reported that such difficulties related to the 1997 law decreased during the year. Local courts have upheld the right of non-traditional groups to register or reregister in a number of cases.

Treatment of religious organizations, particularly minority denominations, varied widely in the regions, depending on the attitude of local offices of the Ministry of Justice. In some areas such as Moscow, Khabarovsk, and Chelyabinsk, local authorities prevented minority religious denominations from reregistering as local religious organizations, as required by law, subjecting them to campaigns of legal harassment.

On April 7, a community of Jehovah’s Witnesses was able to register after a local court overturned the authorities’ earlier refusal. However, the Jehovah’s Witnesses have been denied registration in Cheboksary (a city in Chuvashiya) and Tver. A lawyer for the Jehovah’s Witnesses noted that registration issues were not the real problem—the real problem was the Moscow community case. In Moscow, efforts to ban Jehovah’s Witnesses have led to continuous litigation in several Moscow district courts. Pending the outcome of a court-ordered study to determine the potential negative effects of Jehovah’s Witnesses literature on society and a random survey to further evaluate these effects and assess the public’s attitudes towards the religion, Jehovah’s Witnesses in Moscow were not allowed to reregister. Lawyers for the Jehovah’s Witnesses organization appealed to the ECHR, which in turn requested a response by September. As a result, they continued to experience problems in leasing space.

Many other religious groups continued to contest administrative actions against them in the courts. While such cases were often successful in court, administrative authorities were at times unwilling to enforce court decisions. While the Moscow authorities have not yet permitted the Salvation Army to reregister, the group continued to operate at year’s end.

The Moscow branch of the Church of Scientology has not been permitted by the Moscow authorities to reregister and was threatened with liquidation. The Scientologists filed a suit with the European Court of Human Rights (ECHR) against the liquidation order and has continued to avoid liquidation.

The Church of Jesus Christ of Latter-day Saints (Mormons) had succeeded in registering more than 45 local religious organizations as of June 30; however, in several regions local officials impeded registration. For example, the Mormons have attempted unsuccessfully to register a local religious organization in Kazan, Tatarstan, since 1998.

Although media, NGO reports, and government officials reported that many local Muslim religious organizations were unable to reregister before the December 2000 deadline, spokespersons for the country’s two most prominent muftis stated that most Muslim religious organizations that wanted to register were able to do so.

Human rights groups and religious minority groups have criticized the Procurator General for encouraging legal action against some minority religions and for giving an imprimatur of authority to materials that were biased against Jehovah’s Witnesses, Mormons, and others. The FSB, the Procurator, and other official agencies

have conducted campaigns of harassment against Catholics, some Protestant groups, and newer religious movements. Churches faced investigations for purported criminal activity, landlords were pressured to renege on contracts, and in some cases the security services were thought to have influenced the Ministry of Justice to reject registration applications.

Mainstream politicians, such as Duma Deputy and leader of the Communist Party of the Russian Federation Gennadiy Zyuganov, also made anti-Semitic comments in the press. Communist Duma deputy Vasilii Shandybin has often made derogatory public references to Jews. Anti-Semitic themes also figured in local election campaigns.

Contradictions between federal and local law in some regions and varying interpretations of the law gave some regional officials pretexts to restrict the activities of religious minorities. Discriminatory practices at the local level were attributable to the relatively greater susceptibility of local governments to lobbying by majority religions, as well as to discriminatory attitudes that were widely held in society. For example, articles heavily biased against religions considered “nontraditional” appeared regularly in both local and national press. There were reports of harassment of members of religious minority groups. Several religious communities were forced to defend themselves in court against charges by local authorities that they were engaging in harmful activities. The director of the Dianetics Center in Khabarovsk was convicted on criminal charges of the illegal practice of medicine and received a suspended 6-year sentence; however, at times local courts demonstrated their independence by dismissing frivolous cases or ruling in favor of the religious organizations. In other cases, authorities at times were slow to carry out, or refused to carry out, such rulings and in many cases appealed the rulings.

Sergey Volkov, whom the authorities described as a specialist in “sects,” stated that approximately 10 Jehovah’s Witnesses were in the psychiatric hospital in Penza, where doctors were trying to “return to them their mental health.”

Pentecostal representatives reported that the head of the Khabarovsk administration’s Department of Religion continued to engage in a campaign of harassment, hindering the church’s registration efforts and imposing extensive bureaucratic requirements on visiting missionaries. Harassment by officials included an organized roundtable to discuss the negative effects of the religion.

During the year, the Government was more active in preventing or reversing discriminatory actions taken at the local level, by more actively disseminating information to the regions and, when necessary, reprimanding the officials at fault. President Putin also has sought stricter and more consistent application of federal laws in the many regions of the country.

Some local and municipal governments prevented religious groups, including congregations of Jehovah’s Witnesses, Protestants, Catholics, Mormons, and Hare Krishnas from using venues suitable for large gatherings and from acquiring property for religious uses. Representatives of Jehovah’s Witnesses reported that in July, despite agreements reached with local authorities for large events in local stadiums in Pyatigorsk and Nizhny Novgorod, police intervened to prevent the meetings, blocking the entrances to several thousand persons in both cases. The authorities cited security concerns. Jehovah’s Witnesses reported continuing difficulties obtaining permission to build. Local officials in Sakhalin continued a campaign to deprive Jehovah’s Witnesses use of their existing prayer house. The matter remained in the courts as of year’s end; meanwhile, the congregation was fined for using the premises. A “temporary ban” on the Catholic Church’s attempts to build a church in Pskov remained in effect.

There were instances in which local officials detained individuals engaged in the public discussion of their religious views, but the individuals were released quickly.

The Government also continued to deny foreign missionaries visas to return to the country, reportedly as a result of earlier conflicts with authorities. During the year, religious organizations, particularly Roman Catholics and Protestants, experienced difficulties obtaining long-term visas for their employees and missionaries. These difficulties appeared to have commenced in late 2002, when a “Law on Foreigners” transferred some responsibilities for issuance from the Ministry of Foreign Affairs to the Ministry of the Interior. While most such groups had been able to obtain year-long visas in earlier years, many were only able to obtain 3-month visas during the year, obliging many longer-term foreign employees to make frequent trips abroad to renew their visas.

In March, a Moscow court rejected contentions that a textbook published for use in public schools violated the law against inciting ethnic hatred. Bearing the title, *The Fundamentals of Orthodox Culture*, the textbook was released in 2002 for use in a government-sponsored course on religion in public schools. The course was not mandatory, but few took the step of opting out. Those who challenged the book said

that it stereotyped Jews and was critical of other faiths. The authors had earlier indicated willingness to remove material offensive to Jews.

Continuing tensions between the Russian Orthodox Church and the Vatican often involved the Government. The Russian Orthodox Church denied involvement in the subsequent cancellation of the visas of five Catholic priests, including one bishop, but heatedly defended the cancellations as a government prerogative and an appropriate response to Catholic "encroachment." After Bishop Jerzy Mazur was replaced in the spring, Bishop Kirill Klimovich was officially appointed on April 17; he arrived in Irkutsk in May and was enthroned on June 15. Authorities no longer appeared to deny priests visas as a matter of policy but rather preferred to issue short, 3-month, visas in many cases, requiring a diocese to have two priests in order to maintain ongoing operations.

A law in Belgorod Oblast, affirmed by the Supreme Court, restricts missionary activity in the Oblast. Missionary activity is restricted in Belgorod oblast. The law also restricts the missionaries' use of local venues for religious meetings, and foreigners visiting the region were forbidden to engage in missionary activity or to preach unless the conduct of missionary activity had been stated in their visas. The Office of the Human Rights Ombudsman reported its disagreement with the law and attempted to convince the Belgorod court to reverse the decision. No cases were brought under this law during the year.

Representative offices of foreign religious organizations were required to register with state authorities. They were barred from conducting liturgical services and other religious activity unless they had acquired the status of a group or organization. Although the law officially requires all foreign religious organizations to register, in practice foreign religious representatives' offices (those not registered under law) have opened without registering or have been accredited to a registered religious organization. However, those offices were not permitted to conduct religious activities and did not have the status of a religious "organization."

While religious matters were not a source of societal hostility for most citizens, relations between different religious organizations frequently were tense, particularly at the leadership level, and members of individual minority religions continued to encounter prejudice and societal discrimination, and in some cases violence. Authorities usually investigated incidents of vandalism and violence, but arrests of suspects were extremely infrequent, and convictions were rare. Hostility toward "nontraditional" religious groups reportedly sparked occasional harassment and even physical attacks.

The number of underground nationalist-extremist organizations (as distinguished from such quasi public groups as Russian National Unity (RNE) appeared to be growing. According to the Ministry of the Interior, there were approximately 50,000 skinheads in the country, including 2,500 in Moscow. The primary targets of skinheads were foreigners and individuals from the Northern Caucasus, but they expressed anti-Muslim and anti-Semitic sentiments as well.

In May, Jehovah's Witnesses in St. Petersburg organized a meeting of 15,000 followers. After they heard that "anti-cult" activists might try to disrupt the event, Group leaders sought, but did not receive, added police support. Instead, the police tried to cancel the event, claiming the group lacked documentation, but ultimately permitted it to take place.

The restitution of religious property seized by the Communist regime remained an issue. In accordance with a presidential decree, some synagogues, churches, and mosques have been returned to communities to be used for religious services. According to the Presidential Administration, since a 1993 decree on property restitution went into effect, 4,000 buildings have been returned to religious groups (of which approximately 3,500 were returned to the Russian Orthodox Church). According to the Government, requests for restitution may be considered by the official entities responsible for the properties in question.

In June, the city of Orel approved the restitution of a synagogue in that city for which the local Jewish community had petitioned for a number of years. However, Krasnodar officials reportedly officially refused to return a city synagogue to the Jewish community. Instead, the head of the city Duma, Aleksandr Kiryushin, offered to sell the property to the community. A number of other religious communities continued to seek restitution of properties seized by the Communist Government.

Muslims, Catholics, Jews, and members of other minority religions continued to encounter prejudice and societal discrimination. In the case of Muslims and Jews, it was difficult to separate religious from ethnic motivations. Muslims, who form the largest religious minority, continued to face societal discrimination and antagonism in some areas. Discriminatory attitudes have become stronger since a group of Chechen rebels took 750 hostages in a Moscow theater in November 2002, and an

explosion, blamed by the authorities on two Chechen women, killed 15 in a suicide attack on July 5. Women wearing Muslim headscarves were often stopped in the streets for document checks for no apparent reason. The authorities, the media, and the public have been quick to label Muslims or Muslim organizations “Wahhabists,” a term that has become synonymous with “extremists.” Human rights NGOs accused the authorities of cracking down on Muslim believers and others of traditionally Muslim ethnicity.

Numerous press reports documented anti-Islamic sentiment. At the end of July, the Russian Council of Muftis reportedly demanded action from the authorities to end the harassment and incitement of ethnic hatred against Muslims. According to press reports, on September 8, arsonists set fire to a mosque in Bratsk (Irkutsk region). Wooden planks were reportedly doused in flammable liquid and set against the building; nobody was injured. According to Rakhim Nabotov, Chair of Bratsk Muslim Community, there were two fire incidents during the year. After the second incident, the local police refused to investigate the site. Nabotov claimed he did not expect any help from the Bratsk local authorities and would be happy if they did not get in the way. Nabotov noted that the Muslim community in Bratsk was rather large—there were 18,000 Muslims in Bratsk out of a population of 450,000. According to him, ethnic hatred was a serious problem—Bratsk Muslims were being blamed for problems in Chechnya.

Although Jewish leaders have stated publicly that the State-sponsored anti-Semitism of the Soviet era no longer existed, Jews continued to face prejudice, social discrimination, and some acts of violence. The NCSJ reported that there were attacks on, and threats toward, Jews, Jewish leaders, and Jewish property, citing instances in Moscow, Ulyanovsk, Samara, and Voronezh. According to a press report, at the end of July, police successfully defused a bomb wired to an anti-Semitic placard by the side of a highway south of Moscow. There were similar incidents in 2002.

During the year, unknown persons vandalized synagogues, Jewish cemeteries, and memorials. Vandals desecrated tombstones in cemeteries dominated by religious and ethnic minorities in numerous cases. These attacks usually were accompanied by swastikas and other ultra-nationalist symbols. For example, a human rights NGO reported that on August 5, vandals smashed windows and painted swastikas and anti-Semitic slogans on the Yaroslavl synagogue. This was the fourth attack on the synagogue during the year. According to the Jewish Cultural Center in Yaroslavl, there were two more attacks at the complex in May and June. On June 22, vandals celebrating the day when the Great Patriotic War began, smashed windows and painted anti-Semitic slogans. The Mayor of Yaroslavl allotted approximately \$3,000 (90,000 rubles) for reparations. According to a Jewish Cultural Center representative, the investigation classified these cases as hooliganism, but they could not confirm whether any of these cases were brought to a court.

Responses to anti-Semitic violence were mixed. Authorities often provided strong words of condemnation, but with a few exceptions, have preferred to label the perpetrators as terrorists or hooligans. Occasionally, the Government has redesignated these events as criminal acts resulting from ethnic hatred.

A large number of small, radical-nationalist newspapers are distributed throughout the country. They carry anti-Semitic, as well as anti-Muslim and xenophobic leaflets. Anti-Semitic themes continued to figure in some local publications around the country, unchallenged by local authorities. Some NGOs claimed that many of these publications are owned or managed by the same authorities.

The Office of Human Rights Ombudsman Mironov includes a department dedicated to religious freedom issues. Mironov continued to criticize the 1997 Law on Freedom of Conscience and to recommend changes to bring it into conformity with international standards and with the Constitution.

As a consequence of beatings of an African-born Pentecostal pastor and the displacement of his congregation resulting from the burning of the church building in 2001 by unknown assailants, who were never apprehended, the congregation in the Moscow suburb of Checkov disbanded at mid-year (see Section 5).

Although the Constitution mandates the availability of alternative military service to those who refuse to bear arms for religious or other reasons of conscience, in practice, no such alternative exists. The Slavic Law Center handled several cases of persons who refused to perform military duty based on their religious convictions. According to the Jehovah’s Witnesses lawyer in St. Petersburg, Jehovah’s Witnesses were aware of 70 court cases where conscripts defended their rights not to serve in the military. Of these 70 cases, 29 were adjudicated in favor of the objector, 17 against, and 23 cases were still ongoing. Also, there were 10 (out of these 70 cases) criminal cases initiated against Jehovah’s Witnesses who refused military service. Of these, 2 were convicted, 5 were acquitted, and 3 cases were ongoing at year’s end.

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

d. Freedom of Movement within the Country, Foreign Travel, Emigration, and Repatriation.—The Constitution provides for these rights; however, the Government placed restrictions on freedom of movement within the country and migration, and there were some bureaucratic obstacles to foreign travel.

The Government has long had registration requirements on domestic travel. All adults are issued internal passports, which they must carry while traveling and must register with local authorities for visits of more than 3 days (in Moscow for visits more than 24 hours); however, travelers not staying in hotels usually ignored this requirement. These internal passports also are required for obtaining many governmental services. There have been several disputes between the central authorities and regional governments regarding the internal passports.

The Constitution provides citizens with the right to choose their place of residence freely; however, some regional governments continued to restrict this right through residential registration rules that closely resembled the Soviet-era “propiska” (pass) regulations. Although authorities justified the rules as a notification device rather than a control system, their application produced many of the same restrictive results as the “propiska” system. Citizens must register to live and work in a specific area within 7 days of moving there. Citizens changing residence within the country as well as persons with a legal claim to citizenship, who decide to move to the country from other former Soviet Republics, often faced great difficulties or simply were not permitted to register in some cities. Corruption in the registration process in local police precincts remained a problem. Police demanded bribes when processing registration applications and during spot checks for registration documentation. The fees for permanent and temporary registration remained low. The Government and city governments of Moscow and other large cities defended registration as necessary in order to control crime, keep crowded urban areas from attracting even more inhabitants, and earn revenue. Despite nearly 4 years of litigation, Moscow’s registration requirement remained in effect, and the practice—which police reportedly used mainly as a means to extort money—continued at year’s end.

Federal authorities restricted the entry of foreigners into the northern cities of Norilsk and Novoye Urengoy. While the federal constitution permits entry restrictions for reasons of state security, these cities requested the restrictions because of perceived economic benefits.

While federal law provides for education for all children in the country, regional authorities frequently denied access to schools to children of unregistered persons, asylum seekers, and migrants because they lacked residential registration (see Section 5).

According to NGOs, the city of Moscow and some other jurisdictions frequently violated the rights of nonresidents and ethnic minorities, as well as the rights of those legitimately seeking asylum. Moscow police, particularly special OMON units, conducted frequent document checks, particularly of persons who were dark-skinned or appeared to be from the Caucasus. There were many credible reports that police imposed fines on unregistered persons in excess of legal requirements and did not provide proper receipts or documentation of the fine. According to HRW and church ministries tracking interethnic violence, it was not unusual for darker-skinned persons to be stopped at random and for officers to demand bribes from those without residence permits (see Section 1.c.).

According to the Moscow Helsinki Group’s 2001 human rights report, during 1989–90, approximately 90,000 Meskhetian Turks, an ethnic group many of whose members had been deported from the Soviet Republic of Georgia during World War II, were forced by ethnic conflicts to leave the Soviet Republic of Uzbekistan where they had settled. At the end of 2002, an estimated 60,000 Meskhetian Turks remained in the country. Of these, more than 15,000 had settled in Krasnodar Kray, and approximately 700 had settled in the Kabardino-Balkariya Republic. Authorities in Krasnodar Kray and the Karbardino-Balkariya Republic continued to deny the Meskhetian Turks the right to register, which deprived them of all rights of citizenship, despite provisions of the Constitution that entitle them to citizenship. Meskhetian Turks living in Krasnodar, like other ethnic minorities, were subject to special registration restrictions; for example, they were required to register as “guests” every 45 days. The administration of Krasnodar Governor Tkachev appeared to be attempting to use economic measures to force the Meskhetians to leave the territory. According to Memorial, in the winter of 2001–02, the authorities prohibited them from leasing land and cancelled existing leases for the 2002 crop season. Other measures imposed on them included a prohibition on employment or commercial activity in local markets. According to Memorial, during the year,

Meskhethian Turks police continued to subject them to document checks, detentions, and other harassment.

The Constitution provides all citizens with the right to emigrate. The Government imposed nominal emigration taxes, fees, and duties. On average, it took 3 months to process a passport application, although it could take much longer if documentation was needed from another country of the former Soviet Union.

According to a report from the UNHCR, emigration increased by 50 percent since 2002. In the first 6 months of the year, 12,700 citizens appealed to foreign embassies with requests for refugee status, compared with 20,000 appeals in 2002.

Memorial attributed the rise in emigration to the new citizenship law enacted in 2002. Because of the new law, many citizens of the former Soviet Union (those permanently living in Russia without Russian citizenship) found themselves reclassified as illegal immigrants. In addition, many persons fleeing Chechnya also applied for refugee status. A Soviet requirement that citizens receive a stamp permitting "permanent residence abroad" (PMZh) in order to emigrate—essentially a propiska for those living outside the country—was formally abolished in 1996; however, implementation of the change (which had been scheduled to take place early in 1997) remained incomplete. According to the International Organization for Migration (IOM), border guards continued to require a PMZh-like stamp of all emigrants, and the local authorities continued to issue it to citizens with valid external passports.

If a citizen has had access to classified material, police and FSB clearances were necessary in order to receive an external passport. Persons denied travel documents on secrecy grounds could appeal the decision to an Interagency Commission on Secrecy chaired by the First Deputy Foreign Minister. The Commission may not rule on whether the material should be classified, but it may rule on the legality of travel restrictions imposed and on whether the traveler actually had access to materials requiring a travel restriction. During the year, the Commission granted travel permission to approximately 78 percent of those applicants who had had access to classified information. The 1996 law states that access to classified material may occur only with the consent of the citizen, established in the form of a written contract, which states that the signatory understands that he has been given access to state secrets and that his ability to travel abroad may be restricted. The law envisions a maximum period of delay under normal circumstances of 5 years, and it grants the interagency Commission on Secrecy the right to add an additional 5-year term to the period of delay if the Commission finds that a person had access to particularly sensitive materials. This latter provision raised serious concerns among human rights advocates who monitor government restrictions on foreign travel; however, there were no reports that the provision was applied during the year.

Other grounds for denial of the right to travel abroad were an unfulfilled military conscription obligation, assignment to civilian alternative service, being under criminal investigation, serving a sentence for a crime, evasion of a court-ordered obligation, or providing false information on a passport application.

Emigrants who resettled permanently abroad but were traveling on Russian passports generally were able to visit or repatriate without hindrance; however, visiting emigrants who departed without first obtaining a PMZh stamp have been stopped at the border and prevented from departing the country again (although they may enter without difficulty), since they could present neither a nonimmigrant visa to another country nor evidence of permission to reside abroad legally.

In June 2002, the State Duma adopted a federal law on the legal status of foreign citizens. Critics of the law pointed out that the 3-month deadline facing noncitizen residents for obtaining visas or long-term resident status was very short, that the law did not include an exhaustive list of documents required for official registration, and that the law left many matters to the MVD's discretion. The law also required that a foreigner prove, even after receiving the permit, that he or she was able to provide for himself and his family at a certain level. Under this law, an AIDS-infected foreign worker should be fired from his job immediately. An AIDS-infected person is prohibited from receiving permanent residence status. According to human rights observers, this law, and the new citizenship law, could further increase the difficulties facing groups such as Meskhethian Turks in Krasnodar and other regions who have been denied citizenship documentation in contradiction to the laws governing citizenship.

International organizations estimated that the number of IDPs and refugees who left Chechnya because of the conflict reached a high of approximately 280,000 in the spring of 2000. At the end of the year, an estimated 70,000 IDPs from Chechnya were residing in Ingushetiya, many of them in camps, and 140,000 IDPs in various parts of Chechnya. There were reports of approximately 8,000 Chechen IDPs in Dagestan, 2,500 in North Ossetia, and 4,000 in Georgia. Approximately 20,000 Chechen IDPs reportedly went to other regions of the country. In addition to ethnic

Chechen IDPs, almost the entire population of ethnic Russians, Armenians, and Jews left Chechnya as a result of both the conflict that began in 1999 and the war of 1994–96.

Government officials stated publicly that they would not pressure or compel IDPs to return to Chechnya; however, at the same time, federal and local authorities consistently stated their determination to repatriate all IDPs back to Chechnya as soon as possible. Representatives of the Chechen administration visited camps in Ingushetiya to encourage IDPs to return to Chechnya, usually to temporary IDP facilities; some who did so quickly returned to Ingushetiya because of a lack of facilities and a lack of security in the temporary facilities for IDPs in Chechnya. UNHCR officials reported that 12,727 IDPs returned to Chechnya from Ingushetiya between January 1 and September 31.

Authorities announced at various times during the year that the IDP tent camps, which housed 20,000 IDPs, would be closed. However, following domestic and international protests, federal and local authorities repeatedly offered assurances that no one would be repatriated to Chechnya involuntarily. At times, the border between Chechnya and Ingushetiya was closed because of military operations. Federal border guards and police officers on the border between Chechnya and neighboring regions—and at checkpoints within the country—frequently required travelers to pay bribes. Some Chechens also had trouble traveling because their documents were lost, stolen, or confiscated by government authorities. Officials stopped registering IDPs in Ingushetiya in spring 2001, depriving new arrivals of the possibility of regularizing their status in the republic. Local authorities also frequently removed IDPs from the registration lists if they were not physically present when the authorities visited their tents. There were frequent interruptions in gas and electricity to IDP camps in Ingushetiya, events that IDPs often viewed as pressure to return to Chechnya.

In 2002, the Government appointed a commission to review complaints about treatment of Chechen IDPs in Ingushetiya. According to its report, the majority of the commission members found that IDPs were being pressured to return to Chechnya and that their right to choose their place of residence, to housing, and to inviolability and compensation for damage to their property were being violated to varying degrees. For the fourth year, the Federal Government did not comply with a 2001 U.N. Commission on Human Rights resolution calling for a broad-based independent commission of inquiry to investigate alleged human rights violations and breaches of international humanitarian law. The Government refused to renew the mandate of the Chechnya mission of the OSCE that was charged with “promoting respect for human rights and fundamental freedoms” in the territory, which expired on December 31, 2002 (see Section 4).

The law provides for the granting of refugee status or asylum to persons who meet the definition in the 1951 U.N. Convention Relating to the Status of Refugees and its 1967 protocol. In practice, the Government provided some protection against refoulement, but rarely granted refugee or asylum status. It cooperated to a limited extent with the UNHCR and the IOM; both organizations assisted the Government in trying to develop a more humane migration management system, including more effective and fair refugee status determination procedures. At year’s end, UNHCR had registered 42,931 asylum seekers who originated from outside the territories of the former Soviet Union since 1992. The UNHCR reported that only 2,962 of these were active cases, i.e., 5,793 total persons still seeking asylum or receiving UNHCR assistance. The remainder integrated into society, left the country, resettled, or repatriated. The Government acted more expeditiously and with greater leniency in cases involving applicants who had been citizens of the former Soviet Union. There continued to be widespread ignorance of refugee law both on the part of officials and would-be applicants.

A number of workers and students from Africa and Asia who came to work or study in accordance with treaties between their countries and the former Soviet Union remained in the country. The Government did not deport them but continued to encourage their return home. The number of persons from these countries increased in recent years due to the arrival of individuals seeking refugee status. During the year, the UNHCR resettled a total of 457 persons, of whom 268 were Afghans and 157 were Africans.

A group of approximately 1,400 to 2,000 Armenian refugees evacuated from Azerbaijan in the late 1980s, due to ethnic violence, remained housed in “temporary quarters,” usually in Moscow hotels or workers’ dormitories. They were unable to return to Azerbaijan, and conditions in Armenia made emigration to that country practically impossible; they also lacked residency permits for Moscow. Representatives of the community have stated that they were not interested in Russian citizenship, which would entitle them to the benefits accorded to forced migrants, because

they did not believe such a step would improve their material situation. They also rejected offers of relocation to other regions, alleging that the alternative housing that they were offered frequently was not suitable or available. Their situation remained precarious because the formerly state-owned hotels in which many resided were being privatized; a number of eviction orders were served in such cases during the year. Despite official promises, their status and permanent housing had yet to be resolved by year's end.

The UNHCR continued to be concerned about the situation of asylum seekers and refugees at Moscow's Sheremetyevo-2 airport. The authorities systematically deported improperly documented passengers, including persons who demonstrated a well-founded fear of persecution in their countries of origin. If a passenger requested asylum, Aeroflot provided telephone numbers for the UNHCR, but these numbers were not posted publicly anywhere in the transit zone. Despite repeated UNHCR recommendations, there were no signs in the transit area to advise asylum seekers about the refugee status determination process at the airport. Undocumented travelers were not allowed to leave the transit zone and often were returned to the carrier on which they entered the country. Legally bound to provide food and emergency medical care for undocumented travelers, the airlines returned them to their point of departure as quickly as possible; airlines were fined if an undocumented passenger was admitted to the country but not if the passenger was returned to the country of origin. The treatment of asylum seekers in the transit zone reportedly was harsh. The UNHCR has received reports of physical and verbal abuse of transit passengers by police officers and Aeroflot employees. Authorities rarely released passengers from the transit zone unless there was a medical emergency. During the year, at least four persons were stranded in the transit zone of Sheremetyevo-2 airport for more than 3 months. In addition, at least five other persons were held at the airport's transit hotel/detention facility, managed by Aeroflot, for more than 3 months, including a pregnant asylum-seeker from Iraq who, together with her husband, was eventually resettled by UNHCR in Canada.

In August, airport officials, border guards, and migration officials discussed the issue of stranded passengers (including refugees and asylum-seekers) living in the transit zone. The establishment of a temporary accommodation center for the airport was put forward; however, by year's end, no other concrete steps had been undertaken.

There were 114 Points of Immigration Control (PICs) at border crossings and international airports, which were staffed by members of the former Ministry of Federation Affairs, Nationalities, and Migration Policy who were subsequently employed by the Ministry of the Interior. Most of the cases referred to them dealt with labor migrants both entering and leaving the country. A few were asylum seekers. According to the UNHCR, the PICs have never accepted any of the asylum seekers. Those who were interviewed (and refused) by the PIC at Sheremetyevo-2 generally were referred to the UNHCR, which received numerous such cases during the year. The UNHCR examined each case and sought resettlement on an emergency basis for those that it accepted.

The Constitution does not permit the extradition to other states of persons who would be persecuted there for political beliefs or for actions (or inactions) that are not considered a crime in the Federation; however, in the past there were instances in which opposition figures were deported to countries of the former Soviet Union to face charges that were political in nature.

Under the 1993 Commonwealth of Independent States Convention on Legal Assistance in Civil, Family, and Criminal Affairs, persons with outstanding warrants from other former Soviet states may be detained for periods of up to 1 month while the Procurator General investigates the nature of outstanding charges against the detainee. This system was 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 continued to allege that this network was 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 peacefully; while citizens generally have exercised this right in practice, the December 7 Parliamentary elections failed to meet international standards in a number of areas.

The Constitution establishes four branches of Government: The Presidency; the Federal Assembly made up of two houses (the State Duma and Federation Council); the Government and Council of Ministers headed by the Prime Minister; and the

Judiciary. The Constitution gives predominance to the Presidency, and the President utilized his many powers to set national priorities and establish individual policies.

Parliamentary elections, held on December 7, were observed by the OSCE, which offered a positive evaluation of the technical conduct of the balloting but concluded that the overall election process, marred by widespread misuse of administrative resources, systematically biased campaign coverage, and inequitable treatment of political parties, failed to meet OSCE standards. This was the most critical assessment of an election issued by the OSCE since the Russian Federation became an independent country.

The OSCE described the legal framework for the elections as providing the potential for genuine democratic elections and concluded that the Central Election Commission had functioned in an efficient and open manner. The OSCE noted some problems with vote counting; in addition, the Communist Party of the Russian Federation (KPRF), using an alternative vote-counting strategy that totaled the observations of over 300,000 KPRF observers and 200,000 observers from other parties, claimed that United Russia, the main pro-Government party, had manipulated the computer system used for vote counting to steal 3 percent of the vote from the two liberal parties, the Union of Right Forces and Yabloko, depriving them of the necessary 5 percent of the party list votes to attain representation in the Duma (the KPRF did not claim that its own vote totals were manipulated). The OSCE noted in its final report that the authorities should have investigated the complaint.

The most serious shortcomings involved the pre-electoral campaign. Although the legal requirements for televised political debates and free time for party candidates to present their views were observed, the Government used its increasing influence over the media, particularly the electronic media, to promote favored candidates in newscasts and other programming, resulting in coverage that was heavily biased in favor of the main government party, United Russia, and other favored parties, and against the main opposition party, the KPRF (see Section 2.a.). In addition, the media operated for most of the year under the terms of a 2002 law that was intended to prevent sensational and negative campaigning. Concern about how the law would be interpreted greatly restricted pre-election media coverage of political candidates. On October 31, the most restrictive elements of this law were overturned by the Constitutional Court (see Section 2.a.).

Opposition parties, particularly those receiving funding from some so-called oligarchs, were seriously hampered by the investigation and arrest of Yukos President Mikhail Khodorkovsky, a step widely believed to have been prompted, at least in part, by the considerable financial support he provided to opposition groups. Other wealthy benefactors of opposition parties appeared to have responded to what they regarded as an implied threat by reducing their own involvement in political giving. The pro-Government forces, in contrast, drew heavily on "administrative" resources, using the power and influence of regional and local officials to maximize media coverage and campaign financing, and in some instances local electoral commissions appeared to bend the law to disqualify local opposition Duma candidates, leading to a small number of questionable disqualifications.

Insufficient transparency in the post-election period was also a serious concern. The OSCE reported that 14 percent of the polling stations observed failed to provide certified copies of the results to domestic observers. This lack of transparency eliminated an important means of verifying the accuracy of the election results and constituted "a serious breach" of the legislative requirements."

In Chechnya, the authorities held a referendum on March 23 in which voters were asked to approve a new constitution and procedures for the election of a President and parliament for Chechnya. The authorities described the referendum as the first step toward ending the region's military conflict. The authorities declared that the draft constitution, which called for the republic to be an "integral and inseparable" part of Russia, had been approved by a wide margin. Some human rights observers were critical of the process, asserting that the serious security situation in Chechnya and the inability of supporters of Chechen independence to mount a campaign against the referendum deprived it of validity. The OSCE Office for Democratic Institutions and Human Rights (OSCE/ODIHR) did not deploy a full-scale observer mission, rather it sent a small technical assessment team. According to team leader Hrair Balian, "the organization and conduct of the referendum were not without shortcomings." Following approval of the referendum, a presidential election took place in Chechnya on October 5. Although international monitoring was limited, the reports of local monitors and press reports suggested that it did not meet the standards for democratic elections. The main candidates had been the acting head of the Chechen administration, Akhmed Kadyrov, who was the candidate of the central authorities; Aslanbek Aslakhanov, who represented Chechnya in the

Duma; and Malik Saidulayev. Before the elections, Aslakhonov dropped out to accept a position in the Kremlin, and Saidulayev was disqualified when the Chechen Supreme Court ruled that he had not been properly registered. The official Russian media coverage of the election campaign was strongly supportive of Kadyrov.

President Vladimir Putin assumed the post of acting President upon the resignation of Boris Yeltsin in 1999. He was elected to the office in the March 2000 election. While some among the opposition and the media claimed widespread election fraud, most international observers concluded that the election generally was free and fair and that the results 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. Many observers pointed to problems with biased media coverage of the presidential election campaign.

Competitive elections for other regional and local offices were held throughout the year. Most observers viewed these elections as generally free and fair, although there were problems in some regions involving unequal access to the media, non-compliance with financial disclosure requirements, and use of "administrative resources" (such as government staff and official media) by incumbents to support their candidacies. Challengers were able to defeat incumbents in some of the races for regional executive positions, and losing candidates generally accepted the legitimacy of the voting results. There were reports that incumbent governors in some regions pressured local press organizations to support their candidacies or deny support to their challengers (see Section 2.a.). The counting of the votes in most locations was professionally done; however, incumbents, particularly those with connections to the Kremlin, enjoyed significant advantages in media access and financing during their campaigns (see Section 2.a.).

In a number of regions, including Chechnya, there were apparent incidents of candidates being pressured by central or regional officials to withdraw from elections, disqualification of candidates through apparently prejudiced application of elections laws, and other forms of electoral manipulation.

The July 2002 Law on Basic Guarantees of Electoral Rights and Citizen Participation in Referendums and the July 2001 Law on Political Parties significantly enlarge the role played by political parties in the electoral system by simplifying candidate nomination by parties at all levels of government and by requiring that half of the seats in regional legislatures be determined by party-list voting, as in the State Duma. These laws, in conjunction with the December 2002 Law on Elections of State Duma Deputies, expand campaign spending limits and public financing of political parties, shorten the official campaign period, limited the conditions under which candidates could be removed from the ballot, and impose restrictions on media coverage. An additional effect of the laws was the expansion of the Central Elections Commission's authority over subordinate regional elections commissions. In September 2002, the President signed into law an amendment to the Law on Referenda that prohibits national referenda in the year prior to federal elections.

Political parties historically have been organizationally weak. The July 2001 law on political parties requires parties to have 10,000 members in order to be registered and function legally, with no fewer than 100 members in a majority of the country's 89 regions (see Section 2.b.). The law grants political parties a partial monopoly on running candidates for legislative office, creates serious hurdles for the registration of new political parties, and gives the executive branch and Procuracy broad powers to regulate, investigate, and close down parties.

In May, the Ministry of Justice revoked the registration of an ultra-nationalist party, the National Power Party of Russia, which had been registered in September 2002. The revocation, which took place only after considerable criticism of the initial registration, prevented the party from participating in the December parliamentary elections. Also in May, the Supreme Court of Tatarstan upheld the efforts of the Republic branch of the Ministry of Justice to ban the activities of the ultra-Nationalist RNE in that Republic. The authorities continued to take measures against the skin-head-related National Bolshevik Party.

During the year, the Government took a number of measures to consolidate the levers of political power in the hands of President Putin. The October 25 arrest of Khodorkovsky removed a powerful and wealthy critic of the administration of President Putin who had become increasingly active in providing financial assistance to opposition political parties, as well as to NGOs (see Section 4). Khodorkovsky, who was charged with fraud in connection with privatization of industrial assets in the 1990s, was the latest of a number of wealthy "oligarchs" who represented centers of potential political and media opposition to the President. In the view of many human rights observers, Khodorkovsky's arrest was intended as a warning to other

oligarchs against involvement in political affairs and independent financial support of civil society. Whatever circumstances led the authorities to move against magnates such as Khodorkovsky, Boris Berezovskiy and Vladimir Gusinskiy—the latter two now in exile—their removal is widely seen as a warning to other potential opponents among the economic elite against direct political involvement or support of independent media.

A prominent Duma Deputy and Liberal Russia party co-Chairman, Sergei Yushenkov, was shot to death on April 17 (see Section 1.a.).

Yuri Shchekochikhin, a prominent Duma deputy and deputy editor of *Novaya Gazeta*, died in July under mysterious circumstances (see Section 1.a.).

In the December elections, 45 female deputies were elected to the 450-member Duma, 10 more than were elected in 1999. A woman, Lyubov Sliska, served as Speaker of the Duma. One woman, Galina Karelova, served as a Deputy Prime Minister, while another woman, Valentina Matviyenko, served as Presidential Representative to the Northwest Federal District prior to her election this year as Governor of St. Petersburg.

Legal provisions have allowed national minorities to take an active part in political life; however, ethnic Russians dominated the political system, particularly at the federal level, and national minorities generally were underrepresented in many areas of public life.

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

Many domestic and international human rights groups generally operated without hindrance in the country, and most investigated and publicly commented on human rights problems, generally without government interference or restrictions. However, three of the most well-known NGOs in Moscow were harassed this year. In November, tax police began an audit of Otkrytaya Rossiya, the NGO established by former Yukos CEO, Mikhail Khodorkovskiy, which observers feared represented the first step toward disbanding the organization.

On November 7, dozens of men in camouflage raided the Moscow offices of the Soros Foundation's Open Society Institute. The press reported that the men hauled away documents and computer data covering 15 years. Private security forces carried out the operation; they were allegedly hired by a businessman with whom the foundation had been having a legal dispute, but some observers regarded the action as government-inspired. A court ruling on the property dispute is expected in early Spring 2004, which would decide the future of the Soros Foundation in the country. The Soros Foundation continued to plan on splitting the Open Society Institute/Russia into 12 separate foundations that would be jointly financed by Soros and Russian donors for the next 3 years with an eventual turnover to all-Russian financing.

On December 25, the Director of the Sakharov Center in Moscow was served notice that a long-pending case against him for organizing a provocative exhibit of religious art at the Sakharov center in January would go on trial. The case exemplified the increasing power of the Russian Orthodox Church, and highlighted the hostile atmosphere civil society faced. Overall, NGOs dealing with Chechnya, human rights, and the environment faced the most government harassment.

In the regions, some local officials harassed human rights monitors (see Section 1.d.), and the Government in December 2002 refused to renew an agreement with the OSCE Assistance Group that would have permitted it to continue its human rights monitoring in Chechnya. Some governmental officials viewed the activities of some NGOs in regard to Chechnya with great suspicion. The press reported that the President's Special Representative for Human Rights in Chechnya accused NGOs and Western media of publishing accounts of mass killings in Chechnya as part of a "planned action" aimed to justify efforts among some Europeans to establish an international tribunal for Chechnya.

Several NGOs reported increased difficulties in their relations with local authorities. These ranged from visa and registration problems to delays in permission to enter Chechnya to denial of permission to enter IDP camps in order to provide assistance. The Government's attitude towards human rights NGOs varied; the level of cooperation tended to depend on the perceived threat to national security or level of opposition that an NGO might pose. For example, NGOs monitoring prison conditions enjoyed an excellent relationship with government authorities, while those monitoring Chechnya had a more tense relationship. Officials, such as human rights Ombudsman Oleg Mironov, regularly interacted and cooperated with NGOs.

On the other hand, authorities continued to put pressure on the NGO, School for Peace, because of its activities in support of Meskhetians in the Krasnodar region (see Section 2.d.). On July 14, in a meeting with the head of School for Peace, a Krasnodar representative of the Ministry of Justice stated that the organization

would be disbanded because it had listed only one founder rather than the statutorily required three. In the course of the conversation, the Ministry official strongly criticized School for Peace for its activities on behalf of Meskhetians and the director's contacts with foreigners. In December, a district court in Krasnodar ruled that the School for Peace should be disbanded; the NGO was appealing the decision at year's end. Most of the NGO's work was being carried out through a sister organization, the Novorossiysk Committee for Human Rights.

Several NGOs were headquartered in Moscow and had branches throughout the country. Some of the more prominent human rights organizations were 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, USMC, the Mothers' Rights Foundation, and the Moscow Helsinki Group. Several of these groups were recognized and consulted by government and legislative officials for their expertise in certain fields, and such groups participated, with varying degrees of success, in the process of drafting legislation and decrees. Memorial worked with the offices of the Presidential Human Rights Envoy for Chechnya, and the Government provided security for Memorial's trips to the regions. In July, the Moscow Helsinki Group announced the release of its fourth annual survey of human rights conditions in the country. The extensive and detailed report covered human rights problems in all 89 of the country's principal administrative divisions.

A variety of regionally based human rights groups operated during the year. Socioeconomic rights groups were the most numerous; they monitored issues such as unpaid wages and benefits. There were fewer civil-political rights groups, but they included "generalist" organizations that covered the range of human rights issues and "specialist" organizations that covered only one issue. There were also public centers that provided legal advice to the general public (see Section 1.e.). These centers usually were run on a part-time basis by lawyers who, while they could not afford to offer trial counsel or actual legal work, offered advice at no cost on legal rights and recourse under the law. Resources for human rights work were scarce; most groups relied on foreign support in the form of grants to maintain operations.

Two developments late in the year appeared to have negative implications for NGOs and their relationship with the Government. On October 25, authorities arrested Mikhail Khordokovskiy, Chairman of the oil company Yukos and chief impetus for the creation in 2001 of Yukos' own NGO Open Russia (see Section 3). In November, authorities opened a tax investigation against Khodorkovskiy's NGO, Otkrytaya Rossiya. At year's end, the NGO continued to function with a reduced budget and more narrow strategic priorities.

Regional human rights groups generally received little, if any, international support, or attention. Although at times they reported that local authorities obstructed their work, criticism of the Government and regional authorities usually was permitted without hindrance. The authorities were reportedly less tolerant of criticism of a specific political leader in the region (usually the governor or a senior law enforcement official). Local human rights groups had far fewer opportunities than their Moscow counterparts to interact with legislators to develop legislation; local authorities excluded some from the process entirely.

During the year, many domestic and international NGOs continued their work in Chechnya, despite the threats posed by the ongoing military conflict. Within Chechnya some international NGOs maintained small branch offices staffed by local employees; however, all international NGOs had their bases outside of Chechnya (see Sections 1.b. and 1.g.).

On March 15, according to HRW and NGO activists, masked men in Chechnya kidnapped Imran Ezhiev, who had been engaged in the preparation of the Moscow Helsinki Group's annual report on human rights in Chechnya, questioned him intensively about his work, confined him in an extremely small enclosure, leaving him temporarily unable to walk without assistance, and threatened him with torture and execution. Following domestic and international protests, the abductors subsequently dumped him on the roadside in the middle of the night on March 18. There were no indications of any effort by the authorities to apprehend the perpetrators.

The August 2002 kidnapping by unknown persons of the head of the Doctors without Borders Mission in the Province of Dagestan, adjacent to Chechnya, remained unsolved at year's end (see Section 1.b.). This event and overall security problems led many NGOs to limit their activities in the north Caucasus region.

In December 2002, the mandate of the OSCE's Chechnya Assistance Group, which had been established in 2001, expired and the Government has continued to refuse to renew it. The mission had frequently criticized the actions of military forces. Foreign Minister Ivanov stated that the OSCE mission had failed to understand Chechen realities. Other officials stated that the country wished to continue co-

operation with the OSCE but that corrections were required in its operations in Chechnya.

Every person within the jurisdiction of the Federation may file appeals to the ECHR about alleged human rights violations that occurred after May 1998, when the European Convention on Human Rights entered into force. Complainants were not required to exhaust all appeals in domestic courts before they could turn to the ECHR, but they must have exhausted “effective and ordinary” appeals, which usually include two appeals (first and cassation) in courts of ordinary jurisdiction and three (first, appeal, and cassation) in the commercial court system. As of September, the Court had received about 14,000 complaints against Russia. Of those, about 6,500 were declared inadmissible, and about 4000 were registered as ready for decision. More than 150 complaints were communicated to the Russian Government. The Court found 15 complaints to be admissible, and there were five findings of violations based on the merits. Many applications were rejected at the first stage of proceedings as being clearly incompatible with the formal requirements of the European Convention. Some cases were put on the Court’s calendar for fuller consideration.

The Government placed restrictions on the activities of both NGOs and international organizations in Chechnya (see Section 1.c.).

The Government’s human rights institutions continued to lack independence, but some of them did make efforts to promote human rights. The Office of the Human Rights Ombudsman, headed by Oleg Mironov, commented on a broad range of human rights issues. Mironov’s office had more than 150 employees and had several specialized sections responsible for investigating complaints of human rights abuses, including a section on religious freedom and a section on human rights education. During the year, the office published various reports on human rights problems. Mironov’s role remained primarily consultative and investigatory, without powers of enforcement. By year’s end, there were regional human rights ombudsmen with responsibilities similar to Mironov’s in 20 of the 89 regions. Human rights committees and ombudsmen existed in other regions as well; however, the effectiveness of the regional ombudsmen and committees varied significantly from region to region.

The President’s Human Rights Commission, headed by Ella Pamfilova and including a number of human rights activists, organized a “Russian Forum” to bring together NGOs from all across the country to a conference in October and held a much smaller meeting with President Putin following the December elections to discuss democracy and human rights issues. Although no concrete measures were taken at either meeting, these meetings produced some results. For example, following a meeting with the President where activist members successfully appealed to President Putin, a December 2002 fact-finding mission of the Commission to the Caucasus region and its January report succeeded in limiting involuntary returns of IDPs to Grozny.

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

The Constitution prohibits discrimination based on race, sex, language, social status, or other circumstances; however, both governmental and societal discrimination persisted.

Women.—Domestic violence remained a major problem, and victims rarely had recourse to the authorities for protection. Police were reluctant, and at times unwilling, to intervene in what they regarded as purely domestic disputes. Many women were deterred from reporting such crimes, not only because of social and family pressure but also because the tight housing market made it difficult either to find housing outside the family dwelling or to expel an abusive spouse, even after a final divorce action. Much of society, including some leaders in the human rights community, did not acknowledge domestic violence as a problem or did not believe that it was an area for concern outside of the family. There was a general lack of understanding of these problems in the legal community, and there was no legal definition of domestic violence. Some forms of battering are addressed in the Criminal Code but are defined too narrowly to apply to most cases. There also was no national political will to consider these problems seriously. Several NGOs expressed serious concern about guidance provided to the new justices of peace—to whom most such cases are expected to be referred—which instructs the justices to reconcile the battered and the batterer and return the victim to the home as soon as possible.

No reliable statistics existed to permit evaluation of the true extent of the problem nationwide, and individual jurisdictions varied in their statistical methodology. Amnesty International (AI) cited reports by domestic NGOs indicating that over 1 million women a year suffered from domestic violence. According to Alexandra Kareva, a lawyer for Stop Violence, an association of women’s crisis centers, nearly 100,000 persons called the group’s hotlines in 2002.

Official estimates indicated that, on average, there were more than 250,000 violent crimes against women annually; however, government officials and NGOs agreed that such crimes usually were not reported. In 2002, police recorded more than 8,100 crimes of rape (in 2001, over 7,000 rape cases were registered for the entire year). The Government provided no support services to victims of rape or other sexual violence; however, victims could act as full legal parties to criminal cases brought against alleged assailants and could seek legal compensation as part of the verdict without seeking a separate civil action. Hospitals, crisis centers, and members of the medical profession assisted women who were assaulted; however, to avoid spending long periods in court, some doctors were reluctant to ascertain the details of a sexual assault or collect physical evidence.

Organization and operation of a prostitution business is a crime, but the selling of sexual services remains only an administrative offense (see Section 6.f.). Such violations carry financial penalties in the form of fines calculated in multiples of weekly minimum wages. Prostitution carries a penalty of 5 times the minimum wage, or approximately \$100 (3,000 rubles).

Trafficking of women for sexual exploitation or forced labor was a serious problem (see Section 6.f.).

Despite serious difficulties, many groups continued to address violence against women. NGOs, alone or in cooperation with local governments, operated more than 120 women's crisis centers throughout the country, and their numbers continued to grow. The Duma took up legislation in April that promoted equal rights for women. In addition, the crisis centers have formed an association in order to coordinate their efforts better. Several NGOs provided training on combating trafficking to police, procurators, justices of the peace, and others in government.

No law that prohibits sexual harassment, and women have no recourse when sexually harassed. Anecdotal information suggests that many potential employers sought female employees who were receptive to sexual relations. Some firms asked applicants for employment to complete a form including the abbreviation "VBO," a Russian-language abbreviation for "possibility of close relations," to which the applicant was expected to reply "yes" or "no." Alternatively, advertisements could request applicants "without complexes," which is taken to mean someone who was not opposed to relations with the potential boss as part of the job.

The Constitution states that men and women have equal rights and opportunities to pursue those rights; however, credible evidence suggested that women encountered considerable discrimination in employment. Job advertisements often specified sex and age groups and at times physical appearance as well. NGOs continued to accuse the Government of condoning discrimination against women, contending that the Government seldom enforced employment laws concerning women. Employers preferred to hire men, thereby saving on maternity and childcare costs and avoiding the perceived unreliability that accompanies the hiring of women with small children. Employers also tried to avoid the entitlement to a 3-year maternity leave for childcare, which could be used in full or in parts by the mother, father, relative, or trustee providing the actual childcare. During this time, the employer must retain an employee's place of work and continue to fund applicable social benefits. Moscow human resources managers privately admitted that discrimination against women in hiring was common. There also was a trend toward firing women rather than men when employees were laid off. Women also were subject to age-based discrimination. While no official statistics were available, government officials estimated that of the 7.5 percent of the workforce unemployed in late August, at least 70 percent were women. Women continued to report cases in which employers paid them less for the same work that male colleagues performed. According to a 2001 report by the International Labor Organization (ILO), women accounted for about 47 percent of the working-age population but on average earned only two-thirds of the salaries of their male counterparts. Professions dominated by women were much more poorly paid than those dominated by men. Women also tended to work in industries where market reforms remained weak and wages low, such as the textile and defense sectors, while men increasingly took jobs in the fast-growing, more profitable, financial and credit sectors where wages were substantially higher.

Children.—The Constitution assigns the Government some responsibility for safeguarding the rights of children, and the State endeavored to provide, within its limited means, for the welfare of children. A Family Code regulates children's rights and marriage and divorce issues. The educational system includes both private and public institutions. Children have the right to free education until grade 11 (or approximately 17 years of age), and school was compulsory until the ninth grade. Boys and girls were treated equally in the school system. While federal law provides for education for all children in the country, regional authorities frequently denied

school access to the children of unregistered persons, asylum seekers, and migrants because they lacked residential registration (see Section 2.d.).

Under the law, health care for children is free; however, the quality varied, and individuals incurred significant out-of-pocket expenses. According to a 2000 UNICEF survey, IDP children from the Chechen conflict suffered disproportionately from chronic anemia and had a low rate of vaccinations due to the collapse of local health and education systems as a result of the conflict.

No reliable statistics existed on the extent of child abuse; however, anecdotal evidence indicated that child abuse was a problem.

The status of many children has deteriorated since the collapse of communism because of falling living standards, an increase in the number of broken homes, and domestic violence. Authorities cited 253,000 parents in 2001 for leaving children on the street unattended, up from 248,000 in 2000. In Moscow, approximately 6,000 children per year were brought to the Center of Temporary Isolation of Minor Delinquents (COVINA). These children stayed in COVINA for no more than 30 days. During this period, the child's case was investigated, and his or her guardian was located; however, in 90 to 95 percent of these cases, the police simply returned the children to their families or to the institution from which the children ran away. Many officials considered domestic problems private affairs and preferred not to interfere.

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

Troops in Chechnya reportedly placed Chechen boys ages 13 and older in filtration camps where some reportedly were beaten and raped by guards, soldiers, or other inmates. The women's action group "White Kerchief" (Belyy Platok) reported that some federal forces engaged in kidnapping children in Chechnya for ransom.

According to a December 2002 report by the U.N. special representative for children and armed conflict, Chechen rebels used children to plant landmines and explosives.

Figures for homeless children were unreliable. According to the Ministry of Labor, there were estimates from 100,000 to 5 million neglected children in Russia. In 2002, about 681,000 vagrant children were detained by law enforcement agencies, 2.5 times the 2001 rate. About 50,000 adolescents were on the local and federal wanted lists in 2002, 13.5 percent more than in 2001. The Russian Children's Fund estimated in 2001 that there were approximately 2.5 million children living on the street, although other estimates reached as high as 4 million; scientific studies used differing methodologies to count street children. During the year, Moscow authorities indicated that 40,000 working street children lived in the capital but claimed 80 percent were from places other than Moscow. In addition, there were approximately 3,000 young persons aged 18 to 24 in Leningrad Oblast, most of them discharged from state institutions and given state housing, who had difficulty maintaining a residence and adapting to non-institutional life in general. Homeless children often engaged in criminal activities, received no education, and were vulnerable to drug and alcohol abuse. Some young girls on the street turned, to or were forced into, prostitution in order to survive.

In the St. Petersburg region, local government and police ran various programs for homeless children and cooperated with local NGOs; however, resources were few and overall coordination remained poor. Local and international NGOs provided a variety of services for the homeless. Many Moscow charitable organizations have established productive relations with the city government to address the needs of children with disabilities, as well as other vulnerable groups. In St. Petersburg, the ILO opened a drop-in center for runaways and homeless children that continued to operate; Road to Light has a shelter there for abused girls and an independent living program for children in institutions to train them in life skills. The St. Petersburg NGO Citizens' Watch conducted seminars on legal and social aspects of the problem.

Special institutions existed for children with various disabilities but did not serve their needs adequately due to a lack of finances. Being a child with disabilities remained a serious social stigma, an attitude that profoundly influenced how institutionalized children were treated. Many children with physical or mental disabilities, even those with only minor birth defects, were considered ineducable. Parents wishing to enroll a child in ordinary secondary schools in Moscow were obliged to produce a medical certificate affirming that the child was in perfect health. Families with children with disabilities received extremely low state subsidies that have not changed to reflect inflation since the Soviet era.

The Rights of the Child Program 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. The Ministry of Labor and Social Development continued to work with UNICEF on a pilot program to establish regional children's rights ombudsmen. According to the Ministry and the Rights of

the Child NGO, there were 15 Ombudsmen, including in the cities of Yekaterinburg, St. Petersburg, and Arzamas Volkskiy, and in the regions of Velikiy Novgorod, Chechnya, Ivanovo, Kaluga, and Volgograd. An Ombudsman may only write a letter requesting an inquiry by law enforcement authorities, assist those whose rights have been violated to understand their legal rights, and make suggestions to legislators (local, regional, and federal) on ways to improve legislation.

Conditions for children in prisons and pretrial detention were problems (see Sections 1.c. and 1.d.).

Persons with Disabilities.—The Constitution does not address directly the issue of discrimination against persons with disabilities. Although there are laws prohibiting discrimination, the Government did not enforce them. The meager resources that the Government devoted to assisting persons with disabilities were provided primarily to veterans of World War II and other conflicts, although a few local governments, in response to interventions by NGOs, earmarked funds to facilitate access to schools by persons with disabilities.

The law requires that firms with more than 30 employees either reserve 3 percent of their positions for persons with disabilities or contribute to a government fund to create job opportunities for them. The law also removed language defining an “invalid” as a person unable to work; however, the Government has not implemented this law. Some persons with disabilities found work within factories run by the All-Russian Society for Persons With Disabilities; however, the majority were unable to find employment. Local authorities, private employers, and tradition continued to discourage persons with disabilities from working, and they were usually forced to subsist on social benefits.

Attention continued to focus on the status of orphans and those children with disabilities who have been removed from mainstream society and isolated in state institutions. Statistics on the number of orphans, institutionalized children, and adoptions during the year were not available. A complex and cumbersome system has developed to manage the institutionalization of some children until adulthood; three different ministries (Education, Health, and Labor and Social Development) assumed responsibility for different age groups and categories of orphans. Observers concluded that rather than focus on the needs of the children, the system revolved around the institutions. The welfare of the children was lost within the bureaucracy, and little clear recourse existed in instances of abuse by the system. Human rights groups alleged that children in state institutions were provided for poorly (often because funds were lacking) and in some cases were abused physically by staff. Life after institutionalization also posed serious problems, as children often lacked the necessary social, educational, and vocational skills to function in society. While there were no comprehensive studies of the effects of the orphanage system, its costs, and the extent of its problems, several groups compiled some important information.

Although comprehensive statistics were not available, the prospects for children and orphans who had physical or mental disabilities remained extremely bleak. The most likely future for severely disabled children was a lifetime in state institutions. The label of imbecile or idiot, which was assigned by a commission that assesses children with developmental problems at the age of 3 and which signified ineducable, almost always was irrevocable, and even the label of debil—lightly retarded—followed a person throughout life on official documents, creating barriers to employment and housing after graduation from state institutions. A study conducted by the Rights of the Child program of the Moscow Research Center for Human Rights found that upon graduation at the age of 18 from a state institution for the lightly retarded, 30 percent of orphans became vagrants, 10 percent became involved in crime, and 10 percent committed suicide. The existing system provided little oversight and no formal recourse for orphans who had been misdiagnosed as mentally ill or retarded or who were abused or neglected while in state institutions. Facilities to which such children were remanded frequently used unprescribed narcotics to keep children under control. While this study is 10 years old, private conversations with the Right of the Child Program representatives indicated that directors of such institutions continued to give very pessimistic assessments of the situation.

The Government did not mandate special access to buildings for persons with disabilities, and access to buildings was a problem. The NGO Society for the Defense of Invalids continued to work to broaden public awareness and understanding of problems concerning persons with disabilities by conducting workshops, roundtables with public officials, and training programs for persons with disabilities.

Indigenous People.—The law provides for the support of indigenous ethnic communities, permits the creation of self-governing bodies, and permits them to seek compensation if economic development threatens their lands. In some areas, local com-

munities have organized to study and make recommendations regarding the preservation of the culture of indigenous people. Groups such as the Buryats in Siberia and ethnic groups of the North (including the Enver, Tatarli, Chukchi, and others) continued to work actively to preserve and defend their cultures as well as the economic resources of their regions. Most affirmed that they received the same treatment as ethnic Russians, although some groups believed that they were not represented or were underrepresented in regional governments. The principal problems of indigenous people remained the distribution of necessary supplies and services, particularly in the winter months for those who lived in the far north, and disputed claims to profits from exploitation of natural resources.

Some groups in the far eastern part of the country criticized the Government for not developing an overall concept for the development of indigenous people. Responsibility for government policy toward indigenous people has been transferred between government agencies several times in earlier years.

National/Racial/Ethnic Minorities.—The Constitution prohibits discrimination based on nationality; however, Roma, persons from the Caucasus and Central Asia, and dark skinned persons faced widespread governmental and societal discrimination, which often was reflected in official attitudes and actions. Muslims and Jews continued to encounter prejudice and societal discrimination; it was often difficult to separate religious from ethnic motivations. Human rights observers noted that there was considerable legislation that prohibits racist propaganda and racially motivated violence, but complained that it was invoked infrequently. There were some efforts to counter extremist groups during the year (see Section 2.b.).

New federal and local measures to combat crime continued to be applied disproportionately to persons appearing to be from the Caucasus and Central Asia. Police reportedly beat, harassed, and demanded bribes from persons with dark skin, or who appeared to be from the Caucasus, Central Asia, or Africa. Azerbaijani vendors alleged police frequently used violence against them during document checks at markets in St. Petersburg. Authorities in Moscow subjected dark-skinned persons to far more frequent document checks than others and frequently detained them or fined them amounts in excess of permissible penalties. Police often failed to record infractions by minorities or issue a written record to the alleged perpetrators. Law enforcement authorities also targeted such persons for deportation from urban centers. In the autumn of 2001, more than 100 Roma were expelled forcibly from the Krasnodar region to Voronezh. Chechen IDPs and the Civic Assistance Committee for Migrants reported that Chechens continued to face great difficulty in finding lodging in Moscow and frequently were forced to pay at least twice the usual rent for an apartment. Although Moscow Mayor Luzhkov ruled out a crackdown on the Chechen population in the city following mass hostage seizures at a Moscow theater in October 2002 (see Section 1.g.), human rights monitors reported that in the wake of the seizure hundreds of ethnic Chechens were detained in sweeps across Moscow and that acts of discrimination against them increased.

There was also evidence of societal hostility on ethnic and racial grounds. Despite appeals for tolerance during the year by the President and other senior officials, who recalled the multiethnic nature of the country (the population includes more than 100 national groups), violence and societal prejudice against ethnic and national minorities, as well as against foreigners, persisted. During the year, there were numerous racially motivated attacks on members of minority groups, particularly Asians and Africans. The approximately 1,000 African students in Moscow were routinely subject to assaults and abuse. A 2002 survey of Africans, mostly students and refugees, indicated that two-thirds reported hearing racist comments almost daily. The 180 students questioned reported experiencing 204 attacks, 160 of them reported to the police, resulting in 2 convictions. Attacks generally appeared to be random, and were carried out by private individuals or small groups inspired by racial hatred. Law enforcement authorities knew the identity of some of the attackers based on their racial intolerance or criminal records. For example, during the year, members of ethnic or racial minorities were the victims of beatings, extortion, and harassment by skinheads and members of other racist and extremist groups. Police made few arrests, although many such cases were reported by human rights organizations. Many victims, particularly migrants and asylum seekers who lacked residence documents recognized by the police, chose not to report such attacks or to report indifference on the part of police.

Several incidents of crimes against foreigners, including diplomats, suggested that this remained a serious problem in St. Petersburg. St. Petersburg's Special Militia Service claimed in May that it solved roughly half of cases pertaining to attacks on foreigners.

Alleged skinheads attacked a group of Kurdish and Turkish children from Germany in a St. Petersburg subway station in April. The militia initiated an investiga-

tion only after public pressure and the insistence of then regional Federation representative Valentina Matviyenko.

Skinhead groups, which began in the country in the early 1990's, numbered 50,000 in over 50 organizations at year's end, according to the Ministry of the Interior. The Ministry reported that there were approximately 2,500 skinheads in Moscow. Not all of the authorities appeared willing to acknowledge the racial motivation behind anti-social brutality. For example, in St. Petersburg law enforcement officials often characterize perpetrators of hate crimes as spontaneous "hooligans," denying the existence of organized skinhead groups there. In the case of St. Petersburg, there was some indication that this attitude might be changing. In April, Valentina Matviyenko, then-Presidential Representative, who subsequently became governor of St. Petersburg, voiced concern over the growing number of neo-Nazi groups, although she did not specifically mention St. Petersburg. However, after a group of skinheads armed with an axe, a knife, and a metal rod attacked a Roma camp in a southern suburb of St Petersburg, resulting in the death of a child, criminal cases were opened against the perpetrators. On November 14, local police opened an investigation. They subsequently detained three attackers (ages 17 to 18) for 10 days. By year's end, however, no one had been brought to trial, and law enforcement officers were searching for the other suspects in the attack.

In the summer, the congregation of Pentecostals led by Pastor Zinsu Kozm Tossa, a Russian citizen of African origin, finally disbanded. The Pastor was beaten on two occasions in 2001. One beating required several days of treatment in intensive care. Later that year his church was burned down. Efforts were made to continue using apartments, but gradually his congregation dwindled as a result of this pressure. Other African ministers of non-Orthodox Christian Churches also experienced prejudicial treatment based, apparently, on a combination of religious and racial prejudice.

In 2002, the authorities initiated a case under Article 282, part 1 (Inflaming Ethnic Hatred) against Pavel Ivanov, editor of the *Velikiy Novgorod* newspaper *Russkoye Veche*, for anti-minority articles his newspaper had printed. The case was brought to court and the hearing began in July; on September 9, the *Velikiy Novgorod* City Court acquitted Ivanov.

Human rights observers reported that the resurgence of the Cossack movement and the hostility of the authorities continued to promote insecurity among certain minority groups in the Province of Krasnodar Kray. The Kray has been home to large numbers of ethnic minorities for decades but has experienced considerable immigration and domestic migration in recent years (see Section 2.d.). According to Memorial, Krasnodar Governor Aleksandr Tkachev, in a March 2002 speech, promised a group of regional and municipal officials that he would create "unbearable conditions" for "illegal migrants" (see Section 2.d.), and there were unconfirmed reports that the Krasnodar government provided funding to paramilitary Cossack groups, some of which were said to be brutally repressive toward such groups.

The Constitution makes provision for the use of national languages in the various sub-divisions alongside the official Russian language and states that each citizen shall have the right to define his or her own national identity and that no citizen shall be required to state officially his or her nationality.

Section 6. Worker Rights

a. The Right of Association.—The law provides workers with the right to form and join trade unions; however, in practice government policy and the dominant position of the Federation of Independent Trade Unions of Russia (FNPR) limited the exercise of this right. Approximately 60 percent of the work force (an estimated 67 million workers) was unionized, and approximately 10 percent of union members belonged to independent free trade unions. Union membership overall has fallen in recent years as a result of economic restructuring, including the closing of some enterprises and a resistance by some domestic and foreign companies to trade union activities.

The FNPR claimed that approximately 60 percent of all workers belonged to the FNPR, although approximately 50 percent appeared to be a more accurate estimate. The FNPR largely dominated the union movement, and this dominance constituted a practical constraint on the right to freedom of association. The FNPR inherited the bulk of the property of its Soviet predecessors, including office and recreational property. The majority of its income came from sources other than dues, such as rental income, sale of real estate, and fees for member services. Its unions frequently included management as part of the bargaining unit or elected management as delegates to its congresses. The FNPR and other trade union federations acted independently on the national political level, but in some cases FNPR unions were

affiliated closely with local political structures. Political parties often cooperated with unions, for example, in calling for a national day of protest.

Earlier trade union control over the distribution of social benefits at the federal level effectively ended in 1991, but the FNPR, as the owner of many service facilities and the largest grouping of unions, continued to play a significant role at the municipal and regional level in setting priorities for the distribution of social benefits, such as child subsidies and vacations, based on union affiliation and politics. Such practices discouraged the formation of new unions. Trade unions maintained that the consolidation of social security assets in the federal budget and the additional layer of bureaucracy in the distribution of social benefits have led to reduced benefits for workers and the public in general.

Approximately half of the court cases on the right of association were decided in favor of employees, although delays and enforcement of court decisions remained a problem in many cases. Fewer than 50 percent of cases were decided within a year. Employees tended to win their cases in court but only if they were prepared to appeal, normally a time-consuming and lengthy process. Many remained reluctant to do so. Most workers did not understand or have faith in the legal structure and feared possible retaliation. Lengthy delays were common.

There were incidents of company management and FNPR local unions working together to discourage the establishment of new unions. Many of these cases remained unresolved. In practice, many trade unions remained unregistered despite provisions in the Law on Trade Unions which specify that registration requires a simple "notification" and submission of documents. Local departments of the Ministry of Justice throughout the country continued to ignore the procedures set out by the Law on Trade Unions and refused to register new unions without changes in charter documents or confirmation of attendance at founding conferences. Such practices prevented the registration of new unions or the reregistration of existing ones. Local Ministry of Justice officials demanded additional documents, including protocols from union meetings and lists of meeting participants, which are not required by law.

The Labor Code includes references to the Russian word "pervichnaya" (local or grass root), to designate organizations or trade unions that can represent workers' rights at the enterprise level (see Section 6.b.). According to labor experts, "pervichnaya" is a term that refers to the lowest part or grass roots level of a structure. Such organizations were structurally dependent on a higher union body. By restricting the authority to represent workers at the enterprise level to entities that are structurally dependent on higher union bodies, the new Labor Code restricts the ability of workers to determine their own union structures. Labor experts viewed this as a clear violation of freedom of association principles (ILO Convention No. 87).

The Labor Code and Trade Union Law specifically prohibit anti-union discrimination; however, anti-union discrimination remained a problem. Union leaders have been followed by the security services, detained for questioning by police, and subjected to heavy fines, losses of bonuses, and demotions. Unions may freely form federations and affiliate with international bodies. There were several national and regional free trade union structures, including the Russian Confederation of Labor (KTR) and the All-Russian Confederation of Labor (VKT). The KTR, the VKT, and the FNPR were members of the International Confederation of Free Trade Unions.

b. The Right to Organize and Bargain Collectively.—The 2002 Labor Code gives employers more flexibility in dealing with labor relations. Under the Code, collective bargaining agreements remain mandatory if either the employer or employees request them. Both sides are obligated to enter into such negotiations within 7 days of receiving a request, and the law set a time limit of 3 months for concluding such agreements. Any unresolved issues are to be included in a protocol of disagreement, which may be used for initiating a collective labor dispute.

Despite these requirements, employers continued to ignore trade union requests to negotiate collective bargaining agreements. At year's end, negotiations continued for an independent trade union at School No. 26 in Petropavlovsk-Kamchatskiy to elect delegates to a collective bargaining negotiating team.

The Government's role in setting and enforcing labor standards was diminished under the 2002 Labor Code, and trade unions were expected to play a balancing role in representing workers' interests. However, observers criticized what they considered to be weaknesses in the proposed regime, including the absence of clear enforcement mechanisms to ensure that an employer engages in good faith collective bargaining and other obligations, and provisions that favor the designation of a majority union as the exclusive bargaining agent. For example, if more than one trade union is represented at an enterprise, the Code calls for the formation of a joint body based on proportional representation to select a single representative body for

workers during the collective bargaining negotiations. If the unions fail to agree on such a body within 5 days, the trade union representing the majority of workers at the enterprise has the right to represent all workers during these negotiations. While minority unions retained their seats at the negotiating table with the right to join the negotiations up until the actual signing of an agreement, labor experts stated that in many cases, particularly outside of Moscow and St. Petersburg, the above measures have encouraged larger trade unions to obstruct the formation of a negotiating team to ensure their designation as exclusive bargaining agents.

Labor experts also were concerned about a number of other provisions of the Code. The stipulation that there may be only one collective agreement per enterprise, covering all employees, limits the ability of professional or "craft" unions (the majority of new unions in the country) to represent their members' interests. In some regions, existing unions were under increasing pressure from employers under the new labor relations scheme.

Collective bargaining agreements had been registered officially by an estimated 16 to 18 percent of enterprises; however, the FNPR claimed that approximately 80 percent of its enterprises had concluded such agreements. This apparent discrepancy appeared to be due in part to agreements that were concluded but not registered with the Ministry of Labor. Under the 2002 Labor Code, all parties to the agreement must register collective bargaining and wage agreements within 7 days of signature; however, there are no sanctions in the event that a collective agreement is not registered. The Code states that collective agreements become effective upon signature, regardless of whether they are registered or not. As in the case of the previous code, ambiguity concerning the employer's legal identity made some collective agreements ineffective. This lack of clear identification under the law made tripartite wage agreements (with labor, management, and government participation) non-binding at the municipal, regional, national, and industrial levels and brought their legal validity into question. Even after an agreement was signed, employers often claimed that the "employer representative" was not authorized to represent the factory involved.

The Moscow Labor Arbitration Court handled an increasing number of labor violations and disputes each year. Ministry of Labor officials estimated that there were slightly more than 2 million labor violations in 2001. The court is a pilot project and was expected to lead to a system of similar arbitration courts in various regions. However, a shortage of resources limited the creation of additional courts.

The law provides for the right to strike; however, this right remained difficult to exercise. Most strikes were considered technically illegal, because the procedures for disputes were exceedingly complex and required the coordination of information from both sides, even before courts became involved, and civil courts could review strikes to establish their legality. The 2002 Labor Code further limited workers' and trade unions' ability to conduct strikes. Approval by a majority of participants to a conference composed of at least two-thirds of all workers at an enterprise, including management, is needed, whereas previous legislation only required a quorum of workers.

The law specifies that a minimum level of essential services must be provided if a strike could affect the safety or health of citizens. Under this definition, most public sector employees could not strike. After a trade union declares a strike, the trade union, management, and local executive authority have 5 days to agree on the required level of essential services. If no agreement was reached—which was often the case—the local executive authority simply decreed the minimal services, and often set them at approximately the same level as the average workload. The civil court has the right to order the confiscation of union property to settle damages and losses to an employer if a strike is found to be illegal and not discontinued before the decision goes into effect. As a result, an increasing number of strikes were organized by strike committees rather than by unions. There were no prolonged strikes during the year. Overall strike activity remained relatively low, with only 60 strikes officially registered through September. Court rulings have established the principle that nonpayment of wages—still by far the predominant grievance—is an individual dispute and cannot be addressed collectively by unions. As a result, a collective action based on nonpayment of wages was not recognized as a strike. The labor law does not protect individuals against being fired while on strike. Ministry of Labor officials estimated that nonpayment of wages was the cause of 90 percent of labor disputes.

The law prohibits strikes in the railway and air traffic sectors, at nuclear power stations, and by members of the military, militia, government agencies, and disaster assistance organizations. As a result, workers in these professions at times resorted to other forms of protest such as rallies, days of action, or hunger strikes. The law prohibits reprisals for strikes; however, reprisals were common. In December 2002,

the labor union at Norilsk Nickel initiated a collective labor dispute, a legal step towards eventually declaring a strike. Norilsk Nickel management threatened workers with night shifts and denial of benefits, forcing some to sign pre-prepared statements denouncing the labor dispute. In September, Chelyabinsk Coal Company fired 35 activists from the Independent Coal Miners' Union for protesting over working hours exceeding the legal limit. The company also refused to pay salaries to union members.

Company management has sought to break up unions that conducted strikes by reorganizing enterprise operations. In June, the ILO Freedom of Association Committee noted the Government's "total lack of cooperation" in investigating such a case. It involved a labor dispute dating back to 1997 between a local independent union of dockworkers and management at the Kaliningrad port. Following an unsuccessful strike, the management restructured the port, creating a second legal entity and transferring all cargo movement to it. Workers who agreed to leave, or did not join, the union were transferred to the new unit, which provided improved conditions, and most of the remaining union members were subsequently fired. The management had refused to implement Court rulings in favor of the union, which has filed a case with the ILO. The ILO strongly supported the union and sent four statements to the Federation government urging it to resolve the case; at year's end, there was no reply from the authorities.

In April, a court in Norilsk disqualified Vyacheslav Melnikov, head of the Federation of Norilsk Nickel Unions, from a runoff mayoral election, on the grounds that he had exceeded spending limits, although his opponent had spent even more. Melnikov, the Chairman of the Federation of Norilsk Nickel Unions, who had led a hunger strike in February, finished first in the primary election and was heavily favored to win the runoff. He was reinstated as a candidate, and in October he won a second election. This victory was also challenged in the courts, but no ruling was issued by year's end.

The Government did not rescind its December 2002 refusal to permit the longtime director of the Solidarity Center, an NGO that provides technical assistance and training to workers and promotes cooperation among labor, management, and government, to reenter the country, despite lobbying by NGOs in Russia, some members of the Duma, and some in the international community. The refusal apparently was related to her activities in support of worker rights.

There are no export processing zones. Worker rights in the special economic zones and free trade zones are covered fully by the Labor Code and are the same as in other parts of the country.

c. Prohibition of Forced or Bonded Labor.—The new Labor Code prohibits forced or bonded labor, including late or incomplete wage payments; however, there were instances of the use of forced or bonded labor. There continued to be credible reports that significant numbers of foreign workers from other countries of the former Soviet Union were forced to work without pay because their passports were held by firms that brought them into the country (see Section 6.f.) According to an ILO study, most forced labor was connected with illegal migration, i.e. people who entered the country voluntarily, but illegally. Because they were there illegally, they were subject to exploitation. According to the study, employers withheld passports in 20 percent of forced labor cases.

There were reports that approximately 4,000 North Koreans were brought into the country to work in the construction and timber industries in the Far East, with salaries remitted directly to their Government. AI charged that a 1995 bilateral agreement with North Korea allows the exchange of free labor for debt repayment, although the Government claimed that a 1999 intergovernmental agreement gave North Korean citizens working in the country the same legal protections as citizens. Military officers reportedly sent soldiers under their charge to work on farms to gather food for their units or perform work for private citizens or organizations. The USMC reported that the practice by officers and sergeants of "selling" soldiers to other officers with a military need for personnel or to perform such private activities as building private dachas constituted forced labor. Such abuses were often linked to units in the Northern Caucasus military district. The largest single group of such complaints the USMC received between January and September 2001 concerned the MVD.

The Labor Code prohibits forced or bonded labor by children; however, there were reports that such practices occurred (see Sections 6.d. and 6.f.). Parents who begged in underpasses and railway stations of larger cities often had their children approach passersby. ILO reports on working street children in St. Petersburg, Moscow, and Leningrad Oblast indicated that some of these children gave their parents the proceeds from their begging.

d. Status of Child Labor Practices and Minimum Age for Employment.—The new Labor Code retains prohibitions against the regular employment of 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; however, the Ministries of Labor and the Interior, which are responsible for child labor matters, did not enforce these laws effectively. Children were permitted, under certain specific conditions and with the approval of a parent or guardian, to work at the ages of 14 and 15. Such programs must not pose any threat to the health or welfare of children. The Federal Labor Inspectorate, under the auspices of the Ministry of Labor, was responsible for routinely checking enterprises and organizations for violations of labor and occupational health standards for minors. In 2001, the Labor Inspectorate reported approximately 12,000 cases of child labor violations. There was no reliable information on the number of cases in which an employer or organization was prosecuted for violating laws on child labor. Local police authorities were responsible for conducting inspections of organizations or businesses suspected of violating child labor laws; however, in practice investigations only occurred in response to complaints.

Accepted social prohibitions against the employment of children and the availability of adult workers at low wages generally prevented widespread abuse of child labor. Nonetheless, the transition from a planned to a market economy has been accompanied by drastic economic, political, and social changes, including an increase in the number of children working and living on the streets. This was largely due to deterioration in the social service infrastructure, including access to education and health care (see Section 5). In some cases, economic hardship undermined traditions and social customs and eroded the protection families traditionally provided to children. Parents often used their children to lend credence to their poverty when begging. Homeless children were at heightened risk for exploitation in prostitution or criminal activities (see Section 6.f.).

The country completed ratification of ILO Convention 182 on the worst forms of child labor, and the ILO officially registered the country's ratification on March 25.

e. Acceptable Conditions of Work.—The Labor Code states that the monthly minimum wage, which was approximately \$20 (600 rubles), should not be less than the monthly official subsistence level of \$67 (2,010 rubles), which was not sufficient to provide a decent standard of living for a worker and family. Average wages rose to \$182 (5,460 rubles) per month, compared with \$141 (4,230 rubles) per month in 2002. Separate legislation was needed to determine the timeframe for raising the monthly minimum wage to the monthly subsistence level. Approximately 26 percent of the population had incomes below the official subsistence minimum; however, most workers received several times the monthly minimum wage, and the monthly minimum wage was essentially an accounting reference for calculating university stipends, pensions, civil service wages, and social benefits; it was not a number used for real salaries. Enterprises often used this number to avoid taxation by reporting the number of employees paid at the monthly minimum wage instead of reporting actual salaries. Studies have shown that over 30 percent of private sector employees earned more than their registered wage and that 10 percent of this group actually earned at least 6 times the official wage level. In addition, much of the population continued to reside in low-rent or subsidized housing and received various social services from enterprises or municipalities.

The Labor Code retains a standard workweek of 40 hours, with at least one 24-hour rest period, and requires premium pay for overtime work or work on holidays; however, workers have complained of being required to work in excess of the standard workweek (10- to 12-hour days are common), of abrogated negotiated labor agreements, and of forced transfers.

Although the incidence of nonpayment of wages declined, it continued to be the most widespread abuse of labor legislation, particularly for workers in education, research, and medicine. The Labor Code imposes penalties on employers who pay their employees late or make partial payments and requires them to pay two-thirds of a worker's salary if the worker remains idle by some fault of the employer. Proving that an employer is at fault, however, was difficult. Wage arrears through March totaled \$1.2 billion (34.7 billion rubles). Although some enterprises still forced their employees to take wages in barter, the practice continued to decrease.

An increasing number of workers who were owed back wages sought relief through the court system, but the process was lengthy. Courts often were willing to rule in favor of employees seeking the payment of back wages, but collection remained difficult. Courts often insisted that cases be filed individually, in contradiction to the Law on Trade Unions, thereby undercutting union attempts to include the entire membership in one case. This insistence also made the process lengthier and more difficult for the affected workers and exposed them to possible retaliation

(see Section 6.b.). The practice continued of removing the names of workers who won judgments for back wages, but did not yet receive the wages, from the list of those permitted to buy food on credit from the company store.

A lack of labor mobility continued to be a problem. For various reasons, many workers were not able to move to other areas of the country in search of work. Many were constrained economically because past inflation and the nonpayment of wages had destroyed their savings. Freedom to move in search of new employment was limited further by the system of residency permits which, although unconstitutional, was still in use in cities such as Moscow and St. Petersburg (see Section 1.d.). Other workers effectively were tied to enterprises that could only give them credits at the company cafeteria and grocery and the hope of future salary payments. The knowledge that workers could not 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 overturned the enterprises' decisions to lay off workers who were not really working. Other factors, such as the availability of subsidized housing and cultural ties to locations, also inhibited the movement of workers.

The law establishes minimum conditions for workplace safety and worker health; however, the Federal Labor Inspectorate within the Ministry of Labor lacked the financial and human resources to enforce these standards effectively. Workers wore little protective equipment in factories, enterprises stored hazardous materials in open areas, and smoking was permitted near containers of flammable substances. Funds remained limited for safety and health in the workplace.

The Labor Code provides workers with the right to remove themselves from hazardous or life-threatening work situations without jeopardy to their continued employment; however, labor inspectorate resources to enforce this right remained limited. In addition, workers were entitled to such compensations as shorter hours, increased vacations, extra pay, and pension benefits for working under such conditions; however, the pressure for survival often displaced concern for safety, and the risk of industrial accidents or death for workers remained high, although reliable statistics on accident and death rates at the workplace were not available. Miners were known to remove the supports from mineshafts and sell them for scrap metal, while doctors and nurses sold health and safety equipment at hospitals to patients' families in order to supplement salaries that often remained below the minimum subsistence level.

Mine inspections were ineffective because sanctions for safety violations were weak. Even fatal workplace accidents due to unsafe work conditions often went unpunished. In October, in the Rostov region, flooding trapped 69 coal miners underground, over 30 of them for 5 days. All but one miner was eventually rescued. The mine owed workers over \$1 million (approximately 30 million rubles) in back wages. Some miners had not received wages since February. One month after the accident, only the workers who had been trapped in the mine for 5 days had received back wages. The mine had previously been cited for safety violations. In June, a methane explosion killed eleven coal miners in the Kemerovo region. The governor of the region had noted in 2002 that obsolete technology was in use in the mine where the accident occurred to extract coal from very deep pits.

The law entitles foreign workers residing and working legally in the country to the same rights and protections provided to citizens under the law, and the Labor Code prohibits forced or compulsory labor; however there were reports that foreign workers were brought into the country to perform such work (see section 6.c.). Foreign workers residing and working illegally in the country may be subject to deportation but may seek recourse through the court system. There were credible reports that hundreds of thousands of Ukrainians, Belarussians, Moldovans and Central Asians were living and working illegally in Moscow and other larger cities for significantly lower wages than citizens and under generally poor conditions.

f. Trafficking in Persons.—The law prohibits trafficking in persons; however, trafficking in women and children was a problem. There were no reliable estimates of its scope, but observers believed that trafficking was widespread. There were reports that the corruption of government officials facilitated trafficking.

In December, the Government enacted amendments to the Criminal Code criminalizing human trafficking and the use of forced labor and expanding criminal liability for recruitment into prostitution, organization of a prostitution business and the distribution of child pornography. Pursuant to these articles, if certain aggravating factors are established, trafficking and use of slave labor are each punishable by a maximum of 15 years in prison, recruitment into prostitution is punishable by a maximum of 8 years, organization of a prostitution business is punishable by a maximum of 10 years, and the manufacture and distribution of child pornography

is punishable by a maximum of 8 years. The amendments to the Criminal Code were the culmination of a year-long effort by legislators, anti-trafficking activists, and government and law enforcement officials to enact effective anti-trafficking legislation.

In addition to the recently passed amendments, other articles of the Criminal Code may also be used to prosecute traffickers. These include: Article 322, which provides for up to 5 years imprisonment for unlawful violations of borders by a "group of persons in prior arrangement or by an organized group either using violence or the threat of violence"; Article 133, which prohibits compulsion of a person into sexual activity by blackmail, threat, damage, or dependence; Article 126, which prohibits the kidnapping of persons; Article 132, which prohibits forced actions of a sexual nature; Article 135, which prohibits perverse actions with Children under 14; and Article 134, which prohibits sexual intercourse with a person under 14. Articles 159, 165, and 182 all prohibit various kinds of fraudulent activity and could potentially be used to prosecute traffickers engaged in fraudulent recruitment efforts. Prostitution itself is not a crime anywhere in the country, but an administrative offense carrying a fine of \$40 (1,200 rubles). Recruitment for prostitution, domestically or abroad, is not a crime, but an administrative offense with a maximum penalty of incarceration for 14 days.

The most common bases for trafficking prosecutions have been anti-fraud statutes and the statute prohibiting trafficking in minors (which has now been subsumed by the general anti-trafficking provision enacted in December). Traditionally, laws relating to the organization and maintenance of prostitution businesses have not been well enforced and all indications are that the MVD, itself, controls prostitution throughout the country. However, newspaper reports indicated that the Moscow police began cracking down on brothels.

Law enforcement assisted in a number of significant investigations and prosecutions by foreign law enforcement, including cases in France, the United States, and Turkey. In conjunction with the passage of the amendments to the Criminal Code discussed above, in November, the Ministry of Internal Affairs hosted a major international conference designed to promote operational cooperation among several former Soviet republics. Connections established at the conference resulted in requests for joint operational measures and have facilitated the investigation of already existing cases.

The country was a country of origin and transit for victims of trafficking. There were no reliable statistics, reports from domestic law enforcement agencies; however, NGOs, academic researchers, and law enforcement agencies in destination countries indicated that the country was a country of origin for a significant number of victims of trafficking. Children were also trafficked, but more rarely. The virtual trafficking of pornographic images of children over the Internet was also a growing problem, with Russia becoming a major producer and distributor of child pornography in the last few years. This has led to confirmed cases both of sex trafficking of children and of its inverse, child sex tourism to the country. There were also extensive reports of human trafficking within Chechnya. Specifically, government and law enforcement sources reported that Chechen rebels frequently captured Russian soldiers during combat and then enslaved them, traded them among themselves and ultimately sold them back to their families.

According to the IOM, Russian women have been trafficked to almost 50 countries, including every West European country, the United States, Canada, former Soviet republics, such as Georgia, Middle Eastern countries, such as Turkey and Israel, and Asian countries, including Japan and Thailand. There were also reports of Russian women being trafficked to Australia and New Zealand. Victims often agreed to be transported to one location, only to be diverted to, and forcibly held in, another. Sometimes they were "sold" enroute, particularly when transiting the Balkans.

Reports also indicated that internal trafficking was also becoming an increasing problem, with women and children being recruited and transported from rural areas to urban centers and from one region to another. Sources reported that the migration of young women from the provinces to the major cities to work in sex industries such as stripping and prostitution was sometimes facilitated by traffickers. The young women who went annually into Moscow sometimes ended up in prostitution, and, once there, found themselves trapped. Smaller numbers of men were also reported to be trafficked internally for manual labor.

There were also reports that children were kidnapped or purchased from parents, relatives, or orphanages for sexual abuse, child pornography, and the harvesting of body parts. When police investigated such cases, they sometimes found that these children were adopted legally by families abroad; however, there were confirmed cases of children trafficked for sexual exploitation. National law enforcement au-

thorities believed that there was a brisk business in body parts, but international law enforcement and other organizations found no evidence to support this claim.

Reliable statistical estimates with regard to all of these forms of trafficking were extremely hard to develop. Few women who have been trafficked and returned to Russia reported their experiences to the police and continued to be fearful of retaliation by the traffickers. Statistics were also complicated by the fact that some trafficked women were of Russian ethnic origin but citizens of other former Soviet countries, such as Ukraine. Women from such countries as Tajikistan migrated illegally to Russia to seek work, and some may have been victims of traffickers. Some migrants became victims of forced labor once they arrived. According to another IOM Report, women aged 15 to 25, particularly those interested in working overseas, were the most likely to be trafficked.

Targets of traffickers were usually female, between the ages of 14 and 45, with females between the ages of 15 and 25 the prime target. Some surveys indicated that the profile of female trafficking victims in the country was similar to that of the female population at large. Women who were educated and had job skills also were trafficked. Traffickers offered enough economic hope to persuade even well educated, mature women to become risk-takers and entrust traffickers with their money, documents, and persons. Almost all returned trafficked women reported that they traveled to better their lives through work or marriage abroad. Some knowingly agreed to work in sex industries. But all victims insisted that they never suspected the severity of the conditions, the slavery, or the abuse they would be subjected to. None suspected that they would be deprived of their wages.

According to credible media reports, some employers forced workers from countries of the former Soviet Union—such as Uzbekistan—to work without pay. Employers or the individuals who brought the workers into the country withheld the workers' passports or other documentation and threatened them with exposure to law enforcement agencies or immigration authorities if they demanded payment. At times, the recruiter demanded part or all of the worker's wages to avoid deportation.

The rise in trafficking correlated with the socioeconomic dislocation that occurred following the collapse of the Soviet Union. Formerly, rigid controls on the movement of persons within and across borders discouraged migration of any kind, and the extensive involvement of the State in social services provided minimal levels of support for women and children. That state support was gone, and there was no replacement. Most single parent families were headed by women, who were now both more dependent on earned income for family support and less likely to find employment than during the Soviet welfare state. Unemployment was approximately 9 percent but ranged from 15 to 40 percent in the most hard-pressed regions. According to the Ministry of Labor, 70 percent of the registered unemployed were women. Law enforcement reported that at least half of trafficked women were unemployed. NGOs reported that many women were desperate to find a better level of support. Children also were at a greater risk of trafficking.

According to surveys of law enforcement officials and NGOs, unlicensed front companies and agents of legitimate companies with ties to criminal organizations appeared to be the main channels for human trafficking. Many placed advertisements in newspapers or public places for overseas employment, some employed women to pose as returned workers to recruit victims, some placed Internet or other advertisements for mail-order brides, and some victims were recruited by partners or friends. During the tourist season, many fly-by-night firms were created especially to provide particular channels for the smuggling of women. There were also purely criminal firms that found work abroad for prostitutes and intentionally sold young women into slavery.

Information from foreign prosecutions, academic researchers, and law enforcement sources suggested that trafficking was primarily carried out by small criminal groups with the assistance of front companies and more established organized crime groups. Typically, the traffickers use a front company—frequently an employment agency, travel agency or modeling company—to recruit victims with promises of high-paying work overseas. Once they reached the destination country, the traffickers typically confiscated the victims' travel documents, locked the victims in a remote location, and forced them to work in the sex industry.

Traffickers often used their ties to organized crime to threaten the victims with harm to their families should they try to leave. They also relied on ties to organized crime in the destination countries to prevent the victims from leaving and to find employment for the victims in the local sex industry. Trafficking organizations typically paid Russian organized crime a percentage of their profits in return for "protection" and for assistance in identifying victims, procuring false documents, and corrupting law enforcement. They also sometimes pay "protection" money to local organized crime groups in destination countries.

There were reports that individual government officials took bribes from individuals and organized trafficking rings to assist in issuing documents and facilitating visa fraud. Law enforcement sources agreed that often some form of document fraud was committed in the process of obtaining external passports and visas, but they were uncertain to what extent this involved official corruption rather than individual or organized criminal forgery and fraud. There were reports of prosecutions of officials involved in such corruption. The penalty for violating border laws with fraudulent documents was up to 3 years. The penalty for taking bribes was 3 to 7 years. Those who were charged with more than one crime received heavier sentences.

Journalists, politicians, and academic experts all stated that trafficking was facilitated and, in many cases, controlled by corrupt elements within the MVD and other law enforcement bodies. Substantial evidence, including information derived from victims, NGOs, foreign law enforcement and criminal prosecutions in Russia, suggested that corrupt elements within the Ministry of Internal Affairs protected trafficking organizations and, in many cases, directly operated trafficking and prostitution businesses themselves.

NGOs claimed that consular officials abroad refused to help trafficked women. The Foreign Ministry confirmed that it had no policy on assistance to victims of trafficking and was working to create appropriate guidance. Victims rarely filed complaints against the agencies that recruited them once they returned to the country, reporting that fear of reprisals often exceeded their hope of police assistance. Law enforcement authorities acknowledged that they rarely opened a case following such complaints because often no domestic law was broken, and law enforcement authorities were evaluated according to the number of cases they close.

There were no government initiatives to bring trafficking victims back to the country. Unless deported by the host country, women had to pay their own way home or turn to international NGOs for assistance. Women reported that without their documentation, which was often withheld by traffickers, they received no assistance from Russian consulates abroad. The Government did not provide direct assistance to trafficking victims.

Victims of trafficking could turn to a crisis center or other NGOs that render assistance to female victims of sexual and other kinds of abuse. Many of the more than 55 crisis centers and anti-trafficking NGOs throughout the country provided information on trafficking, and some provided assistance. Various NGOs rescued victims and helped them to reintegrate upon return to the country. These NGOs received varying degrees of support from regional and local governments. Some were invited to brief local officials and law enforcement personnel, and some provided training to local crisis centers and hospital staff. Significantly, the Duma Committee on Legislation involved a variety of NGOs in the development of the draft anti-trafficking law. Some foreign-funded crisis centers, such as the Anna Crisis Center in Moscow and the Women's Center in the Republic of Kareliya, provided psychological consultations for trafficking victims. NGOs also continued their activities in the areas of public education and victim support. For example, during the year, Winrock International continued to provide economic empowerment training to NGOs in a variety of cities in the Russian Far East. According to Winrock, approximately 900 women in 12 different cities benefited from such training every year.

At year's end, a draft law "On the Status of Trafficking Victims" was pending before the Duma. This draft law would provide for a system of measures to protect trafficking victims, including the establishment of shelters and support centers. It would also mandate cooperation between government agencies and anti-trafficking NGOs, and define procedures for the social rehabilitation of trafficking victims.

The Government did not sponsor any official victim protection and assistance programs. However, a broader witness protection law that would create a wide variety of witness protection measures was pending before the Duma at year's end. The draft witness protection law passed the Duma in first reading in the fall Session, and was scheduled for a second reading in early 2004. If passed, the law would apply to all organized crime cases in which a witness' life or physical safety is in danger and would aid law enforcement's efforts to investigate and prosecute trafficking cases.

The Government has no official prevention program, but has sponsored a number of events designed to raise public awareness of the dangers of trafficking. For example, during the year, the Duma Committee on Legislation and the Presidential Administration held a number of public legislative drafting sessions designed to draft comprehensive anti-trafficking legislation. These were all accompanied by substantial publicity arranged by the Duma. In addition, in May, the Duma Committee on Legislation sponsored a public showing of the film "Lilya Forever" at the Duma. The film, using the fictional story of a young female trafficking victim, dramatically de-

picts the horrors of trafficking from the former Soviet Union to Western Europe. In addition, the Presidential Administration was organizing a major conference of Russian anti-trafficking NGOs to take place in Moscow on January 27, 2004.

SAN MARINO

San Marino is a democratic, multiparty republic. The popularly elected Parliament (the Great and General Council—GGC) selects two of its members to serve as the Captains Regent (co-Heads of State). Captains Regent preside over meetings of the GGC and of the Cabinet (Congress of State), which has 10 other members (Secretaries of State) also selected by the GGC. The Secretary of State for Foreign Affairs has some of the prerogatives of a prime minister. The judiciary is independent.

The civilian authorities maintained effective control of the security forces. There were no reports that security forces committed human rights abuses.

The country had a total population of approximately 25,000. The principal economic activities were tourism, farming, light manufacturing, and banking. In addition to revenue from taxes and customs, the Government also derived revenue from an annual budget subsidy provided by the Italian Government under the terms of the Basic Treaty with Italy.

The Government generally respected the human rights of its citizens, and the law and judiciary provided effective means of dealing with individual instances of abuse. Some remnants of legal and societal discrimination against women remained, particularly with regard to the transmission of citizenship.

RESPECT FOR HUMAN RIGHTS

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

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

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

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

Prison conditions generally met international standards. Male prisoners were held separately from female prisoners, as were juveniles from adults and pretrial detainees from convicted prisoners. The Government permits visits by independent human rights monitors.

d. Arbitrary Arrest, Detention, or Exile.—The law prohibits arbitrary arrest and detention, and the Government generally observed these prohibitions. The security forces included: The centralized police organization (the Civil Police), responsible for internal security and civil defense; the Gendarmerie, a military group responsible for internal security and public order; and the Guardie di Rocca, a military group responsible for external defense which occasionally assisted the Gendarmerie in criminal investigations.

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

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

The judicial system requires that the country's lower court judges be noncitizens, with the aim of assuring impartiality; most lower court judges are Italian. A local conciliation judge handles cases of minor importance. Other cases are handled by the non-Sammarinese judges who serve under contract to the Government. The final court of review is the Council of Twelve, a group of judges chosen for 6-year terms (four of whom are replaced every 2 years) from among the members of the GGC.

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

There were no reports of political prisoners.

f. Arbitrary Interference with Privacy, Family, Home or Correspondence.—The law prohibits such actions, and the Government generally respected these prohibitions in practice.

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Speech and Press.—The law provides for freedom of speech and of the press, and the Government generally respected these rights in practice. An independent press, an effective judiciary, and a functioning democratic political system

combined to ensure freedom of speech and of the press, including academic freedom. Access to the Internet was unrestricted.

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

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

Roman Catholicism is not a state religion but it was dominant in society. The Catholic Church received direct benefits from the State through income tax revenues.

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

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

The law does not provide for the granting of refugee status or asylum to persons who meet the definition in the 1951 U.N. Convention or its 1967 protocol. Asylum or refugee status is granted by an act of the Congress of State. In practice, the Government provided protection against refoulement; however, the Government did not formally offer asylum or refugee status. The Government provides temporary protection to those who are not considered refugees or asylees. The Government has permitted a few individuals to reside and work in the country, and the Government cooperated with the Office of the U.N. High Commissioner for Refugees and other humanitarian organizations in assisting refugees.

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

The Constitution provides citizens with the right to change their government peacefully, and citizens exercised this right in practice through periodic, free, and fair elections held on the basis of universal suffrage. Elections were last held in June 2001, resulting in a substantial plurality for the Christian Democratic Party.

There were no legal impediments to the participation of women in politics. Women held positions in the mainstream party organizations, and one cabinet position.

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

There were no domestic human rights organizations, although the Government did not impede their formation. The Government declared itself open to investigations of alleged abuses by international NGOs, but there have been no requests for such investigations.

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

The law prohibits discrimination based on race, disability, language, or social status. The law also prohibits some forms of discrimination based on sex; however, vestiges of legal as well as societal discrimination against women remained.

Women.—The law provides for the protection of women from violence, and occurrences of such violence, including spousal abuse, were rare. Rape, including spousal rape, is explicitly a crime under the law.

Several laws provide specifically for the equality of women in the workplace and elsewhere. In practice, there was no discrimination in pay or working conditions. All careers were open to women, including careers in the military and police as well as the highest public offices.

The citizenship law provides that both men and women may transmit citizenship either through birth or naturalization. The children of male citizens only need to state their intent to retain citizenship whereas the children of female citizens must state their “desire” to retain citizenship. That is, the child of a male citizen need only declare that he/she “maintains” his/her citizenship within 12 months following his/her 18th birthday in order to definitively acquire such nationality. The child of a female citizen must “declare the wish” for citizenship within 12 months from his/her 18th birthday in order legally to acquire it. It was not clear how much effect this had on the transmission of citizenship in practice.

Children.—The Government was committed to children’s rights and welfare; it amply funded systems of public education and medical care. Education was free until grade 13 (usually age 18), and compulsory until age 16. Most students continued in school until age 18. No differences were apparent in the treatment of girls and boys in education or health care, nor was there any societal pattern of abuse directed against children.

Persons with Disabilities.—There was no discrimination against persons with disabilities in employment, education, or in the provision of other state services.

The law provides guidelines for easier access to public buildings, but it never has been implemented fully.

Section 6. Worker Rights

a. The Right of Association.—By law all workers (except the armed forces but including the police) are free to form and join unions, and workers exercised this right in practice. The law sets the conditions for the establishment of labor unions. Union members constituted approximately half of the country's work force (which numbered approximately 10,300 citizens plus 4,000 resident Italians).

Trade unions were formally independent of the Government and the political parties; however, trade unions had close informal ties with the political parties, which exercised strong influence over them. Unions may freely form or join federations and affiliate with international bodies.

b. The Right to Organize and Bargain Collectively.—The law gives collective bargaining agreements the force of law and prohibits antiunion discrimination by employers, and workers exercised these rights. Effective mechanisms existed to resolve complaints. Negotiations were conducted freely, often in the presence of government officials (usually from the Labor and Industry Departments) by invitation from both the unions and the employers' association. Complaints generally were resolved amicably by a "conciliatory committee" composed of labor union and business association representatives and government officials.

Workers in all nonmilitary occupations have the right to strike. Early in the year, the signing of new contracts in the public administration and industrial sector ended a short period of labor unrest which had culminated in 2002 in the first general strike in fifteen years.

There are no export processing zones.

c. Prohibition of Forced or Bonded Labor.—The law prohibits forced or bonded labor, including by children, and there were no reports that such practices occurred.

d. Status of Child Labor Practices and Minimum Age for Employment.—The minimum working age and compulsory education age ceiling is 16 years. The Ministry of Labor and Cooperation permits no exceptions. The law does not limit children between the ages of 16 and 18 from any type of legal work activity.

e. Acceptable Conditions of Work.—The legal minimum wage during the year was approximately \$1,596 (1,277 euros) per month, which afforded a decent standard of living for a worker and family. Wages generally were higher than the minimum.

The law sets the workweek at 36 hours in public administration and 37½ hours in industry and private business, with 24 consecutive hours of rest per week mandated for workers in either category.

The law stipulates safety and health standards, and the judicial system monitors these standards. Most workplaces implemented the standards effectively, but there were some exceptions, notably in the construction industry, where not all workers, particularly foreign workers hired for a specific contract, consistently abided by safety regulations such as work hour limitations. Workers have the right to remove themselves from situations that endanger their health or safety. The Government monitored closely the implementation of safety regulations in the construction industry, but improvement has been slow.

Two laws treat foreign workers differently from citizens of the country: The first prohibits indefinite employment status for foreign workers with nonresident status; and the second requires non-Italian foreign workers to obtain an Italian residence permit before they can apply for employment. In practice, these provisions limited the application of unemployment benefits to foreigners because such benefits were granted for a period of 12 months.

f. Trafficking in Persons.—The law does not prohibit trafficking in persons; however, there were no reports that persons were trafficked to, from, or within the country.

SERBIA AND MONTENEGRO

Serbia and Montenegro (SaM) is a constitutional republic consisting of the relatively large Republic of Serbia and the much smaller Republic of Montenegro.¹ In March 2002, the two republics, with European Union (EU) mediation, negotiated the Belgrade Agreement, in which they agreed to redefine the joint state. On February 4, the Yugoslav Parliament adopted the Constitutional Charter and Implementation Law, marking the end of the Federal Republic of Yugoslavia (FRY) and the beginning of the state union of Serbia and Montenegro. In the new state, almost all authority devolved to the two republics. The state union Government has responsibilities essentially limited to the Foreign Ministry, the military (VSCG, formerly the VJ), human and minority rights, and foreign economic and commercial relations. The SaM judiciary was constituted by year's end.

The military reports through the Defense Minister to the Supreme Defense Council (VSO), whose voting members are the Presidents of SaM, Serbia, and Montenegro. The military was largely depoliticized, and underwent sweeping reform after the Djindjic assassination. The VSO dismissed 26 of the approximately 65 flag officers and subordinated the General Staff to the civilian Defense Minister. (Previously, the Defense Ministry had acted only as an administrative appendage of the General Staff.) The Defense Minister replaced the heads of the two military intelligence services, refocused the Military Security Service (VSB) on its formal mission of crime fighting and counterintelligence and away from politics, and subordinated the VSB service to his office. (Previously, the VSB had reported informally to only the most senior political leaders.) Following the Djindjic assassination, the Government disbanded the Red Berets (Special Operations Unit or JSO); this paramilitary unit of the old secret police, the State Security Service (RDB), was implicated in the assassination.

The economy was in transition from a system based on social ownership to a market-based environment with a mix of industry, agriculture, and services. The population in the Republic of Serbia was 7.5 million, excluding Kosovo. Real SaM gross domestic product (GDP) grew by 4 percent in 2002; the International Monetary Fund projected 3 percent GDP growth during the year. Income distribution and economic opportunity were uneven. Poverty and unemployment were highest in southern Serbia and among the refugees from the wars in Croatia and Bosnia and internally displaced persons (IDPs) from Kosovo.

Serbia has a parliamentary system of government run by Prime Minister Zoran Zivkovic, who assumed the position in March following the assassination of Prime Minister Zoran Djindjic. Parliamentary elections held on December 28 were deemed generally free and fair by the Organization for Security and Cooperation in Europe (OSCE); the new, multiparty parliament had not met by year's end. The Serbian Constitution provides for an independent judiciary; however, the judiciary was often subject to political influence and corruption, and was inefficient.

While civilian authorities generally maintained effective control of security forces, there were some instances in which elements of the security forces acted independently of government authority. The Ministry of Interior (MUP) controls the Serbian police, who are responsible for internal security. The Security Intelligence Agency (BIA) is under the control of the Government as a whole, effectively giving control to the Prime Minister. Some members of security forces committed human rights abuses.

The Government generally respected the human rights of its citizens; however, there were problems in some areas, which were aggravated by the March assassination of Prime Minister Djindjic and subsequent 42-day State of Emergency. Police at times beat detainees and harassed citizens. Police produced results in investigations of high-level killings committed during and after the Milosevic era. There were incidents of arbitrary arrest and detention. The judiciary continued to be susceptible to political influence. Poor cooperation between the judiciary and other government branches slowed the implementation of legislative reforms. Courts remained administratively paralyzed, and lengthy trials persisted. Legislation creating a special domestic war crimes court was passed and a special prosecutor was appointed. Media independence was a problem; private libel suits, including from individuals active in politics, and indirect political manipulation contributed to self-censorship among journalists.

¹The report on Serbia and Montenegro—formerly the Federal Republic of Yugoslavia—is divided into three separate sections addressing the human rights situations in Serbia, Kosovo, and Montenegro. Discussion of SaM activities and institutions affecting human rights is included in the Serbia section.

The SaM Parliament amended its Law on International Criminal Tribunal for the former Yugoslavia (ICTY) Cooperation, which resulted in four voluntary surrenders of indictees and the arrest and transfer of another five indictees to The Hague. The Government transferred many documents to the ICTY and gave waivers for witnesses to testify; however, the ICTY remained dissatisfied with overall SaM cooperation, in particular because it believed that key indictee General Ratko Mladic was at large in Serbia.

There were several incidents of societal violence and discrimination against religious minorities. Violence and discrimination against women, Roma and other ethnic minorities were problems. Trafficking in women and children remained a problem which the Government took steps to address by adding trafficking in persons to the criminal code.

Considerable evidence indicated that on March 12 a group of nationalist paramilitaries and organized criminals assassinated Serbian Prime Minister Zoran Djindjic as the first step in a failed attempt to topple the Government. In accordance with the Constitution and laws, Djindjic's successors quickly declared a State of Emergency and launched a sweeping attack against the paramilitary unit and the organized crime gangs that allegedly killed the Prime Minister. The Government's imposition of a State of Emergency, which lasted 6 weeks, had broad support among the population and some international organizations, including the OSCE. On December 22, the trial of most of the conspirators responsible for the assassination, including the actual triggerman, began in the Belgrade Special Court for Fighting Organized Crime.

Over 10,000 individuals were detained during the State of Emergency. When it was lifted on April 22, approximately 4,500 remained in custody; at year's end, approximately 2,000 remained in custody. After the lifting of the State of Emergency, there were numerous allegations of police brutality and mistreatment, including the use of torture to extract confessions. The Government, which held most detainees in incommunicado detention without access to a lawyer or without being brought before a judge, has denied these allegations. The Government also increased restrictions on the media, the right to privacy, and the right of association during this period.

RESPECT FOR HUMAN RIGHTS

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

a. Arbitrary or Unlawful Deprivation of Life.—There were no reports of political killings committed by the Government or its agents; however, security forces killed nine individuals.

On March 7, police shot and killed two members of the so-called Albanian National Army (AKSh) during a failed attempt to place a bomb near the Kosovo Administrative Boundary Line. Authorities ruled that these shootings were justified because the suspects resisted arrest with arms.

On March 12, members of the Red Beretsacting—an autonomous state security police unit from the era of former FRY President Slobodan Milosevic—assassinated Prime Minister Djindjic, in collusion with the Zemun organized crime clan. The trial of the 44 people indicted in the assassination began on December 22.

On March 27, authorities killed Dusan "Siptar" Spasojevic and Milan Lukovic—both implicated in the Djindjic assassination—during a shootout with police while the pair was resisting arrest. However, there were allegations that police executed the two after they were already in custody.

On September 30, a Kosovo veteran of the BIA in Nis allegedly shot to death four colleagues, wounding three others. He was arrested and awaiting trial at year's end.

There were some developments in police investigations of political killings from previous years. On September 16, the Belgrade Special Court for Fighting Organized Crime began the trial of two former police officers and five others (including two who remained at large) for the 2002 killing of former Belgrade police chief Bosko Buha. The December 17 testimony by a former Belgrade police inspector raised credible allegations that police framed those on trial for the Buha murder to cover for other crime figures who had connections to the Government at the time of the murder, including Milorad "Legija" Lukovic, accused of organizing the Djindjic assassination.

On March 28, the Government located the body of former Serbian President Ivan Stambolic, who disappeared in 2000. The Special Prosecutor for Organized Crime filed charges in September with the new Belgrade Special Court for Fighting Organized Crime in this case and in the 2000 attempted murder of Serbian Renewal Movement leader Vuk Draskovic (see Section 1.e.). Indictees include Milorad "Legija" Lukovic, Slobodan Milosevic, former RDB chief Radomir Markovic, former

VJ Chief of Staff Nebojsa Pavkovic, and former Deputy RDB Chief Milorad Bracanovic.

On January 30, former RDB chief Radomir Markovic was sentenced to 7 years' imprisonment for the 1999 attempted murder of Vuk Draskovic, which resulted in the deaths of four persons. However, on September 30, after evidence emerged that additional people were involved in the attack, the Supreme Court set aside the District Court verdict, allowing for a re-trial that would include the additional defendants.

Domestic courts and the ICTY continued to adjudicate cases arising from crimes committed during the 1991–99 conflicts in Kosovo, Croatia and Bosnia, including the ICTY prosecution of former FRY and Serbian President Slobodan Milosevic (see Sections 1.e. and 4).

There were no deaths from landmine incidents during the year.

b. Disappearance.—There were no reports of politically motivated disappearances. During the year, SaM and Serbian Government authorities continued cooperation with neighboring countries and international organizations seeking to identify missing persons and investigating graves discovered in Serbia.

There were no exhumations during the year because the SaM Commission on Missing Persons, which replaced the FRY commission, was not established until November; however, Government authorities continued to make progress in identifying exhumed bodies. In 2002, the Serbian Government exhumed the last of the bodies from mass graves found in 2001; the graves contained bodies presumed to be those of ethnic Albanians killed in Kosovo and transferred to Serbia in 1999. Following identification of remains, Serbian authorities repatriated approximately 186 bodies to Kosovo during the year. The Serbian Government, in cooperation with international organizations and the International Commission on Missing Persons (ICMP), had not completed identification and repatriation of the remains by year's end.

Searching began for bodies thought to be located at the bottom of Lake Perucac in eastern Serbia. Another search revealed that there were no bodies under a highway near Vranje, a suspected gravesite.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.—SaM and Serbian laws prohibit such practices; however, police at times abused citizens and detainees, particularly during the State of Emergency from March 12 to April 22.

Some people detained during the State of Emergency later claimed that they were beaten and tortured by police during their detention in an attempt to coerce statements. Reported forms of torture included: Asphyxiation with a plastic bag, electric shock, and mock executions. The London-based Institute for War and Peace Reporting (IWPR) alleged that on March 13 police arrested restaurant owner Milan Vukovic and took him to the "29 November" police station in Belgrade. Vukovic later testified that twice during his 1-month detention masked policemen placed a plastic bag over his head, puncturing the bag only after it was obvious that he was suffocating. According to Vukovic, the police demanded that he admit he was a drug dealer, racketeer and gun runner, and that he had traded illegally in oil, cigarettes, and foreign currency. Vukovic was later released without charges.

Sandra Petrovic informed Amnesty International that her husband, Goran Petrovic, and brother, Igor Gajic, were arrested in Krusevac on March 14 and kept in incommunicado detention until May 13. During this period, police allegedly tortured them to extract confessions of extortion. Mrs. Petrovic reported that after 15 days in detention in Krusevac, Goran Petrovic was transferred to Cuprija Prison, from where police took him to a nearby forest, taped a bag over his head and beat him so severely that he still had difficulty walking when she saw him on May 13. Also according to Mrs. Petrovic, police tortured Igor Gajic with electric shocks after dousing him with water, as well as taking him to a forest, taping a bag over his head, and beating him. Police have claimed that they have not verified cases of abuse, which were alleged to have occurred during the State of Emergency. At year's end, prosecutors had not yet acted on lawsuits filed by NGOs on behalf of individuals who claimed they were tortured as detainees during the State of Emergency.

Because detentions during the State of Emergency were generally incommunicado, human rights monitors witnessed little direct evidence of torture. The primary exception to the incommunicado nature of the detentions was the April 14–15 visit by the OSCE and the UN Office of the High Commissioner for Human Rights (OHCHR) to detainees at the three major detention sites (Belgrade Central Police Station at 29 November Street and Belgrade Central and Military Prisons). The OSCE/OHCHR reported that during the visit to two prisons holding detainees, all those interviewed gave consistent statements of having been treated fairly by prison

staff. However, the report also noted that, “the Delegation heard allegations or saw indications of torture or ill-treatment during arrest during the visit concerning two detainees.”

Beatings and other physical abuse by police most often occurred during the arrest or initial detention period, and low-level criminals were most often the victims of such abuse. There were a few reports that police used beatings and threats to deter detainees from filing claims of abuse on prior occasions. In August, a man reported to the Humanitarian Law Center (HLC) that police beat him every day during a 30-day detention to pressure him to withdraw a previous claim of police brutality.

Police also reportedly used beatings to coerce confessions. The HLC filed a criminal complaint against unidentified officers of the Cacak Police Department claiming that on May 21, in an attempt to coerce a confession of robbery, the officers threatened Zeljko Popovic, slapped him, and struck him in the mouth, causing him to lose three teeth.

As in 2002, there were few reported instances of police harassment of ethnic Albanians in southern Serbia. The improvement can be credited largely to the deployment of the 400-member Multi-Ethnic Police Force throughout the area (see Section 1.d.).

In August 2002, police in Vranje severely beat Nenad Tasic, who sustained broken ribs, a punctured lung, and severe brain damage. The HLC filed a civil suit seeking compensation; the case was heard, but the judgment had not been announced at year’s end. A separate criminal suit was ongoing at year’s end.

During the year, the Leskovac-based Human Rights Committee reported that there were more than 100 cases of alleged police abuse in Leskovac. In March 2002, Leskovac police reportedly clubbed a handcuffed Roma man, Nebojsa Majlic, causing him to lose consciousness; afterwards, the police filed criminal charges against Majlic for interfering with police performance of duty. At year’s end, the trial of Majlic had not begun.

Prison conditions generally met international standards; however, conditions varied greatly from one facility to another. The Helsinki Committee for Human Rights in Serbia (HCS) noted that some prisons offered clean, secure environments for inmates; however, in others—most notably the Belgrade Reformatory Hospital housing psychiatric prisoners—inmates were forced to live in filthy, inhumane conditions. The quality of food varied from poor to minimally acceptable, and health care was often inadequate. Basic educational and vocational training programs were in place at most prisons; however, they were limited by lack of resources. The level of training for guards was inadequate.

Men and women were held separately. Juveniles were supposed to be held separately from adults; however, in practice, this did not always happen. Pretrial detainees were held separately from convicted prisoners. Some inmates complained that they were subjected to intimidation and occasional assaults by other inmates. Inmates could report such problems to prison staff or to district court; authorities generally responded by placing inmates in separate cells and at times taking disciplinary measures such as placing offenders in solitary confinement. There were some deaths in prison due to murders between inmates, natural causes, and at least one suicide.

The Government permitted the International Committee of the Red Cross (ICRC) and local independent human rights monitors, including HCS, to visit prisons throughout the country and to speak with prisoners without the presence of a warden. The Government suspended prison visits by local human rights monitors during the State of Emergency; however, the OSCE and OHCHR visited two detention centers in Belgrade during that period.

There were reports that witnesses and potential witnesses cooperating with the ICTY experienced threats or intimidation in Serbia (see Section 4).

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

The approximately 23,000 police officers are part of the Sector for Public Security of the Ministry of Internal Affairs (MUP). The Sector is divided into seven directorates: Uniformed Police (including traffic and patrol officers), Criminal Investigations, Organized Crime, Analysis, Special Operations Units (including gendarmes and the Special Anti-Terrorist Unit, or SAJ), Human Resources and Training, and Border Police. The police are divided regionally into 33 secretariats. All municipal and rural units are branches of the Republic police. Effectiveness of the police is uneven and generally limited because of poor training, poor forensics, and the low education level of many officers. Although the MUP leadership changed after the October 2000 revolution, many police personnel, including some high-level officials, are holdovers from the Milosevic regime. While most police officers were Serbs, the

force included Bosniaks (Bosnian Muslims), ethnic Albanians, and other ethnic minorities. The Multi-Ethnic Police Force in southern Serbia was composed primarily of ethnic Albanians and Serbs.

There were only limited institutional means of overseeing and controlling police behavior. In September, an Inspector General with enforcement authority was installed in the MUP; however, at year's end, he still had little ability to conduct investigations. In April, the SaM Minister for Human and Minority Rights established an "SOS" hotline, which sought action on police abuse and other cases. The hotline had received more than 2,000 calls by year's end. The Serbian Government offered no other forms of assistance for citizens with complaints about police behavior; however, citizens could seek redress through the courts.

According to MUP figures, from January through June the MUP initiated 762 disciplinary proceedings, resulting in 17 arrests of policemen, 271 criminal complaints filed against 158 officers, and 123 suspensions. Included in these figures were four cases of illegal use of force, three in Sremska Mitrovica and one in Užice. The three officers in Sremska Mitrovica were suspended during the ongoing disciplinary proceedings. Punishment for police officers rarely exceeded 6 months' imprisonment, a sentence that often allowed police officers found guilty of abusing human rights to rejoin the force. During the year, the MUP instituted an ethics code for police, but no sanctions were prescribed for violations.

Courts occasionally ordered the Government to pay compensation for police abuses. In March, Belgrade's First Municipal Court ordered the Republic of Serbia to pay approximately \$1,780 (100,000 dinars) to Bojan Aleksov as compensation for his unlawful detention and torture in 2000.

Community policing was instituted during the year. The OSCE's Mission to SaM trained Serbian police cadets in modern police tactics at an international police training center in Mitrovo Polje.

The Criminal Procedure Code provides for strong regulations designed to protect the rights of detained and accused persons, including prohibitions against excessive delays by authorities in filing formal charges against suspects and in opening investigations; however, such delays continued regularly (see Section 1.e.).

The law restricts the time from indictment to the conclusion of first instance trial to 2 years; appeals to second instance courts must be completed within 1 additional year. A person wrongfully detained could demand rehabilitation and compensation from the Government. Bail was allowed but rarely used; detainees facing charges that carried possible sentences of less than 5 years could be released on their own recognizance. Due to the inefficiency of the courts, cases often took an excessively long time to come to trial; and, once started, trials often an excessively long time to conclude.

The police were authorized to make an arrest without a judge-authorized warrant in certain circumstances, including well-founded grounds of suspicion that the person committed a capital crime. An investigating judge must approve any detention of more than 48 hours, and arrested persons must be informed immediately of their rights, including the right to confidential conferences with a lawyer. Family members were normally able to visit detainees. No suspect could be detained for more than 3 months without a decision of an investigating judge, and no one could be detained for more than a total of 6 months. The law prohibits the use of force, threats, deception, and coercion, as well as use in court of evidence acquired by such means. During the State of Emergency, many false or unrealized promises of granting witness collaborator status—which would include the dropping of some charges—were made to encourage statements by detainees. Suspects' statements are valid in court only if they are made in the presence of counsel; an investigating judge or prosecutor must also be present. During the State of Emergency, appointed attorneys unfamiliar to detainees sometimes appeared solely for the taking of statements.

Among the special measures the Government included with the declaration of a State of Emergency was the suspension of the right to an attorney and permission for police to detain, for up to 30 days, any person "who is jeopardizing the safety of other citizens or the safety of the Republic." On April 11, as 30-day detentions made early in the State of Emergency were about to expire, the Parliament passed new measures permitting detentions on MUP authority of up to 90 days; however, the Constitutional Court declared the law unconstitutional on June 5 and on July 1 it was repealed by the Parliament. In practice, the 10,000 State of Emergency detainees were largely held incommunicado, without access to attorneys or family. Additionally, many of the detainees during the State of Emergency were never brought before a judge; however, those who later remained in jail were taken before a judge.

There were several reports of police detaining journalists for "informative talks" (see Section 2.a.).

The Constitution prohibits forced exile, and the Government did not employ it.

e. Denial of Fair Public Trial.—The Constitution provides for an independent judiciary; however, the courts remained susceptible to corruption and political influence, although to a far lesser degree than under the former Milosevic regime.

The court system is made up of municipal and district courts, a supreme court, a constitutional court, and special courts for war crimes and organized crime. The Constitutional Court rules on the constitutionality of laws and regulations and relies on the authorities to enforce its rulings. The Law on Courts mandates the establishment of an administrative appeals court and a second instance appeals court to lighten the burden of the Supreme Court; however, these courts had not been established by year's end.

The courts were highly inefficient—cases could take years to resolve—and there were no official channels for alternative dispute resolution. However, the Government and judiciary made some progress in implementing the extensive organizational reforms mandated in the 2001 laws on courts, judges, and public prosecutors.

A Lustration Law, passed in June, prohibits anyone who has committed human rights violations since 1976 from holding public office for the next 2 to 5 years, depending on the gravity of the offense; however, the law had not been implemented by year's end.

In accordance with the Law on Courts, two new judicial bodies began functioning during the year: The High Judicial Council, which is staffed by Supreme Court justices and appoints judges, and the High Personnel Council, which disciplines and dismisses judges. The High Personnel Council, with approval of the Parliament, dismissed or forcibly retired 35 judges, mostly after the Djindjic assassination; however, there were no trials of former court presidents or judges who committed abuses during the Milosevic regime.

The Supreme Court President, under pressure from the Government, resigned in April; however, a majority of judges on the Supreme Court remained Milosevic appointees, and the Constitutional Court remained staffed by some judges appointed during the Milosevic regime. The Law on Judges mandates that judges have lifetime tenure with mandatory retirement at age 65.

The Judges' Training Center organized educational programs offered throughout the country. International organizations and local NGOs, including the HLC and the Belgrade Center for Human Rights (BCHR), also conducted training for judges during the year.

The law provides that defendants are presumed innocent and have the right to have an attorney represent them at public expense, if needed, and to be present at their trials. The courts also must provide interpreters, if required. Both the defense and the prosecution have the right to appeal a verdict. Defendants have a right to access government-held evidence and question witnesses; these rights were generally respected in practice.

In 2002, the Republic Prosecutor (Attorney General) submitted all public prosecutors, deputy prosecutors, and staff to review for general competency and previous conduct, including during the Milosevic era. As a result, approximately one-third of Public Prosecution personnel were dismissed or forced into retirement by the end of 2002. In April, the Republic Prosecutor himself was forced to resign, and six district prosecutors (including the Belgrade District Prosecutor) and a large number of lower-level prosecutors were dismissed or forced to resign during the year. Deputy Public Prosecutor Milan Sarajlic, who faced charges that he was paid by the Zemun organized crime clan, was released from jail due to poor health; at year's end, his trial had not yet been scheduled.

The SaM military court system, inherited from the Tito era, presents little transparency in its operations. In accordance with the Constitutional Charter, this system was phasing out operations, and military courts had no ongoing investigations or trials at year's end. The military court system retained one espionage case, which had been investigated but not yet taken to trial at year's end. Special departments in the Belgrade and Podgorica (Montenegro) District Courts, which would take on all new cases, had not been constituted at year's end. On October 20, the Supreme Military Court sentenced battalion commander Dragisa Petrovic to 9 years in prison and army reservists Nenad Stamenkovic and Tomica Jovic to 7 years each for the murder of an elderly Kosovo Albanian couple, Feriz and Rukija Drasnici, in 1999. The Court nearly doubled the sentences previously handed down by the Nis Military Court in 2002, following the revision of the indictments from murder charges to charges of war crimes against civilians. In addition to the nearly defunct military court system, the only other SaM court, the Court of the State Union of Serbia and Montenegro, had not been constituted at year's end. This court is expected to rule on disputes between the constituent republics or between the union and the republics, as well as on conformity of SaM or republic laws with the Constitutional Char-

ter; it is also expected to respond to petitions of citizens whose rights or freedoms were violated by the Constitutional Charter.

There were no developments in the case of 24 Bosniaks whose 1993 political convictions of crimes against the state were returned for review by the Supreme Court in 1996.

Domestic war crimes indictments and trials began in the regular courts in 2002. On January 20, the trial began of one former member of the Bosnian Serb “Avengers” paramilitary and three members of the Bosnian Serb Army for abducting, torturing, and killing 16 Muslims from the Serbian town of Sjeverin in 1992. On September 29, the court sentenced Djordje Sevic to 15 years in prison, and Dragutin Dragicevic, Oliver Krsmanovic and ICTY indictee Milan Lukic—the last two remain at large—to 20-year prison sentences; this was the maximum term of imprisonment possible at the time.

In October 2002, Aleksandar “Sasa” Cvjetan went on trial in Prokuplje District Court for killing 19 ethnic Albanians in Podujevo, Kosovo, in March 1999. The Prokuplje Court also tried in absentia SAJ squad member Dejan Demirovic for cooperating with Cvjetan in the massacre. The Government had requested extradition of Demirovic from Canada, which had him in custody. In November 2002, citing concerns about security, fairness of proceedings, and access to ethnic Albanian witnesses, the Supreme Court transferred the trial from Prokuplje to Belgrade District Court, where proceedings resumed early in the year and were ongoing at year’s end.

The Law on Suppression of Organized Crime created a semi-independent special prosecutor, a special police investigative unit, specialized court chambers, and a dedicated detention unit. Some human rights activists have expressed concern that the special police force’s expanded powers to investigate and detain suspects could lead to abuse. The court’s inaugural trial was held on September 16, when the Special Prosecutor for Organized Crime began presenting the case against the suspected killers of senior police officer Bosko Buha (see Section 1.a.). The trial was ongoing at year’s end.

In July, the Parliament passed a law on domestic war crimes prosecutions, which established a special court for this purpose; however, the court had not begun functioning by year’s end. It was scheduled to begin trials in March 2004. On July 22, Parliament appointed Vladimir Vukcevic as the special prosecutor for war crimes. The special court will be a branch of the Belgrade District Court; however, for security reasons it will use the facilities of the Belgrade Special Court for Fighting Organized Crime.

The ICTY was preparing to turn over to the Government prosecution of lower-level figures involved in the Vukovar massacre and has provided evidence in the case to the Justice Minister and the Special Prosecutor for War Crimes, who also began gathering evidence in the case.

Defendants can be tried in absentia. The Belgrade Special Court for Fighting Organized Crime was trying, in absentia, Slobodan Milosovic, on trial before the ICTY, and Milorad “Legija” Lukovic, a fugitive, for the murder of former Serbian President Ivan Stambolic and the attempted murder of Vuk Draskovic in 2000 (see Section 1.a.). The same court was trying Legija in absentia for the Djindjic assassination. There were no imprisonments based on trials in absentia.

f. Arbitrary Interference with Privacy, Family, Home or Correspondence.—The Constitution prohibits such actions; however, the Government at times infringed upon these rights in practice, particularly during the State of Emergency. The law gives the MUP control over the decision to monitor potential criminal activities. The Constitution includes restrictions on searches of persons and of premises; police must enter premises with a warrant, except to “save people and property.” The Government generally respected these provisions in practice, with occasional exceptions. During the State of Emergency, the Government authorized searches without warrants in cases of suspected organized crime activity.

Most observers believed that the authorities selectively monitored communications and eavesdropped on conversations, read mail and e-mail, and wiretapped telephones. Members of political factions, presenting no direct evidence, accused other factions of using secret police and intelligence units to eavesdrop on them to gain political advantage. There were no reports during the year that the post office registered and tracked suspicious mail from abroad, as some believe occurred in the past; however, during the State of Emergency, the Government suspended rules on the secrecy of letters and other forms of communication.

The Government did not fulfill its promise to open to the public all secret files on persons collected under former regimes. The few files actually delivered to individuals who requested them had been cleansed of documents that might have contained sensitive reporting on the individuals.

During the year, the authorities evicted a number of Roma, including children, from two squatter settlements (see Section 5).

Section 2. Respect for Civil Liberties, including:

a. Freedom of Speech and Press.—SaM and Serbian law provide for freedom of speech and of the press; however, political pressure from various factions, an uncertain regulatory environment, and vulnerability to libel suits placed constraints on free expression by journalists, editors, and other media. There were some high-profile instances of apparent pressure on the media by senior government officials. The Government imposed substantial media restrictions during the State of Emergency.

Media independence remained a problem. Some observers believed that the continued lack of clear guidelines created an atmosphere unfriendly to free expression. Some media outlets clearly attempted to curry favor with the Government in hopes of receiving favorable treatment once new media reform laws are fully implemented; however, media outlets generally provided equal access to parties campaigning for the December parliamentary elections. Some media outlets practiced self-censorship and were reluctant to report on crimes perpetrated during the wars in Bosnia, Croatia, and Kosovo. Television coverage of the Milosevic trial at the ICTY tended to be incomplete or defensive, with the notable exception of Radio/TV B-92 (RTV B-92), which broadcast the proceedings live.

Selective privatization of media during the Milosevic era has left the country with a mixture of privately owned and fully or partially government-owned media outlets. The Government owned Borba, one of the most important printing houses in the country, and published the dailies Borba, Sport, and Vecernje Novosti. The oldest nationwide daily, Politika, was run by several state-run companies and was influenced by the Government, although German media giant WAZ became a co-owner during the year. Print media also included the independent daily Danas, weeklies Vreme and Nin, high-circulation tabloids Blic and Glas Javnosti, and other newspapers.

The Government funded a Hungarian language newspaper, and state-owned media outlet Radio Television of Serbia (RTS) provided some Hungarian language programming. Tanjug was a state-owned news agency that many television stations rely on for their news information.

The 2002 Law on Broadcasting created a regulatory framework designed to foster free and independent media. This law mandated formation of an independent Broadcast Council to transform RTS into a public broadcasting service and to allot radio and TV frequencies. The Broadcast Council was established during the year, but the Parliament's violation of provisions for appointing candidates damaged the Council's legitimacy and led to the resignation of two members. The Council began limited functioning during the year.

State-controlled RTS was a major presence in television and radio. Aside from the three RTS channels, the Government had considerable influence, although not formal control, over some other major television stations, including: TV Politika, TV Novi Sad, and YU INFO (phasing out operations due to bankruptcy), as well as Radio Belgrade's three stations. RTS's coverage was generally objective; however, it occasionally demonstrated some bias in favor of the ruling Democratic Opposition of Serbia (DOS) coalition. Management personnel could be politically influenced, since the Government appointed editors-in-chief.

Two major private TV stations, BK and TV Pink, which received advantageous treatment, including frequencies, under the Milosevic regime, had widespread coverage. TV Pink, the most widely watched station in the country, has shown editorial bias in favor of the Government since 2000. After the Government granted RTV B-92 a temporary license to broadcast republic-wide pending the final allocation of frequencies in 2002, the media outlet set up new transmitters to make itself a national channel that could compete with TV Pink and BK. However, Editor-in-Chief of RTV B-92 Veran Matic reported that Deputy Prime Minister Cedomir Jovanovic warned him that his media outlet would never get radio or television frequencies if it did not change its reporting. Approximately 300 TV stations and 700 radio stations that operated independently had to work under temporary licenses or without any legal basis.

During the State of Emergency, the Government prohibited the publication, broadcast or dissemination of information about the reasons for declaring the State of Emergency and implementation of the State of Emergency, except for the carrying of official statements. Sanctions established for violating the prohibition were fines of \$915 to \$9,150 (50,000 to 500,000 dinars) for the offending legal entities and \$183 to \$1,830 (10,000 to 100,000 dinars) for the responsible person within an offending entity, as well as possible temporary prohibition of publication of newspapers or broadcast of offending radio or television programs. No appeal was per-

mitted. Television Leskovac was fined \$5,490 (300,000 dinars) for violating the media decree under the State of Emergency. The Government also temporarily banned and fined a local television station, RTV Mars \$9,150 (500,000 dinars) for the station, \$1,830 (100,000 dinars) for the director. Distribution in Serbia of the Montenegrin weekly Dan was banned during the State of Emergency.

Some other sanctions went beyond those included in media decrees. During the State of Emergency, the Government permanently banned two newspapers. One of these was the weekly *Identitet*, believed to be financed in part by Milorad "Legija" Lukovic, the organized crime figure and former Red Beret commander suspected of organizing the Djindjic assassination. The Government permanently banned the daily *Nacional* (which later reopened as *Balkan*), arguing that its anti-Djindjic campaign had created an "atmosphere of lynching" which "facilitated the assassination." After the State of Emergency, the Government banned one edition of the weekly *Svedok* because it ran excerpts of a Macedonian newspaper interview glorifying "Legija."

In a joint April 24 letter, editors-in-chief of major media called on the Government to discuss with them sources of tension, which were exacerbated during the State of Emergency. The letter cited as issues of concern: Restrictions on reporting during the State of Emergency, threats by some government officials against editors, and other forms of government interference. At a meeting in early May, editors-in-chief and Government representatives exchanged views on the State of Emergency; the Government also agreed to repeal a 20 percent tax on printed media.

Radio stations owned or organized by municipalities pressured local journalists not to report on municipal government problems.

There were several instances of police calling in journalists for "informative talks." Police called in Veselin Simonovic, Editor-in-Chief of *Blic*, and asked him to identify a source. Similarly, *Blic* News Editor-in-Chief Jovica Krtinic was called in and asked to tell the police who had given him a police document from an ongoing investigation. As was the case with Simonovic, when Krtinic declined to comply, the police took no further action.

There were no reports of extremist groups targeting journalists during the year. According to Belgrade's Association of Independent Electronic Media (ANEM), police did not attempt to find the source of the threats against *Blic* News editor Zeljko Cvijanovic in 2002.

Libel remained a criminal offense. Although no suits were filed directly by the Government, the low threshold defining libel enabled individual government officials, as well as former members of the Milosevic regime, to win private cases against media outlets that criticized them. Libel can result in jail terms, and courts have the power to issue "conditional sentences" that silence offending journalists with the threat that any further offense will lead to immediate imprisonment. However, there were no reports of "conditional sentences" being issued to journalists.

In November, Internal Affairs Minister Dusan Mihajlovic filed defamation charges against Mladjan Dinkic of the G-17 Plus political party, which alleged that Mihajlovic had secured a lucrative government contract with his ministry for one of his companies; Mihajlovic filed similar charges against Verica Barac, head of the Government's Anti-Corruption Council, and editors-in-chief of TV B-92 and dailies *Glas Javnosti* and *Kurir*, for discussing or covering the allegation. At year's end, the prosecutor had taken no action on the lawsuits.

During the State of Emergency, Government communications director Vladimir "Beba" Popovic filed libel suits seeking approximately \$18,300 to \$54,900 (1 to 3 million dinars) for emotional harm against five media outlets which had questioned his status as the Government's communications director—daily newspapers *Vecernje Novosti* and *Blic* News, weekly news magazines *Nin* and *Vreme*, and television station B-92. *Vecernje Novosti* paid a judgement of \$18,300 (1 million dinars). *Blic* News paid a judgment of \$915 (50,000 dinars) and court costs of \$92 (5000 dinars). The other cases remained ongoing at year's end.

In 2002, businessman Dragan Tomic began libel proceedings against RTS reporter Dragana Vasiljevic for the offense of reading on the air Tomic's official bank statements; Tomic later withdrew the charges. In 2002, Democratic Party member Radisav Ljubisavljevic initiated libel proceedings against B-92 for broadcasting public statements made by various political parties about him; at year's end, he was discussing with B-92 possibly withdrawing the charges.

According to the HLC and the BCHR, journalists practiced self-censorship because of possible libel suits and fear of offending public opinion, particularly on subjects relating to wars in the former Yugoslavia.

On April 22, Parliament adopted the Public Information Law, which covers both rights and responsibilities of the media. Topics in the Law include: Freedom of the media, a ban on censorship, a ban on media monopolies, a due diligence require-

ment in reporting, a reduced right to privacy for public officials, and the rights of persons referred to in disseminated information. Immediately before adoption, the Parliament added articles authorizing the banning of dissemination of information if necessary to prevent: Calls for violent overthrow of the constitutional order; undermining of the territorial integrity of the Republic; war propaganda; or incitement to violence, hatred or discrimination.

The Government did not restrict publishing or import of published materials. Jehovah's Witnesses reported that they no longer experienced problems importing their religious literature.

The Government did not restrict access to the Internet; however, there were reports that Government selectively monitored e-mail correspondence (see Section 1.f.).

The Government did not restrict academic freedom. The 2002 Law on Universities, designed to protect universities from political interference, restricted police entry onto university campuses and restored the Education Council (Prosvetni Savet) abolished by Milosevic in 1998. The Republic-level Council was under the control of the Parliament, set general university policy, made some administrative decisions, and determined general curricular goals. In accordance with the Law on Universities, the Scientific-Educational Council (Naucno-Nastavno Vece) selected university rectors and faculty deans without interference from the Ministry of Education. The Law also provides for participation of student organizations in determining certain aspects of university policy; at year's end, these organizations were still defining their policy role.

b. Freedom of Peaceful Assembly and Association.—The Constitution provides for freedom of assembly, and the Government generally respected this right in practice, except during the State of Emergency. During the State of Emergency, the Government prohibited the calling and holding of public gatherings. Also prohibited were political, union, and other actions intended to disrupt and prevent the realization of measures taken during the State of Emergency.

The Constitution provides for freedom of association, and the Government generally respected this right in practice; however, on June 9, Belgrade police, acting on a municipal court order, closed the campaign office of a citizen's organization that was conducting a petition drive in favor of property restitution legislation. Two of the organization's leaders, who refused to leave the premises, were arrested and later released without charge. The citizen's organization had been a vocal opponent of the Belgrade Municipality's practice of auctioning property that was subject to potential claims by the original owners and their heirs.

The Government required private organizations to register; however, no problems with registration were reported during the year.

c. Freedom of Religion.—The SaM and Serbian constitutions and laws provide for freedom of religion, and the state union and republican Governments generally respected this right in practice. There is no state religion in SaM; however, the Serbian Orthodox Church received some preferential treatment.

The status of respect for religious freedom in the SaM and Serbian Governments improved during the year, and the Federal Secretariat for Religious Affairs was disbanded. In addition to including freedom of conscience and religious practice in its founding documents, in March the SaM Government set up an office dedicated to religious affairs within the Ministry for Human and Minority Rights. The office focused on outreach to minority religious communities, and representatives of these communities reported good relations with this office.

While there is no formal registration requirement for religions, religious groups and all other groups planning to hold gatherings are required to register with local police. Religious groups also could register as citizen groups with the MUP to gain the status of juridical person necessary for real estate and other administrative transactions. The Government rescinded the citizen group registration of one religious group—The Sanatan Society for Spiritual Science—claiming that Sanatan documents included tenets promoting criminality.

The Belgrade Islamic community reported continued difficulties in acquiring land and government approval for an Islamic cemetery near the city. Representatives of the Islamic Community of Novi Pazar, in contrast, continued to report good relations with the Government.

The Government did not grant special visas to missionaries, who had to obtain residence permits or to leave the country every 3 months to renew their status.

The armed forces continued to offer only Serbian Orthodox services; however, members of other faiths may attend religious services outside their posts.

Religious education in primary and secondary schools continued during the year. Students were required either to attend classes from one of the seven "traditional

religious communities” or to substitute a class in civic education. The proportion of students registering for religious education grew during the year; however, registrations for civic education courses continued to predominate. Some Protestant leaders and NGOs continued their objection to the teaching of religion in public schools, as well as to proposals to classify some of the Republic’s religions as traditional.

There was no progress noted during the year on restitution of previously seized church property.

Religion and ethnicity are intertwined closely throughout SaM; thus, in many cases it was difficult to identify discriminatory acts as primarily religious or primarily ethnic in origin.

Propaganda against sects continued in the press, and religious leaders noted that instances of vandalism often occurred soon after such press reports (see Section 5). According to some sources, the situation was further complicated because one of Serbia’s leading experts on sects was a police captain whose works were used in military and police academies.

In April, an Adventist pastor in Zrenjanin, Josip Tikvicki, responded to the sound of his church windows breaking and was subsequently severely beaten. According to church sources, the same church had been the scene of a number of attacks the previous year, but the vandals had never been caught. Following this attack, a representative of the SaM Ministry of Human and Minority Rights visited the hospitalized cleric and publicly condemned the incident. Three persons were sentenced to several months in jail for the attack.

A representative of Belgrade’s Islamic community claimed that two individuals were killed in March because of their Islamic identity. One of the victims was the grandson of a former Belgrade Imam, while the other was a Muslim Roma inmate in prison in Pozarevac who reportedly was killed by other inmates.

Novi Sad police failed to respond to repeated complaints by members of the Muslim Gujak family that over a period of 3 years they had been threatened, insulted, and on one occasion assaulted by their Serb neighbor. The HLC filed a criminal complaint against the neighbor, Vujic, for abusing the Gujaks on ethnic grounds; at year’s end the trial had not begun.

Minority religious communities reported continued problems with vandalism of church buildings, cemeteries and other religious premises. Many of the attacks involved spray-painted graffiti, rock throwing, or the defacing of tombstones; however, a number of cases involved much more extensive damage. In May, a Molotov cocktail was thrown at a Sanatan residence outside Belgrade. There were approximately 10 incidents in which gravestones were desecrated, including those in Jewish, Catholic, Islamic and Lutheran cemeteries. One of the largest instances of desecration occurred in September when youths defaced an estimated 80 graves in a Catholic cemetery in Vojvodina. Suspects were apprehended shortly after the incident; however, no judicial proceedings were initiated during the year.

Jewish leaders reported an increase in anti-Semitism, both in the media and in acts of vandalism, such as the destruction of gravestones. According to representatives of the Union of Jewish Communities of SaM, anti-Semitic hate speech often appeared in small-circulation books (see Section 5). The release of new books (or reprints of translations of anti-Semitic foreign literature) often led to a spike in hate mail and other expressions of anti-Semitism.

There have been a number of continuances in the Savic case, in which an author of anti-Semitic literature was tried for spreading racial or national hatred. The latest continuance, granted to allow for a psychiatric examination of the defendant, was ongoing at year’s end.

While in previous years Jehovah’s Witnesses reported that their members were serving sentences for conscientious objection to the draft, they reported no such detainees during the year. Moreover, the SaM Government began to implement civilian service as an alternative to mandatory army service. Civilian service options complement the non-lethal options already present for conscripts who object to military service for reasons of conscience. Some journalists questioned whether conscientious objector regulations will extend to adult converts who wish to leave the ready reserve.

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

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

Bosniaks crossing into Serbia from Bosnia no longer reported being subjected to lengthy searches by border police.

On October 6, Bosnian Minister for Human Rights and Refugees, Mirsad Kebo, and SaM Minister for Human and Minority Rights, Rasim Ljajic, signed an agree-

ment and protocol on the return of refugees; the agreement creates a mechanism to exchange information through announcements of returns, provides for joint projects, and creates a Working Group as a consultative body.

The conflicts that occurred in Bosnia, Croatia, and Kosovo led to widespread displacement of persons. There were approximately 216,000 IDPs from Kosovo in Serbia, mainly Serbs, Roma, and Bosniaks. Most Serb IDPs from Kosovo rented inadequate lodgings or were housed with host families or relatives; however, approximately 9,000 remained in collective centers which foreign observers found to be inadequate for any purpose other than emergency shelter. Collective centers were a drain on government resources. It was impossible to estimate unemployment figures among IDPs; most families have moved three times or more in search of better schooling or employment opportunities. It is probable that many of them were employed either fully or part-time in the informal sector, such as working in one of the many gray economy firms manufacturing clothes, furniture and other products. The Government, with support of the U.N. High Commissioner for Refugees (UNHCR), worked on closing 115 collective centers housing refugees (not IDPs) from Bosnia and Croatia by setting qualifications to remain housed in collective centers and seeking alternate housing for others.

The great majority of the approximately 10,000 IDPs who fled into Kosovo during the 2001 crisis in southern Serbia returned to their homes in Bujanovac, Presevo, and Medvedja municipalities following the implementation of the 2001 Covic plan.

The UNHCR estimated that there were 40,000 to 45,000 displaced Roma living in Serbia proper, as many Kosovar Roma were perceived as Serb collaborators during the Kosovo conflict and so could not safely return there. Living conditions for Roma in Serbia were, on the whole, extremely poor. Local municipalities often were reluctant to accommodate them, hoping that if they failed to provide shelter, the Roma would not remain in the community (see Section 5). If Roma did settle, it was most often in official collective centers with minimum amenities or, more often, in makeshift camps on the periphery of major cities or towns.

The SaM and Serbian Constitutions provide for the granting of refugee status (at the Republic level) or asylum status (at the SaM level) to persons who meet the definition in the 1951 U.N. Convention Relating to the Status of Refugees and its 1967 Protocol. In practice, the Government provided protection against refoulement and provided refugees status and asylum. The Government cooperated with the UNHCR and other humanitarian organizations assisting refugees. There were approximately 317,000 refugees in Serbia from other successor nations of the Socialist Federal Republic of Yugoslavia. Of these refugees, most (212,000) were from Croatia. The great majority of the several thousand ethnic Albanians who fled into Serbia in 2001 to escape the conflict in Macedonia have returned to their homes in Macedonia.

The Government also provides temporary protection to certain individuals who do not qualify as refugees or asylees.

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

The SaM Constitutional Charter provides citizens with the right to change their government peacefully, and citizens exercised this right in practice through periodic, free, and fair elections held on the basis of universal suffrage. SaM and the Serbian Republic each have a parliamentary system of government. In SaM, the president is elected by the SaM Parliament; in Serbia, the president is elected by direct vote.

On November 17, Serbian presidential elections failed because turnout did not meet the required 50 percent threshold; this was the third failed attempt to elect a President since 2002. Nonetheless, the OSCE concluded that the elections were generally free and fair; however, significant challenges remained, particularly with regard to the legislative framework for elections.

On November 13, acting on a Government proposal, Natasa Micic, the Speaker of Parliament and acting President of Serbia, dissolved Parliament in the face of legislative gridlock and pending votes of confidence on her performance and on the Government. Parliamentary elections held on December 28 were generally free and fair, despite some legislative shortcomings. The Serbian Radical Party—whose leader Vojislav Seselj faced war crimes charges before the ICTY—won a plurality (82 of 250 seats); however, democratic parties together controlled more than half of the seats. At year's end, the new parliament had not met, and the new government had not been formed.

There were irregularities in one parliamentary vote. In December, Boris Tadic, a leader of the Democratic Party (DS), admitted that a vote was cast on behalf of a DS Member of Parliament who was not in fact present when Parliament approved the nomination of Kori Udovicki as National Bank Governor on July 22. Votes may also have been cast on behalf of two absent members of another political party when

Udovicki was approved. In May, the Constitutional Court ruled that Members of Parliament who left their parties were entitled to retain their parliamentary seats. The parliament did not implement this decision by year's end, leading the Court to reprimand the Parliament several times.

At the local level, there were a few by-elections during the year; these were generally free and fair. The 2002 Law on Local Self-Government instituted direct election of mayors and enlarged competencies for municipal and city governments, including greater flexibility in recapturing tax revenue for local needs. The law also increased citizens' ability to participate directly in local government by giving them the right to undertake civil initiatives and organize local referendums.

There were 10 women in the 126-seat SaM Parliament and 27 women in the 250-seat Serbian Parliament. There were three women in the Serbian Cabinet. Women were very active in political organizations; however, they only held approximately 10 percent of ministerial-level and parliamentary positions in the Serbian and SaM Governments. Prominent positions held by women during the year included: Speaker of the Serbian Parliament (who was also Acting President of Serbia); the deputy Speaker, Serbian Ministers for Social Welfare, for Transportation and Telecommunication, and for Environment; President of the Serbian Supreme Court; Central Bank Governor; and Mayor of Belgrade.

There were no legal restrictions on minority participation in political life. There were 20 minorities in the 250-seat Serbian Parliament. There was one minority in the Serbian cabinet, and two minorities in the SaM cabinet. The two largest ethnic groups, Serbs and Montenegrins, dominated the country's political leadership. A coalition of ethnic parties was unable to enter parliament because it did not meet the 5 percent threshold of votes in the December Parliamentary elections; however, members of minority groups were on slates of non-ethnically based parties, and some of these individuals were likely to enter parliament when parties allotted seats to individuals on their slates. Some minorities, such as Hungarians and Bosniaks, turned out to vote in parliamentary elections in percentages roughly equal to or greater than the general population; however, Roma continued their historical pattern of low voter turnout, and very few ethnic Albanians participated in the December 28 parliamentary election.

In Vojvodina, where the Hungarian minority constituted approximately 15 percent of the population, many regional political offices were held by Hungarians. Jozsef Kasza, a Hungarian minority party leader, was a Deputy Prime Minister of Serbia. Ethnic Hungarians led municipal governments in Subotica and six other municipalities in northern Vojvodina. Few members of other ethnic groups were involved at the top levels of government or the economy; however, two Sandzak Muslims served in the 5-person SaM Cabinet. In the Sandzak, Bosniaks controlled the municipal governments of Novi Pazar, Tutin, and Sjenica. Roma had the right to vote, and there were two small Romani parties in Serbia. One of the four deputy mayors in Kragujevac was Roma.

The 2002 Law on Local Elections instituted a proportional system of voting guaranteeing multi-ethnic representation in government. These legislative changes led to the election, in July 2002, of ethnic Albanian mayors and Albanian-led multi-ethnic municipal assemblies in the municipalities of Bujanovac and Presevo. However, the direct election of mayors was not instituted in some subsequent municipal by-elections in other areas, which followed earlier law. The Serbian Republic's 2002 Omnibus Bill on Vojvodina granted increased powers of self-government to the historically distinct Vojvodina region of Serbia, although the law stopped far short of restoring the full autonomy that Vojvodina Province enjoyed until 1989.

Ethnic groups established 10 minority councils, in accordance with the February 2002 FRY Law on Protection of the Rights and Liberties of National Minorities (see section 5).

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

A number of domestic and international human rights groups generally operated without government restriction, investigating and publishing their findings on human rights cases. Government officials generally were cooperative and responsive to their views; however, during the State of Emergency, the Government suspended HCS visits to inmates. Some NGOs, such as the G-17 Institute, Lex, Otpor, and the Center for Free and Democratic Elections (CeSID) contributed to the Government's reform strategies at the highest level. NGOs such as the HLC, Yugoslav Lawyer's Committee for Human Rights (YUCOM), and HCS frequently offered citizens their only chance for redress when government institutions failed to protect basic human rights. Human rights NGOs were highly independent in their assessments of government actions. HLC, YUCOM, BCHR, the Leskovac Human Rights Committee,

and the Center for Antiwar Action researched human rights abuses throughout the country. HCS and BCHR published annual surveys on human rights issues in SaM. In the Sandzak region, two committees monitored abuses against the local Muslim population. Most of these organizations offered advice and help to victims of abuse.

There were a few incidents of government interference with the HLC. Vladimir "Beba" Popovic filed a libel suit against the HLC for questioning the legitimacy of his status as the Government's communications director (see Section 2.a.). Additionally, police at a rally for missing persons failed to protect the HLC director from repeated pushing by a small group of opponents, and the MUP threatened to file assault charges against the HLC director for slapping one of the individuals who was pushing her to the ground.

The Government worked in partnership with international and local NGOs in a number of areas affecting human rights during the year, including monitoring of elections (CeSID), monitoring of official corruption (Otpor), legal and judicial reform (YUCOM, HLC, HCS), the drafting of the new criminal code (BCHR), judicial education (HLC, BCHR), return of refugees and IDPs (Serbian Democratic Forum, HCS), identification of missing persons (ICMP), and the fight against human trafficking (Astra, Counseling Center against Family Violence).

The SaM and Serbian Governments made progress in their cooperation with the ICTY; however, the ICTY remained dissatisfied with overall SaM cooperation, in particular because it believed that key indictee General Ratko Mladic was at large in Serbia. The ICTY issued indictments against four additional Serb nationals during the year. At year's end, approximately 16 ICTY indictees with ties to the country remained at large. The ICTY stated its disappointment that the Government had not been able to arrest such persons, in particular former Bosnian Serb leader Ratko Mladic.

On April 14, the SaM Parliament strengthened the legal framework for cooperation with the ICTY by amending the 2002 Federal Law on Cooperation with the ICTY. The principal amendment was the removal of Article 39, which held that the law applied only to existing indictments. A number of indictees were transferred to ICTY custody, some following arrests and some following their surrender to authorities. Serbian President Milan Milutinovic surrendered to the ICTY at the conclusion of his mandate in January. Radical Party leader Vojislav Seselj surrendered when his indictment was made public in February. Cooperation on indictees improved markedly after the March assassination of Prime Minister Djindjic. Secret Police chief Jovica Stanisic and Red Beret founder Franko "Frenki" Simatovic, both arrested during the State of Emergency, were indicted by the ICTY and transferred to The Hague in June. Miroslav Radic and Veselin Sljivancanin—the remaining members of the "Vukovar Three" still at large—were transferred in May and July, respectively. (Sljivancanin's arrest sparked a day of public protest. During the year, the ICTY began trying the Vukovar defendants for the killing of more than 200 civilians and POWs who were patients in a hospital in Croatia in 1991. Zeljko Meakic and Mitar Rasevic surrendered and were transferred to the ICTY in the summer. Serbian police arrested Vladimir "Rambo" Kovacevic in September; he was transferred to the ICTY on October 23.

The ICTY continued trials against Serb defendants for war crimes and crimes against humanity committed during the 1991–99 conflicts in Kosovo, Croatia, and Bosnia, including against former FRY President Slobodan Milosevic.

In October, the ICTY made public indictments against four Serbian generals. One of these indictees, General Djordjevic, was believed to be in Russia. The three other indictees remained at large in Serbia at year's end. Although government officials were believed to have made private overtures to the generals to surrender themselves to the ICTY, there was no government effort to arrest and transfer these indictees to the ICTY.

SaM and Serbian Governments have made progress in compliance with document requests from the ICTY and in facilitation of the testimony of witnesses. SaM's National Cooperation Council (NCC) transferred hundreds of pages of documents to the ICTY's Office of the Prosecutor, including minutes of meetings of the FRY Supreme Defense Council from 1991–99, as well as minutes from closed sessions of the Serbian Parliament. However, a number of requests from the ICTY remained outstanding at year's end. The NCC enabled the testimony of numerous witnesses through the granting of waivers that freed potential witnesses from local prosecution under state secrets laws. However, there were threats and intimidation in Serbia against potential ICTY witnesses.

During the year, domestic war crimes indictments and trials continued in Serbia (see Section 1.e.).

There was no autonomous human rights ombudsman at either the SaM or the Republic level; however, the Vojvodina Province established an ombudsman position,

and the Vojvodina Parliament approved Petar Teofilovic as ombudsman in September.

The Truth and Reconciliation Commission (TRC) founded by President Kostunica in 2001 was dissolved, along with many other federal institutions, when the FRY ceased to exist in February. Prior to its dissolution, it organized several public events, including an exhibit of photography from the Yugoslav wars of the 1990s.

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

SaM and Serbian laws provide for equal rights for all citizens, regardless of ethnic group, language, or social status, and prohibit discrimination against women; however, in practice, the legal system provided little protection for such groups.

Women.—Violence against women was a problem, and high levels of domestic violence persisted. By one estimate, half of all women suffered physical or emotional abuse. The few official agencies dedicated to coping with family violence had inadequate resources; however, public recognition of the problem has increased. In 2002, the Federal Criminal Code was amended to make spousal rape a criminal offense. Few victims of spousal abuse filed complaints with the authorities. Victim accusations are not required for prosecution of domestic violence cases, and prosecutions of such cases did occur during the year. According to a victim's rights advocate, police response to domestic violence improved markedly; a number of police officers provided assistance to female victims of violence and detained offenders to protect victims.

The Center for Autonomous Women's Rights in Belgrade offered a rape and spousal abuse hotline, and sponsored a number of self-help groups. The Center also offered assistance to refugee women (mostly Serb), many of who experienced extreme abuse or rape during the conflicts in the former Yugoslavia. The Counseling Center Against Family Violence operated a domestic violence shelter.

Trafficking in women for the purpose of sexual exploitation remained a problem (see Section 6.f.).

While women's social status was not equal to men's, women served, in significant positions and numbers, in government, politics and professional occupations, though they were not well represented in commerce. In urban areas, such as Belgrade, Nis, and Novi Sad, women were represented widely in many professions including law, academia, and medicine. Women were also active in journalism, politics, and human rights organizations. Since changing regulations to allow women to serve as police officers in 2001, the police hired increasing numbers of women officers. Women legally were entitled to equal pay for equal work; however, according to the International Helsinki Federation for Human Rights, women's average wage was 11 percent lower than the average wage of men. Women were granted paid maternity leave for 1 year, with an additional 6 months of unpaid leave available.

Traditional patriarchal ideas of gender roles, particularly in rural areas, subjected women to discrimination in many homes. In remote rural areas, particularly among some minority communities, women effectively lacked the ability to exercise their right to control property. In rural areas and some minority communities, it was common for husbands to direct the voting of wives.

Children.—The Government attempted to meet the health and educational needs of children. The educational system provided 9 years of free, mandatory schooling. However, economic distress affected children adversely in both the education and health care systems, particularly Roma children, who rarely attended kindergarten. Many Roma children never attended primary school, either for family reasons, because they were judged to be unqualified, or because of societal prejudice. Due to this lack of primary schooling, many Roma children did not learn to speak Serbian. Some Roma children were placed mistakenly in schools for children with emotional disabilities because Roma language and cultural norms made it difficult for them to succeed on standardized tests in Serbian. During the year, 29 elementary and secondary schools offered weekly Roma language and culture classes, and the SaM Ministry for Human and Minority Rights provided free textbooks to Roma children; however, there were reports that not all Roma children received a complete set of textbooks.

It was estimated that approximately 30 percent of children were abused. While teachers were instructed to report suspected child abuse cases, they often did not do so. Police were generally responsive to complaints, and prosecutions of child abuse cases occurred during the year. Psychological and legal assistance was available for victims and there was an incest trauma center. Also, victims who were with their mothers could stay in the domestic violence shelter.

Trafficking of children for the purpose of sexual exploitation remained a problem (see Section 6.f.). There were reports that some Roma children were trafficked with-

in the Roma community in Serbia and to other Roma abroad to be used in begging and theft rings.

Persons with Disabilities.—The law prohibits discrimination against persons with disabilities in employment, education, or in the provision of other state services; however, in practice, facilities for persons with mental or physical disabilities were inadequate, and addressing this problem was not a priority for the Government. There were specialized schools for persons with disabilities, but no special facilities or assistance was available for higher education. There was no widespread employment discrimination against persons with disabilities; however, a high unemployment rate and lack of accommodations for persons with disabilities made employment difficult. The law mandates access for persons with disabilities to new official buildings, and the Government generally enforced this provision in practice. As sidewalks were replaced, the Government installed wheelchair ramps at intersections. The Government did not provide mobile voting for handicapped or ill voters incapable of coming to polling stations, and in Serbian presidential and parliamentary elections absentee ballots were not allowed, effectively disenfranchising many persons with disabilities.

National/Racial/Ethnic Minorities.—Minorities constituted 25 to 30 percent of Serbia's population, and included Hungarians, Bosniaks, Roma, Slovaks, Romanians, Vlachs, Bulgarians, Croats, Albanians, and others.

Although some problems persisted, the SaM and Serbian governments' policies toward minorities improved greatly since Milosevic's removal from office. SaM and Hungary signed a bilateral agreement designed to protect national minorities on both sides of the border. SaM Minister for Human and Minority Rights, Rasim Ljajic, led a public education campaign for ethnic tolerance, and his "Tolerancija" organization hosted a seminar of youths from around the former FRY. His ministry ran an "SOS" hotline for minorities and others concerned about human rights problems.

Sporadic, ethnically motivated attacks continued in southern Serbia. This region, which encompasses the municipalities of Presevo, Bujanovac, and Medvedja, has the largest concentration of ethnic Albanians in Serbia proper and had been an area of significant ethnic unrest in 2000–01. A strong police presence remained in southern Serbia due, in part, to credible threats of violent acts by radical elements of the ethnic Albanian community. There were few reports of police harassment against the ethnic Albanian population, and there were no reports of physical abuse or brutality; however, police killed two ethnic Albanians during an attempted arrest (see Section 1.a.).

The trial of four persons for the 1992 Sjeverin killings was the first trial concerning past government abuses of Muslim citizens of the Sandzak and yielded three 20-year sentences and one 15-year sentence (see Section 1.e.).

There were no reports of violence or harassment against ethnic Hungarians in Vojvodina during the year. However, on September 27, graves were desecrated in a predominantly Hungarian Catholic cemetery (see Section 2.c.). Some members of the Vlach community in Bor complained about the Serbian Orthodox Church's refusal to conduct religious services in the Vlach language rather than in Serbian.

Roma continued to be targets of numerous incidents of police violence, verbal and physical harassment from ordinary citizens, and societal discrimination. Police often did not investigate cases of societal violence against Roma. In September, police briefly detained two persons for beatings of Roma. HLC filed a criminal complaint in the case; however, the case did not go to court by year's end.

The Federal Minorities Law recognizes the Roma as a national minority. It explicitly bans discrimination and calls for government measures to improve Roma's conditions. The SaM Human and Minority Rights Ministry has a four-person section, currently funded by the OSCE, dedicated to Roma issues. Many Roma lived illegally in squatter settlements that lacked basic services such as schools, medical care, water, and sewage facilities. Some of these settlements were located on valuable industrial or commercial sites where private owners wanted to resume control; others were on the premises of socially owned enterprises due to be privatized. There was one report of demolition of a Roma settlement during the year. According to HLC, 52 Roma families were evicted from an illegal settlement in Belgrade on May 19, and bulldozers destroyed their homes. The building inspectors of Cukarica municipality ordered the demolition of the settlement in which approximately 250 Roma, mostly displaced from Kosovo, lived. According to the Human and Minority Rights Ministry, after the Ministry's intervention, the Roma in the Cukarica settlement were allowed to relocate their settlement several hundred meters away from the original site. In the Betonjerka settlement in Belgrade, 29 families (approximately 175 people) were forced to move when the land on which the settlement was located

was transferred to an investor. Municipal authorities, in cooperation with the NGO Children's Roma Center, provided alternate housing for the families in several different locations; 13 of the families accepted offers of housing in a building that reportedly had an asbestos problem. Minister Ljajic blocked demolition of a separate settlement in an industrial zone during the year. In July, a Roma family of eight, including an infant, was left homeless when the building residents' committee evicted them from their apartment after it received control of the building from the Stari Grad Municipality.

The Belgrade Municipal Assembly adopted a plan to construct 58 small settlements for socially vulnerable persons, with the objective of resettling some of the Roma from illegal settlements. The Belgrade Municipal Government has obtained the bulk of the funds for the \$15,625,000 (853,750,000 dinars) project, which generated societal resentment due to the perception that Roma were being favored over other homeless populations. The Belgrade Government halted construction of one such settlement after a demonstration by neighbors of the site; the case was in court at year's end. The housing situation for Roma is expected to be aggravated by the return of approximately 50,000 Roma to Serbia, most originally from Kosovo, who were being deported from Germany and Switzerland under bilateral readmission agreements.

In Leskovac and the town of Pozega, Roma reportedly have been refused social welfare services for arbitrary reasons. Roma IDPs from Kosovo were particularly subject to discrimination and abuse; most of them lacked identity documents, making it difficult for them to gain access to social services and state-provided health care. The Roma Educational Center reported that some Roma IDPs in Nis were mistaken for Kosovo Albanians and subjected to discrimination on that basis.

Some non-Roma refugees and IDPs suffered from discrimination. The HLC reported that the Government did not allow some Kosovo IDPs to redesignate their official places of residence as Kragujevac; this deprived them of health insurance, social welfare, and normal access to schools. The Nis Council for Human Rights reported that the approximately 20,000 refugees and IDPs in the Nis area suffered from "quiet discrimination" in areas such as housing and employment.

Roma education remained a problem, and lack of official documents hindered Roma's ability to receive services available to all other citizens. The UNHCR, with government support, began health education programs for Roma, and catch-up and head-start programs for Roma children. The SaM Government put an emphasis on increasing enrollment of Roma children in school; in November, the SaM Human and Minority Rights Ministry provided scholarships to high-achieving Roma middle school students. During the year, there were 42 Roma children in secondary schools and 41 Roma in universities, compared to 52 for the "history of Yugoslavia," according to SaM Federal Minorities and Human Rights Minister Rasim Ljajic. During the year, the Serbian Government provided scholarships to the Roma university students.

Ethnic Albanian leaders of the southern Serbian municipalities of Presevo, Bujanovac, and Medvedja continued to complain of the under representation of ethnic Albanians in state structures (see Section 3). Implementation of the Covic plan gave southern Serbia's ethnic Albanians proportional representation in the police and control of local governments in municipalities where they constituted a majority. There were no Albanians enrolled in Serbian universities during the year; applicants for the affirmative action program were required to take (not pass) the entrance exam, but none did so because they did not speak Serbian.

Minister Ljajic, a Bosniak, was one of the more visible and influential members of the SaM Government during the year. Bosniaks led local governments in the three majority-Muslim municipalities in the Sandzak region. In Novi Pazar, the municipal government in 2002 gave the Bosnian language official status, as allowed under the Serbian Law on Local Self-Government. All seven Sandzak municipalities—Novi Pazar, Tutin, Sjenica, Pribor, Prijepolje, and Nova Varos—had multi-ethnic municipal assemblies.

Incitement to Acts of Discrimination.—Although SaM and Serbian law provide for freedom of the press, political pressure from various factions restricted the independence of the media (see Section 2.a.). In April, Parliament approved the Public Information Law, which bans dissemination of information that incites violence, hatred, or discrimination (see Section 2.a.). Propaganda against "sects" (religions other than the seven "traditional" religions) continued in the press, and religious leaders noted that instances of vandalism often occurred soon after such press reports. According to some sources, the situation was further complicated because one of Serbia's leading experts on sects was a police captain whose works were used in military and police academies. Jewish leaders reported an increase in anti-Semitism in

the media. Anti-Semitic hate speech often appeared in small-circulation books (see Section 2.c.).

Section 6. Worker Rights

a. The Right of Association.—The law provides for the right of association; all workers, except military and police personnel, have the legal right to join or form unions, and workers did so in practice. In the socially owned state sector, 60 to 70 percent of workers belonged to unions. In the private sector, only 4 to 6 percent were unionized, and in agriculture up to 3 percent. The Alliance of Independent Labor Unions (Savez Samostalnih Sindikata Srbije, or SSSS), formerly affiliated with Milosevic's regime, claimed 1.8 million members, although this number was estimated to be closer to 800,000 in practice. The largest independent union was the United Branch Independent Labor Unions (Nezavisnost), which had approximately 600,000 members. The third largest union was the Association of Free and Independent Trade Unions (ASNS), which had approximately 300,000 members; the ASNS is a member of the ruling coalition, and its leader is Minister of Labor in the Government. Most other independent unions were sector specific and had approximately 130,000 members. The largest among them is the union of the Electric Power Company of Serbia (EPS), with over 20,000 members.

The Criminal Code does not prohibit anti-union discrimination; the trade union Nezavisnost reported a number of cases in which its members were harassed either by employers or by representatives of other trade unions. The Labor Law guarantees freedom of trade union association and activities and stipulates that a trade union can be established without any approval and inscribed in the trade union register kept by the Labor Ministry.

The Social-Economic Council was established in August 2001 on the basis of a tripartite agreement among the Government, representative trade unions, and an employers' association; during the year, unions suspended participation in the Council, demanding that it be made a more representative Council (inclusion of additional ministries and employer associations) before they return.

Unions could affiliate internationally; however, only Nezavisnost was recognized by the international labor community as completely independent from the Government. Nezavisnost was a member of the International Confederation of Free Trade Unions (ICFTU) and other international unions.

b. The Right to Organize and Bargain Collectively.—The signing of collective agreements was not mandatory for employers, a situation which unions complained diminished their role in the system. A union must have 15 percent of employees as members to be eligible to negotiate with an employer, or 10 percent of all employees to negotiate with the Government.

Collective bargaining remained at a rudimentary level of development. Individual unions continued to be narrow in their aims and did not join with unions in other sectors to bargain for common purposes. The history of trade unionism in the country centered not on bargaining for the collective needs of all workers but rather for the specific needs of a given group of workers. Thus, coal workers, teachers, health workers, and electric power industry employees have been ineffective in finding common denominators (for example, job security protection, minimum safety standards, or universal workers' benefits) on which to negotiate. This highly fragmented labor structure resulted in few improvements in wages or working conditions.

The law provides for the right to strike; however, during the State of Emergency, all strikes, protests, and public gatherings were forbidden. The Law on Strikes restricted the right to strike for employees in "essential service production enterprises," such as education, electric power, and postal services—approximately 50 percent of all employees. These employees must announce their strikes at least 15 days in advance and must ensure that a "minimum level of work" is provided. Security forces did not disrupt any strikes or arrest union leaders during the year.

The independent unions, while active in recruiting new members, did not reach the size needed to mount Republic-wide strikes; however, unions held several strikes during the year. In January, between 4,000 and 5,000 workers of a copper mining and processing company (RTB Bor) protested in their factory and on the streets of Bor, requesting unpaid salaries, better working conditions, and new management capable of providing new contracts. The protest lasted 1 week and was resolved with the visit of Prime Minister Djindjic and Finance Minister Djelic, who showed respect for workers' requests and promised full assistance. Outstanding salaries were paid from the Republic budget and by the company, but sustainable functioning of the company remained a problem. In March, Customs officers, legally restricted from striking, twice stepped up inspections at border crossings, creating 6-kilometer lines at the border to protest for higher wages. The Customs officers' work actions were intended to put pressure on their new superiors in the Government during the tran-

sition of services from the federal to republican level. The Government did not agree to the demands, but Finance Minister Djelic managed to moderate the protest.

During the summer, there were a number of major protests. Employees of several republican institutions protested—including employees from some former federal bodies that devolved to the republic level—mostly seeking higher salaries.

The EPS union launched the biggest protest of the summer by withholding certain services from the public; the protest escalated to a 4-day blockade of a major thoroughfare in front of the Parliament, and ended with an agreement between union leaders and the Ministry of Energy.

In August, farmers, farm unions, and some workers caused traffic chaos in several parts of Serbia by blocking roads in protest over various issues, ranging from privatization to overdue crop payments. At the same time, workers of a small agricultural company in Erdevik, in Serbia's northern province of Vojvodina, repeatedly blocked the main highway with tractors and trucks to protest the way the company was privatized.

Public workers, including teachers, health workers, and court assistants, held strikes during the year to seek job security, higher pay, and the regular payment of wages. In general, job security fears due to high unemployment, along with disorganization of private sector trade unions, limited workers' willingness to strike.

There are no export processing zones.

c. Prohibition of Forced or Bonded Labor.—The law prohibits forced and bonded labor, including by children; however, there were reports that such practices occurred (see Sections 6.d. 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 was common to find younger children at work assisting their families. Children—particularly Roma—also could be found in a variety of unofficial retail jobs, typically washing car windows or selling small items such as newspapers; however, in recent years, this type of labor has been less widespread because adults, lacking other options for employment, have taken many of these jobs. Roma children were often forced by their families into manual labor, compelled to beg, or trafficked abroad to work in begging or theft rings (see Section 6.f.). The Labor Ministry's Labor Inspectorate checked for child labor during its inspections, and the Social Welfare Ministry included prevention of child labor in its regular child and family protection programs.

In January, the SaM Parliament ratified the ILO Convention 182 on the Worst Forms of Child Labor.

e. Acceptable Conditions of Work.—Large government enterprises, including all the major banks and industrial and trading companies, generally observed the minimum wage standard of approximately \$75 (4,400 dinars) per month. This figure was roughly comparable to unemployment benefits and, at least theoretically, was paid to workers who had been placed in mandatory leave status. The minimum wage was insufficient to provide a decent standard of living for a worker and family. For example, the cost of food and utilities for a family of four was estimated to be \$200 (12,000 dinars) per month. Private enterprises used the minimum wage as a guide, but tended to pay slightly more than the minimum wage.

Reports of sweatshops operating in the country were rare, although some privately owned textile factories operated under very poor conditions. According to Nezavisnost member Ranislav Canak, most of these factories were located in private houses in rural parts of Sandzak, making detection and enforcement difficult.

The official workweek of 40 hours was generally respected in state-owned enterprises but not in privately owned companies. According to the Labor Law, an employee may not work overtime for more than 4 hours in 1 day or for more than 240 hours within 1 calendar year. Payment of overtime was regulated by collective agreements.

In February, the Labor Ministry reorganized the Labor Inspection Department and announced openings for 500 new inspectors. It was mandatory for each company to establish a Safety and Security Unit in charge of implementing safety and security regulations; however, in practice, these units were often focused on rudimentary aspects of safety, such as purchase of soaps and detergents, rather than on providing safety equipment for workers. By some estimates, there were 20,000 workplace injuries annually in Serbia, with approximately 100 fatalities. Because of the competition for employment and the high degree of government control over the economy, workers who left hazardous work situations risked unemployment.

f. Trafficking in Persons.—The law prohibits trafficking in persons; however, trafficking in persons remained a problem. On April 11, the criminal code was amended to include trafficking in persons as a criminal offense. Previously, authorities used

laws against kidnapping, slavery, smuggling, and mediating prostitution to apprehend traffickers. The penalty for the new offense of trafficking is imprisonment of 1 to 10 years for a single offense, 3 to 40 years for multiple offenses, and 5 to 40 years if a minor is involved or if a victim is killed.

The Government reported having arrested an estimated 30 persons running trafficking operations during the year, almost all during the State of Emergency. No cases brought under the new trafficking law had reached trial phase by October 1; however, convictions were obtained on related charges during the year. Police officers were instructed how to distinguish trafficking victims from prostitutes and illegal migrants, and when police believed that a possible trafficking victim had arrived at the detention center for foreigners, they summoned the International Organization for Migration (IOM) to make a formal identification. The Government reported that 200 police officers had received anti-trafficking in persons training, which has been incorporated into the regular syllabus for officers. Police assisted in international investigations of human trafficking.

The country served as a transit country, and to a lesser extent a country of origin and a destination country, for trafficking in women and girls for the purpose of sexual exploitation. Serbia was primarily a transit country for internationally trafficked women going to Kosovo, Bosnia and Herzegovina, and Western Europe. The primary source countries for trafficking in persons were Moldova, Romania, Ukraine, Russia, and Bulgaria. In 2002, the IOM estimated that between 6,000 and 7,000 women were trafficked through Serbia. Since January, the IOM has seen far fewer trafficked women in Serbia, but it is not clear to what extent this trend reflected a decline in trafficking and to what extent it was due to other factors, such as better concealment after regional anti-trafficking operations in 2002. No reliable estimate existed on the number of women controlled by human traffickers in the country. Serbia did not traditionally serve as a major source country for trafficked women, but poor economic conditions have increased Serbian women's vulnerability to traffickers, particularly for Roma. Trafficking in children for use in begging or in theft rings was a problem among Roma.

Recruitment devices included advertisements for escort services, marriage offers, and offers of employment. Often women knowingly went to work as prostitutes and later, once they left their country of origin and were in the hands of traffickers, discovered that they were prisoners. There was anecdotal evidence that after anti-trafficking operations in 2002 some traffickers began treating trafficked women slightly better, providing a small amount of money and permitting some freedom of movement and contact with family. Women were recruited, transported, sold, and controlled by international organized crime networks. The central point in Serbia for holding and transferring trafficked women was Belgrade.

There were no reports of government officials condoning or participating in trafficking in Serbia, but trafficking in Serbia could not take place without the cooperation of at least some police, border guards, and minor officials. No police, including border guards, were arrested for facilitating trafficking during the year; however, in 2002, 12 police officers who were providing security at venues where trafficked women were present were arrested during raids. Criminal charges were filed against one of the officers, and the others were fined, suspended, or fired.

With the dissolution of the FRY, the position of Anti-Trafficking Coordinator moved from the federal level to the republic level and was held by the Deputy Head of the Department of Border Police. The Coordinator leads a multidisciplinary anti-trafficking team, which included many Serbian Government ministries (MUP, Social Welfare, Health, Justice, Labor, Finance), the IOM, the OSCE, and two local NGO's—Astra, which was dedicated exclusively to the fight against trafficking and ran a trafficking victim's hotline and carried out extensive public awareness campaigns to prevent trafficking, and the Counseling Center Against Family Violence, which ran a shelter for trafficking victims. NGOs and volunteers provided legal, medical, psychological, and other assistance to victims. The IOM managed repatriation of victims and repatriated 36 women determined to be victims of trafficking during the year. The IOM also assisted in the reintegration of 10 local victims during the year. In 2002, the IOM opened a regional clearing center for information on trafficking victims, which operated in Government-donated offices in Belgrade. An anti-trafficking police team was established for each police district.

KOSOVO

Kosovo is administered under the civil authority of the U.N. Interim Administrative Mission in Kosovo (UNMIK), pursuant to U.N. Security Council (UNSC) Resolution 1244. UNMIK and its chief administrator, the Special Representative of the Secretary General (SRSG), established a civil administration in 1999, following the

conclusion of the NATO military campaign that forced the withdrawal of Yugoslav and Serb forces. In 2001, UNMIK promulgated the Constitutional Framework for Provisional Self-Government in Kosovo (the Constitutional Framework), which defined the Provisional Institutions of Self Government (PISG). The PISG is made up of the 120-member Kosovo Assembly, which in 2002 selected Ibrahim Rugova as President of Kosovo and Bajram Rexhepi as Prime Minister, as well as other government officials. Kosovo has a multi-party system with three dominant mono-ethnic Albanian parties and several minority parties and coalitions. In 2002, municipal elections were held which were well organized, peaceful, and met international standards.

UNMIK has issued regulations to address the civil and legal responsibilities of governmental entities and private individuals, and promulgated laws passed by the Kosovo Assembly. UNMIK regulations bind all public officials, including judges, to respect international human rights law. The Constitutional Framework provides for an independent judiciary; however, both the international and local judiciary continued to be, at times, subjected to bias and outside influence, particularly in inter-ethnic cases.

The U.N.-authorized, NATO-led peacekeeping force for Kosovo, known as the Kosovo Force or KFOR, continued to carry out its mandate to maintain internal security and defend against external threats. Policing was done by UNMIK Civilian Police (CIVPOL), which continued to transfer basic police authority and functions to the Kosovo Police Service (KPS), while maintaining oversight. The Kosovo Protection Corps (KPC), a civilian emergency preparedness service agency that incorporated disarmed former fighters of the Kosovo Liberation Army (KLA), continued to train and develop its disaster response skills, and undertook humanitarian projects. While the UNMIK international civilian authorities and KFOR generally maintained effective control over security forces, there were instances in which elements of the security forces acted independently of their respective authority. Some members of security forces committed human rights abuses.

The economy, in transition from a centrally directed to a market-based economy, was based primarily on agriculture, mining industries, and construction services, with a heavy dependence on foreign remittances. Kosovo had an estimated population of 1.7 million. Gross domestic product grew by 2 percent during the year and almost 60 percent since 2000. Major industries had not reopened and the economy remained stagnant; UNMIK began a privatization program that experienced setbacks during the year. There was significant criminal economic activity. Unemployment estimates ranged from 50 to 60 percent among ethnic Albanians and higher among Kosovo Serbs and other ethnic communities.

UNMIK and the PISG generally respected the human rights of Kosovo's residents; however, there were serious problems in some areas. Several killings resulted from attacks that appeared to be politically motivated. There were some deaths and injuries resulting from landmines and particularly unexploded ordnance, but fewer than in previous years. There were some kidnappings. UNMIK's efforts to continue exhumation of gravesites and to pursue identification of remains improved during the year. There were allegations that KFOR and CIVPOL, at times, used excessive force. Twelve KPC members were suspended after an UNMIK-KFOR investigation found that they materially supported criminal activities. Lengthy pretrial detention was a problem; it continued to be used routinely in criminal cases, although the measure was intended to be used only in extraordinary circumstances. The judiciary did not always provide due process.

Media organizations criticized UNMIK regulations prohibiting articles that might encourage criminal activity or violence as an infringement on freedom of speech and of the press. UNMIK occasionally limited freedom of assembly and forcibly disrupted some violent demonstrations. Religious and ethnic tensions and violence persisted. Freedom of movement for ethnic minorities, particularly Kosovo Serbs, continued to be a serious problem; many of the approximately 100,000 Kosovo Serbs who remained in Kosovo continued to live in the north or in enclaves under the protection of KFOR. Of the more than 225,000 members of ethnic communities (including approximately 170,000 Kosovo Serbs and 25,000 Roma) displaced after June 1999, few returned to Kosovo due to concerns about security, freedom of movement, and lack of employment opportunities. Despite this, efforts to facilitate internally displaced person (IDP) returns improved during the year. Some international agencies and nongovernmental organizations (NGOs) continued to organize small-scale return projects.

Violence and discrimination against women remained serious problems. Persons with mental and physical disabilities faced considerable social discrimination and lacked access to adequate social and health services, despite some efforts to improve facilities and security. The level of violence against Kosovo Serbs remained largely

constant with several prominent and brutal incidents receiving widespread attention. None of the perpetrators of Serb killings with a presumed ethnic motivation were arrested during the year, causing considerable concern within the Serb community. Child labor increased as more poor rural families moved to cities. Trafficking in persons, particularly women for forced prostitution, remained a serious problem.

RESPECT FOR HUMAN RIGHTS

Section 1. Respect for the Integrity of the Person:

a. Arbitrary or Unlawful Deprivation of Life.—There were no reports of the arbitrary or unlawful deprivation of life committed by UNMIK, the PISG, KFOR, or their agents.

On February 1, Pristina District Court sentenced an UNMIK police officer, John Atanga, to 1 year in prison for negligent homicide after running over two persons with his vehicle in 1999.

During the year, police recorded 72 killings; 2 more than in 2002 (see Section 5). Some killings may have been politically motivated, particularly because some of the victims were either political party officials or connected with high-profile political activity; however, such cases significantly decreased from 2002.

On August 19, UNMIK CIVPOL officer, Satish Menon, was killed when a sniper fired on his vehicle with an automatic weapon. The case remained unsolved at year's end. On September 9, KPS officer, Hajdar Ahmeti, was killed in an ambush by unknown persons while returning home from duty near Erenik river. Police conducted a raid at a residence of the village of Berjahe, Gjakova and arrested three suspects for Ahmeti's murder; however, the trial had not begun at year's end. On September 10, an attempt to kill KPS serious crimes investigator, Fadil Sylevici, failed; however, his associate, Agim Makolli, was killed in the ambush. Sylevici testified on June 17 in the trial of Rustem Mustafa, or "Commander Rremi," that resulted in the war crimes convictions and sentencing of a total of 45 years of imprisonment for four former KLA members, including Mustafa, who was also a former KPC zone commander (see Section 1.e.). On November 24, unknown assailants killed two KPS members, Sebahate Tolaj and Isuf Haklaj, of the Peje/Pec Regional Serious Crimes Unit while driving to work; both were subordinates of Tahir Zemaj during the war, and were officially investigating Zemaj's case.

Several witnesses in high profile cases were killed or attacked during the year, underscoring the lack of an adequate witness protection program. Two witnesses in the Dukagjini group case were killed, Tahir Zemaj on January 4 and Ilir Selimaj on April 14. Additionally, several witnesses survived attempted killings, including Dukagjini group witness Ramiz Muriqi, and KPS member and Rremi group witness Fadil Sylevic. It was widely speculated that several KPS officers were murdered as a result of their investigative work in some unsolved high profile crimes, including KPS officer Hajdar Ahmeti on September 7, and two KPS officers from Peja Regional Serious Crimes Unit, Isuf Haklaj and Sebahate Tolaj, on November 24.

On March 24, the 2002 trial of former KLA officer Sali Veseli and three other suspects for the 2000 murder of former KLA commander Ekrem Rexha, known as "Commander Drini," concluded. The court found Sali Veseli guilty of inciting the murder and sentenced him to 10 years' imprisonment; the court sentenced, Xhemajl Beqiraj to 1 year in prison, Halil Cadraku to 2 years and 6 months in prison for possession of arms without permission, and released Abit Haziraj.

Following the 2002 convictions of five former senior members of the KLA, two key witnesses in their trial were killed in two separate incidents. Tahir Zemaj, a former commander of the now-defunct guerilla army and KLA rival Armed Forces of the Republic of Kosovo (FARK), his son and his nephew were killed on January 4. Ilir Selimaj, a former member of the defendant's KLA unit, and his pregnant sister-in-law were killed on April 14.

No arrests were made by year's end for the 2002 killing of Smajl Hajdaraj, an LDK member of the Kosovo Assembly. In the 2002 killing of Uke Bytyci, LDK Mayor of Suhareke/Suva Reka municipality, in which his two bodyguards, Bajram Bytyci and Bahtir Bajrami were also shot, the Court of Prizren found Jetullah Kryeziu guilty and sentenced him to 20 years and 6 months in prison; the court sentenced Mentor Kryeziu to 5 months in prison for hiding the weapon. By year's end, no charges had been filed against the several suspects that were arrested in 2002 for the 2001 killing of Bekim Kastrati, a journalist with the LDK-linked newspaper, Bota Sot, and LDK bodyguard Besim Dajaku.

There were no developments in several murders from previous years, including the following from 2001: The murder of Ismet Rraci, LDK branch president and president of Kline/Klina Municipal Assembly; the killing of Ahmet Balaj, an LDK

committee member in Mitrovica; the killing of Qerim Ismaili of the Kosovo Democratic Initiative; and the shooting of two brothers, one of whom was a bodyguard of the mayor of Istog/Istok municipality.

There were a number of assaults and killings of ethnic Serbs during the year, including those perpetrated by other Serbs (see Section 5).

Land mines and unexploded ordnance (UXO) from the 1999 conflict remained a problem, particularly in rural areas; however, fatalities decreased from previous years. During the year, UXO or mines killed 3 persons and injured 16, compared with 8 fatalities and 8 injuries in 2002. UXO, particularly the remains of NATO cluster bombs, was the main threat; KFOR patrols continued to find UXO almost daily basis.

Domestic Courts and the International Criminal Tribunal for the former Yugoslavia (ICTY) continued to adjudicate cases arising from crimes committed during the 1998–99 conflict (see Sections 1.e. and 4).

b. Disappearance.—There were no reports of politically motivated disappearances. However, there were accusations of inter-ethnic, politically motivated kidnappings and attempted kidnappings.

On August 6, four armed persons kidnapped 11 Kosovo Albanians at a picnic in the mountains of Istog and asked for an explanation as to why the sale of Serb property was being impeded in the Istog municipality. A ransom was initially demanded, but they were later released. In September, a 12-year-old Serb girl in the village of Dobratin claimed that several ethnic Albanians attempted to kidnap her, and several days later a 23-year-old Serb woman made a similar claim; however, subsequent investigations by KFOR, CIVPOL, and KPS concluded that these two incidents were staged or fabricated.

The UNMIK Office of Missing Persons and Forensics (OMPF) developed a more unified, coordinated effort on missing persons in Kosovo. Despite some frictions, OMPF signed a memorandum of understanding with the International Commission for Missing Persons (ICMP) defining technical procedures for DNA analysis, coordinated with the CIVPOL Missing Persons Unit on investigations and exhumations. OMPF also made considerable progress in reforming the forensic system in Kosovo, creating and equipping a new forensic facility. OMPF created an outreach office in Belgrade to facilitate close cooperation with Serb authorities and increase transparency. On May 8, 37 bodies composed the first group of human remains transferred from Serbia, followed by further transfers of 22 on June 12, 43 on July 23, 40 on October 16, and 44 on December 5. On January 9, the PISG established the Government Commission on Missing Persons, which increased in prominence at year's end as it assembled the Pristina delegation for direct talks on missing persons with the Government of Serbia and Montenegro.

There were approximately 3,600 missing persons at year's end, of whom approximately 75 percent were Albanian and approximately 25 percent were Serb or from other ethnic groups. From 1999 through year's end, 4,638 remains of individuals were exhumed or re-exhumed for identification, including 619 during the year. At year's end, there were no remaining forensic examinations to be performed; however, there may be additional sites. During the year, OMPF received 365 DNA results, including 277 positive matches; 114 corroborated previous presumptive identifications through traditional methods, 48 were negative results, and 40 were duplicates. OMPF identified, returned to families, and issued death certificates for 387 mortal remains, of which 331 were Albanians and 56 were of other ethnicities, including Serbs. In some cases, this process was slowed by disagreements with family members over characterization of the time and cause of death. The Serbian Authorities returned 187 identified bodies for which OMPF performed forensic inspections.

c. Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment.—The law prohibits such practices; however, there were reports that CIVPOL, KPS, and KPC, at times, used excessive force or harassed persons.

On June 19, CIVPOL was accused of using excessive force against the Serb medical staff, patients, and surrounding population, while trying to take over the Medical Clinic in Fushe Kosove/Kosovo Polje, vacated by KFOR. Also in June, Pristina Hospital medical staff accused CIVPOL members of mistreating mental patients from Dubrava Prison. On August 6, at the warden's request, the Kosovo Ombudsperson (OI) visited these patients to establish whether there was any abuse of their rights. The OI sent letters to the UNMIK Police Commissioner and to the head of UNMIK Police and Justice (Pillar I) but was not satisfied with their responses.

On October 7, a former CIVPOL officer, Martin Almer, was sentenced to 3 years in prison, and two former KPS officers, Feriz Thaqi and Isa Olluri, were sentenced to 6 months in prison for causing minor injuries, forcing Gezim Curri from Gjakova

to give a false statement, and for physical abuse. Almer returned to his home country immediately after the incident in February 2002 and was later sentenced in absentia.

Some 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. Some KPC members were directly involved with the violent criminal activities of the so-called Albanian National Army (AKSh). Most notably, on April 12, a KPC member was one of two persons killed when a bomb they were placing on the Loziste railway bridge in Zvecan Municipality detonated prematurely. Following this incident, in May UNMIK cancelled all KPC activities and trainings outside of Kosovo, and KPC Commander Agim Ceku suspended several KPC members suspected of involvement in illegal activities; however, the decision was later revoked. In December, 12 KPC members were suspended with pay for 6 months after an UNMIK-KFOR investigation found involvement in criminal activities; investigations into their alleged wrongdoing continued at year's end.

In June, UNMIK Police detained two KPC members, Beqir Prokshi and Sami Kodra, suspected of harassing a civilian on June 17; the two were later released. A number of KPC members were arrested for crimes against other Kosovo Albanians, resulting in charges that former KLA members were being targeted. Despite these incidents, in general KPC discipline improved and reports of intimidation were less common.

There were some reports of attempted intimidation of UNMIK, OSCE, KPC officers, and KFOR officials. In July 2002, six explosions took place in Klokot and one in Balance, injuring two KFOR soldiers. The investigations into both incidents continued at year's end.

Early in the year, UNMIK disbanded the Kosovo Serb paramilitary group known as the "Bridgewatchers"; however, Albanians in Mitrovica claimed its members continued to operate on and around the boundary between north and south Mitrovica as part of other organizations (see Section 5). Former members of the Bridgewatchers were allegedly involved in inter-ethnic violence in Mitrovica. There were reports that a group of Serb extremists in north Mitrovica called "Pit Bulls" were linked with the former Bridgewatchers, and may have coordinated the December attack on Prime Minister Rexhepi and the World Bank delegation (see Section 5). Other reports alleged that the group was led by Marjan Ilincic, a former leader of the Bridgewatchers, who was wanted by police for an attack against Polish police and other persons (see Section 5).

Prison conditions generally met international standards; however, overcrowding, lack of adequate recreation facilities, and the need for repairs remained problems. UNMIK administered six low and medium security prisons in Kosovo: Pristina, Prizren, Mitrovica, Peja, and Gjilan. There were approximately 1,250 persons in prison at year's end. In September, a new correction center opened in Lipjan with a capacity of 140 inmates, most of whom were juveniles, persons with mental disabilities, and women. There were a few allegations of mistreatment by prison guards.

Prisoners conducted hunger strikes during the year, mostly protesting conditions in the facilities. On September 4, prisoners at Dubrava Prison rioted and barricaded the doors of one prison block in protest of poor living conditions. After prison guards attempted to enter the block, the prisoners started a fire, which led to 5 deaths, 17 injuries, and loss of 400 spaces for prisoners. UNMIK established an independent commission and criminal investigation into the incident, which concluded that the riot was caused primarily by low morale and frustration resulting from insufficient training of local correctional staff, inadequate hygienic facilities, intermittent water supplies, and a lack of educational and recreational activities in the prison. The Commission also pointed to procedural flaws in response to the fire and structural deficiencies in the prison building, lack of adequate contingency planning, ill-defined command responsibility, and inadequate training and equipment for fire-fighting and evacuation, which increased the damage of the incident.

The OI criticized the treatment of prisoners with mental disabilities guarded by the UNMIK police in Pristina hospital. UNMIK built separate detachments for these prisoners in hospitals in Peje and Prizren; however, Pristina hospital authorities had not permitted the same facilities to be constructed.

Male and female prisoners were held separately. Debrova prison held youth offenders between the ages of 17 and 21; they were separated from adult inmates. There was one medium security prison referred to as a "correctional and educational institution" that held juveniles under the age of 18, and women. Pretrial detainees were generally held separately from convicted criminals.

KFOR dismantled its detention facility at Camp Bondsteel previously used for persons accused of war crimes, serious ethnic offenses, and political violence, includ-

ing armed extremism, but maintained the ability to detain such prisoners. The KFOR Commander (COMKFOR) issued an extrajudicial executive detention order for Shefket Musliu, who was awaiting trial at year's end. The SRSG also had this authority, but did not exercise it during the year.

Prison officials consistently permitted visits by independent human rights observers. Prisons and detention centers permitted the International Committee for the Red Cross (ICRC) full access to prisoners and detainees; however, the OI was the only institution entitled to unimpeded and unannounced access to all detention centers and prisons, without prior 24-hour notice, and there were no reports that the OI was denied this right during the year.

d. Arbitrary Arrest, Detention, or Exile.—UNMIK regulations prohibit arbitrary arrest and detention; however, these prohibitions were not always observed in practice. Police may detain criminal suspects for up to 72 hours without charging them; however, there were reports that CIVPOL used the 72-hour investigation detention authority as a means of minor punishment with no intention of filing charges, particularly in the case of petty offenders. Some judges also complained that CIVPOL did not always bring detainees before them by the expiration of the 72-hour period even when they intended to charge them, and such cases were dismissed.

A Commissioner of Police, part of the UNMIK Police and Justice Pillar 1, directed both the CIVPOL and the KPS. The combined force was generally effective, and CIVPOL continued to gradually transfer authority to KPS; KPS tended to be more effective at the station level than at the regional level. Minority membership in the KPS has improved considerably, partly due to the hire of former Serb Minister of Interior officers in the Serb-majority northern municipalities. However, minority membership in the KPC continued to be a problem despite KPC efforts to recruit members from non-Albanian ethnic communities. Approximately 132 of the 3,000 active duty (approximately 4 percent) KPC members were from ethnic minority communities, including 32 Serbs (approximately 1 percent).

Corruption within the security forces was a problem, particularly among KPS border police. However, structures were in place to deal with corruption, including a Professional Standards Unit that monitored KPS and CIVPOL, a U.N. Office of Oversight that investigated corruption in the U.N., and a criminal justice system that effectively prosecuted criminal offenses by police. On September 12, two Ukrainian KFOR soldiers and two Albanians were caught smuggling approximately \$36,000,000 (28 million euros) worth of cigarettes across the border. On October 20, six customs officers were suspended as the result of police investigations conducted at several customs points. In November, two Serb KPS members were arrested on bribery charges for taking money from a villager in Verboc, Viti municipality, to illegally cut wood in the nearby forest. There were no specific plans to reform the police beyond the training programs already in place, and the transfer of authority to KPS continued to be monitored closely. KFOR also provided extra security on the border with Macedonia, Albania, and the administrative boundary line between Kosovo and Serbia.

Arrest warrants were issued and executed in an open manner by civilian authorities. KFOR did not require arrest warrants; however, the detention process by KFOR was transparent. Under the Criminal Code, detainees have the right to be informed of charges against them, to a lawyer of their choosing during the full course of criminal proceedings, access to family members, and the use of bail. Detainees were only provided an attorney for the most serious offenses for which a "mandatory defense" is required, and may be provided an attorney for some charges that could result in prison sentences exceeding 3 years.

UNMIK regulations permit pretrial investigative detention of 6 months, with extensions in serious cases of up to 1 year. Although pretrial detention was intended to be used as an extraordinary measure, it has been ordered routinely in almost all serious criminal cases; however, the application of this measure decreased during the year. Approximately 550 persons were in pretrial detention (45 percent of the total prisoners in Kosovo facilities) at year's end. Judges often ordered pretrial detention at the beginning of the investigation, when little evidence had been developed. This authority was available to judges only if the identity of the defendant could not be determined, if there was a risk that the defendant would tamper with evidence or intimidate witnesses, if the defendant is likely to repeat the criminal act, or if the criminal act is punishable by 10 or more years' imprisonment. The main reason for its use was a lack of civil documents with correct addresses. Police unable to verify the identity of suspects were obliged to detain them. The more frequent use of bail reduced the number of pretrial detainees. UNMIK established a commission to compensate persons held in detention who were later found not guilty.

In some instances, the COMKFOR intervened to continue the detention of persons not charged with a crime or ordered released by the courts, but deemed an ongoing security threat; however, no abuses of this power were reported. COMKFOR may extend the period of detention in increments of 30 days.

There were no reports of political detainees, although some Kosovo Serb defendants in war crimes cases and some former KLA members asserted that they were being held for political reasons.

The law prohibits forced exile, and there were no reported instances of its use.

e. Denial of Fair Public Trial.—The Constitutional Framework provides for an independent judiciary; however, the judiciary was at times subject to bias and outside influence, particularly in inter-ethnic cases, and did not always provide due process. Some local judges also lacked basic legal skills needed to conduct investigations or trials. Courts suffered from lack of supplies, equipment, and administrative management. Foreign governments and the Organization for Security and Cooperation in Europe (OSCE) organized numerous training programs for prosecutors and defense counsel to improve advocacy skills during the year.

The court system includes a Supreme Court, 5 District Courts, 24 Municipal Courts, and a Commercial Court. At year's end, there were 323 judges in Kosovo, of which 6 percent were Serbs and 5 percent were from other minority ethnic groups. There were 53 Prosecutors at year's end, of which 4 percent were Serbs and 6 percent were from other minority ethnic groups. The Minor Offenses Courts structure includes a High Court of Minor Offenses and 25 Municipal Minor Offenses Courts. The 24 Minor Offenses Court are separate from the Municipal Courts, and primarily handle cases that involve public safety and order violations and mandatory traffic offenses. The judicial corps in the Minor Offenses court structure includes 108 judges. Out of 293 judges, 250 were Kosovo Albanian, 23 were Kosovo Serbs, and 20 were from other ethnicities.

International judges and prosecutors, appointed by UNMIK, handled inter-ethnic and other sensitive cases, through each of the five district courts of Kosovo. International judges were also assigned to the Kosovo Supreme Court; there were 17 international judges and 10 international prosecutors at year's end. The international judiciary reported to and was managed by the UNMIK Department of Justice, which was under the authority of the SRSG. The local judiciary reported to the local Supreme Court and Chief Prosecutor of Kosovo. However, the international prosecutors could hear any case they deemed appropriate.

Legal experts and human rights observers continued to express concern that a fair trial was unlikely in criminal cases involving ethnic minorities, and prosecuted or tried by Kosovo Albanian judicial personnel. As a result, such cases were routinely assigned to international judicial personnel. The judicial system faced the problem of a lack of staff; for example, the Pristina district prosecutor's office only had 5 prosecutors for all of Pristina.

Approximately 12 UNMIK-appointed international judges and 5 international prosecutors worked in the District and Supreme Courts. UNMIK regulation authorizes the SRSG to assign international judges and/or prosecutors to any case where there is doubt about the independence or impartiality of the judiciary or the proper administration of justice. International judges and/or prosecutors have handled approximately 3 percent of all judicial cases, including some of the most sensitive cases relating to organized crime, inter-ethnic violence, and war crimes. In some instances, local judges refused to sit on panels with a majority of international judges for fear the community would hold them accountable for unpopular verdicts and subject to intimidation.

Under an agreement between UNMIK and the Government of Serbia, when filling vacant judge and prosecutor positions in the local Kosovo justice system, Serbs and all other ethnic minorities were to be given preference if otherwise equally qualified. In consultation with the Kosovo Judicial and Prosecutorial Council (KPJC), the SRSG continued to appoint candidates during the year; however, there were some difficulties. The Kosovo Judicial and Prosecutorial Council submitted a list of 42 recommended judicial candidates to the Kosovo Assembly (19 Albanians, 21 Serbs, 1 Bosniak, and 1 Gorani); however, the Kosovo Assembly failed to submit its list of recommended candidates to the SRSG, so the SRSG appointed the 42 candidates without the Assembly's endorsement.

Courts in Serbia and "shadow" courts operating in some Serb enclaves in Kosovo continued to handle cases; personnel in these parallel courts were paid by the Serbian Justice Ministry. A 2002 agreement between UNMIK and the Serbian Government was supposed to end the practice of double salaries for Serb personnel in Kosovo courts; however, personnel within the parallel courts continued to receive double wages.

Trials are public, and the law provides for the right of defendants to be present at their trials, to confront witnesses, to see evidence, and to have legal representation, at public expense if necessary. Defendants are presumed innocent until proven guilty and have the right of appeal. There is no jury; cases are heard by professional and lay judges. During the first half of the year, courts had provided legal representation free of charge to over 250 defendants in criminal cases. There were approximately 300 licensed attorneys in Kosovo.

UNMIK, through the OSCE, maintained several organizations to increase the professionalism of the judicial corps. The Kosovo Judicial Institute (KJI) continued to train judges and prosecutors and have focused training efforts on continuing legal education. The Judicial Inspection Unit (JIU) continued to monitor judicial performance and make recommendations on both discipline and training; the KJPC was responsible for cases of judicial misconduct.

UNMIK regulation defines 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 are required to first apply the Kosovo code in effect in 1989, then to use sections of the Yugoslav and Serbian codes that are deemed nondiscriminatory to the extent the first code was incomplete. On July 6, the SRSG adopted a new Criminal Code and a new Criminal Procedure Code; however, in order to leave time for training of judges, prosecutors, attorneys and other legal staff, the codes were not expected to be implemented until April 2004.

UNMIK regulations bind all public officials to respect international human rights laws and conventions; however, they were initially unacquainted with these laws. To enhance the familiarity of judges and prosecutors with applicable law in Kosovo, international organizations and NGOs implemented programs to increase awareness and application of international human rights laws and conventions. UNMIK, through the OSCE, established the Kosovo Legal Center in 2000 to cultivate the professional skills of the legal community. In addition to publishing four compilations of applicable law to facilitate access to legislation, the Center worked with the law faculties to improve curriculum and teaching standards and held seminars and workshops for the legal community.

The defense bar, the Kosovo Chamber of Advocates, was weak and disorganized, but efforts by the international community brought some improvement. The OSCE established a local NGO, the Criminal Defense Resource Center (CDRC), to assist the defense bar in capacity-building. NGOs and international donors conducted trainings on advocacy, practical skills, and international human rights law. The Kosovo Chamber of Advocates, funded by the European Agency for Reconstruction, conducted a legal aid program, primarily for civil and administrative law matters. Some Kosovo Serb lawyers participated in the judicial system; the Serbian Bar Association continued to provide free legal assistance for Kosovo Serb defendants in Kosovo. In addition, the OSCE provided logistical support such as transportation to Serb attorneys that represented Serb defendants in Kosovo courts due to security concerns. There was no denial of legal representation for Serb defendants during the year.

The lack of a tracking mechanism to identify cases from arrest through closure was an obstacle to determining which police investigations the District Prosecutor pursued. Substantial case backlogs from previous years continued to affect the criminal system. At year's end, the criminal caseload in Kosovo Municipal courts included 187,982 new cases, with 61,713 cases pending from 2002, and District courts received 14,292 new cases, with 5,905 cases pending from 2002. Kosovo Municipal courts completed 167,795 criminal cases, the vast majority of which were petty crimes and crimes against property; most resulted in fines or prison sentences under 6 months. District courts completed 11,151 cases.

Kosovo's investigative, judicial, and penal systems, in addition to the ICTY (see Section 4), continued work to identify and punish perpetrators of war crimes from the 1999 conflict; however, many cases remained unresolved. There were no significant problems with domestic war crimes trials, which are presided over by international judges and prosecutors in local venues; however, the lack of witness protection was a consistent problem in many trials (see Section 1.a.).

Proceedings continued in Kosovo courts to adjudicate approximately 32 cases of alleged war crimes and genocide arising from the conflict. The courts tried four cases of war crimes during the year. The Prizren District Court tried the Kolasinac case, found the defendant guilty of war crimes, and sentenced him to 8 years in prison; the defense filed an appeal. The Gjilan District Court tried the Trajkovic case and found the defendant not guilty of war crimes, but guilty of murder, attempted murder, and illegal possession of weapons. He was sentenced to 3 years and 3 months in prison; however, his 3 years of pretrial detention virtually cancelled out the sentence. The Peja District Court found Milorad Besovic not guilty

of war crimes, but guilty of murder, and sentenced him to 7 years in prison. The Pristina District Court tried the Lapi Group in which four people were found guilty of war crimes, including Rrustem Mustafa (Rremi) and Latif Gashi, who were sentenced to 17 years and 10 years in prison respectively. On October 27, UNMIK police arrested five former KLA members on war crimes charges. An international investigative judge was conducting the investigations while the suspects remained in pretrial detention at year's end.

There was evidence that Kosovo Albanians in several ethnically mixed areas used violence, intimidation, and offers to purchase at inflated prices in order to break up and erode Kosovo Serb neighborhoods through strategically targeted property purchases. A number of the cases of violence against Serbs may have been attempts to force persons to sell their property (see Section 5). There were also reports that the Coordination Center for Kosovo (CCK), funded by the Government of Serbia and Montenegro, funded the purchase of homes in Albanian enclaves in North Mitrovica.

An UNMIK regulation prevents the wholesale buy-out of Kosovo Serb communities and combats the intimidation of minority property owners in certain geographic areas; however, it was rarely implemented in practice. The regulation mandates that Municipal Administrators approve every proposed sale of property (excluding agricultural land) between Kosovo Serbs and other minority groups to Kosovar Albanians. UNMIK did not fully implement this law during the year, since the evaluation of each case was time consuming and many Kosovo Serb owners were unable or unwilling to cooperate. Some municipalities were excluded from this regulation at their request. The OI and human rights groups criticized the regulation as limiting the ability of Kosovo Serbs to exercise their property rights.

During the year, the Housing and Property Directorate (HPD) shifted its focus to incorporate returns into its previously exclusive focus on property law implementation, evicting illegal occupants and returning property to the rightful occupants. Since the arrival of a new director in October, HPD significantly improved its ability to process claims. The reorganized HPD received and adjudicated property claims, produced legally binding decisions, evicted illegal occupants, restored property to the rightful occupants, and administered property on behalf of owners not in Kosovo. During the year, the HPD resolved approximately 227 claims per week and carried out an average of 12 evictions of illegal occupants per week, for a total of approximately 600 evictions. During the year, the HPD established a call center for notifying successful claimants, and used it to notify approximately 1,500 claimants. By year's end, the HPD had collected 28,832 of an estimated 70,000 claims and adjudicated 12,178 of these claims.

f. Arbitrary Interference with Privacy, Family, Home or Correspondence.—The law prohibits such actions, and UNMIK authorities generally respected these prohibitions in practice; however, a few individuals and local NGOs accused KFOR of using excessive force in executing searches in private homes.

In November, the OI wrote to the Deputy SRS for Police and Justice to complain about the behavior of the police when searching houses, persons and premises, and when confiscating personal property as evidence in legal proceedings without search warrants.

An UNMIK regulation on Covert and Technical Measures of Surveillance and Investigation permits police to conduct covert operations with the prior written approval of an investigative judge or public prosecutor; no abuses were reported during the year.

Respect for private property rights continued to be problematic, and inter-ethnic property disputes stemming from the 1999 conflict continued to be among the most serious obstacles to ethnic reconciliation (see Section 1.e.). In Mitrovica, Kosovo Serbs in the northern part of the city continued to illegally occupy Kosovo Albanian properties, while Kosovo Albanians in the southern part of Mitrovica also denied Kosovo Serbs access to their property. A local initiative to allow access to property on both sides of the Ibar River in Mitrovica resulted in little progress. There were 13 evictions of illegal occupants in the southern or Albanian side; 1 on the northern or Serbian side when another Serb IDP replaced the evicted IDP.

Section 2. Respect for Civil Liberties:

a. Freedom of Speech and Press.—UNMIK regulations provide a framework for recognition of the rights to freedom of speech and of the press, and UNMIK and the PISG generally respected these rights in practice.

UNMIK regulations prohibit hate speech and speech that incites ethnic violence, as well as newspaper articles that might encourage criminal activity or violence; some local and international media observers criticized this as an infringement of freedom of the press. Otherwise, individuals were not prevented from publicly or privately criticizing the UNMIK administration or the PISG.

Most print and electronic media were independent but regulated by UNMIK. In general, print media did not have a large circulation, so the influence of electronic media on the population was far greater. Although the numbers of daily and periodic newspapers varied depending on available financing, there were six or seven of each during most of the year. Most of the main dailies were aligned with different political parties, although there were three independent daily newspapers. There were six daily newspapers in Albanian, all published regularly and locally. An economic-themed Albanian weekly started but was published in Switzerland. Two Serbian language magazines, *Jedinstvo* and *Glas Juga*, were published in Kosovo. The Bosniak weekly *Alem* was printed in Kosovo.

At year's end, there were 88 radio and 23 television stations in Kosovo. Of these, 46 radio and 15 television stations broadcast only in Albanian, 33 radio and television stations broadcast in Serbian, 2 radio stations broadcast in Turkish, 3 radio stations broadcast in Bosniak, and 1 radio station broadcast in a combination of Gorani and Bosniak. There were 3 multi-ethnic radio stations and 1 television station, while there were 14 radio stations and 1 television station broadcasting in more than one language. In total, four radio and three television stations broadcast Kosovo-wide.

One Albanian language electronic media outlet, Radio Television of Kosovo (RTK), was partially publicly funded. Additionally, the Government of Serbia funded two independent broadcast stations and several publications for Kosovo's minority communities. Neither UNMIK, PISG, nor donor countries exercised editorial control over these media outlets.

UNMIK controlled broadcasting infrastructure through the Department of Post and Telecommunications, while the OSCE oversaw the Department of Media Affairs. UNMIK also regulated 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 was responsible for publishing a broadcast code of conduct, issuing licenses, and imposing sanctions up to and including closing down offending media organs in the event of violations of UNMIK regulations or published codes of conduct; however, the TMC believed the codes need to be updated because they were hastily drawn up more than 3 years ago and have not been updated to reflect changing conditions in Kosovo. Also, they fail to adequately protect the privacy of children and crime victims.

The Constitutional Framework provides for an Independent Media Commission (IMC) and a Board of the Public Broadcaster independent of the PISG. UNMIK worked with the PISG to establish and IMC, laying the groundwork to transition the TMC to an IMC and the establishment of a Board of Public Broadcasters. However, the agreement establishing an IMC was not finalized by year's end. In the interim, appointments to the TMC Media Appeals Board continued. In 2002, the Kosovo Assembly announced the formation of a "Committee on the Media"; however, it was not yet active by year's end and had unclear responsibilities. There were three associations of journalists in Kosovo, but only one, the Association of Professional Journalists of Kosovo, claimed Serbs among its members.

The TMC Media Appeals board received 27 complaints during the year, and held 2 Media Hearing Board sessions. While most print and broadcast media followed accepted journalistic principles, there were some exceptions.

The TMC received no complaints of threats or attacks against journalists; however, there was one reported case. On September 5, two journalists with Radio Television Kosovo engaged in a conflict with KPS officers, resulting in lacerations to the face of one of the officers. The journalists were not injured and were released with their equipment after being briefly detained. There was no official investigation; however, the TMC concluded that the RTK journalists were unnecessarily confrontational in their efforts to pursue a story.

On January 21, as a result of threats made against the daily newspaper *24 Ore*, the paper suspended operations. The daily never restarted, although anecdotal evidence suggested that this was due to financial problems.

UNMIK regulations prohibit 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; however, these regulations were not used to stifle criticism of UNMIK, the PISG, or political figures. Complaints of libel were addressed by the TMC; however, the TMC expressed concern that libel should not be included in the new Criminal Code; rather, defamation law should be confined to the Civil Code.

In September, the TMC publicly reprimanded the daily newspaper *Bota Sot* for its failure to correct "baseless speculation" in its coverage of the attack on Serb children at Gorazhdevac (see Section 5). In another case, *Bota Sot* also revealed the name of a father who assaulted his child, thereby indirectly revealing the name of

the child, despite laws protecting minors in such circumstances. Bota Sot was fined twice during the year, on March 6 for publishing an article against Peja businessman Ekrem Lluka and Minseter Et'hem Ceku, and on September 26, for publishing a misleading photograph and related allegations regarding Baton Haxhiu, the head of the Association of Professional Journalists of Kosovo. Despite repeated requests over a period of 9 months, the newspaper failed to publish a correction or apology for its misleading information. The TMC, Robert Gillette, said in a statement that he "remains very concerned about a pattern of behavior by Bota Sot, in which the newspaper appears systematically to attack representatives of civil society in Kosovo."

The Government did not restrict access to the Internet or academic freedom.

b. Freedom of Peaceful Assembly and Association.—UNMIK regulations provide for freedom of assembly; however, UNMIK authorities occasionally limited this right based on security concerns. No written permit was needed to hold a demonstration; however, organizers were required to notify UNMIK 48 hours in advance with the purpose, time, place, route, and contact person for demonstrations for police coordination purposes. UNMIK police estimated there were 70 demonstrations involving 134,000 participants during the year. In granting permits for organized demonstrations, regional UNMIK civilian police chiefs made a determination based on the potential for violence and the current security situation. The UNMIK representative in Mitrovica banned the May 6 celebration of the fourth anniversary of the death of KLA fighter Artim Jashari in Mitrovica's House of Culture on the grounds that the public venue could not be used for private and political activities.

Civilian UNMIK police and KFOR units occasionally forcibly dispersed demonstrations that became violent or otherwise unmanageable. On May 7, KFOR soldiers used tear gas to disperse protesters and clear the road to the Northern Kosovo village of Suhodoll blocked by Serb protesters, who threw stones at the KFOR soldiers. Within days, police arrested five persons suspected of inciting the violence, but after brief detentions, no charges were filed. In most instances, UNMIK and KFOR authorities dispersed hostile protesters with minimal injuries; police generally responded more appropriately than in previous years.

UNMIK regulations provided for freedom of association, and the Government generally respected this right in practice. In its regulations governing definitions and registration requirements for political parties and NGOs, UNMIK stated that such regulations did not affect the right to association.

c. Freedom of Religion.—The Constitutional Framework and UNMIK regulations provide for freedom of religion, and UNMIK and PISG generally respected this right in practice. Kosovo is a secular society with no state religion. Religious groups were registered as NGOs.

The majority of the population was Muslim with significant numbers of Serbian Orthodox and Roman Catholics. Ethnic tensions between Kosovo's Albanian and Serb population remained the basis of political conflict. Religion and ethnicity were closely intertwined; the political identities of the ethnic groups in Kosovo have been influenced by religion, and some instances of ethnic discrimination or tension may have had religious roots. Kosovo Serbs identified themselves with the Serbian Orthodox Church, which defined not only their religious but also their cultural, historical, and political affiliation. Differences between Muslim and Catholic communities tended to be overshadowed by their common ethnic Albanian heritage. Although the political role of the clergy diminished in favor of Kosovo Serb political parties and civil leaders, significant parts of the Kosovo Albanian community continued to view the Serbian Orthodox Church with hostility and suspicion.

During the year, the rate of violent crime involving Kosovo Serbs increased slightly but remained low, punctuated by a few dramatic acts such as the shooting of six youths swimming in a river in Gorazdevac, Pec/Peje municipality, in August (see Section 5). Two of these youths died as a result of the injuries they sustained in the shooting. While some members of the Kosovo Serb community presumed an ethnic or religious motive, no perpetrator had been arrested by year's end.

Attacks on Serbian Orthodox churches and cemeteries during the year continued; however, the frequency and seriousness of the attacks diminished. No Orthodox churches were seriously damaged or destroyed during the year. There were incidents of vandalism at religious sites, including damage to the Orthodox cemetery in Decani/Decan. Several Orthodox churches were burglarized.

Security concerns restricted freedom of movement within the Kosovo Serb community, which also affected their freedom to worship (see Section 2.d.). Monks and nuns at some monasteries were unable to use parts of monastery properties due to safety concerns. Serb families with relatives living in both Kosovo and Serbia were restricted by security concerns from traveling to join their relatives for religious

holidays or ceremonies, including weddings and funerals. Bishop Artemije Radosavljevic, head of the Serbian Orthodox Church in Kosovo, remained in a monastery in the Kosovo Serb enclave of Gracanica rather than return to the diocesan seat in Prizren. During the year, UNMIK police and KFOR provided security to improve mobility, and the OSCE reported some improvement in freedom of movement, particularly in the eastern region.

KFOR removed static checkpoints from most churches and religious sites during the year, relying instead on patrols by the local KPS. In most cases, such changes in security measures did not affect safety of or access to the religious sites, although the head priest at the Pristina Orthodox Church reported that the situation deteriorated and that there were incidents of rock-throwing after the switch from static KFOR checkpoints to mobile KPS patrols. On May 31, a hand grenade was thrown at the KFOR checkpoint protecting the St. Czar Uros Church in Ferizaj, southern Kosovo, injuring five people. On December 12, a hand grenade was thrown into the Urosevac St. Uros churchyard, slightly damaging a KFOR vehicle parked outside of the church, but causing no injuries or damage to the church.

Members of the small Protestant minority reported violence and discrimination. Some Protestant leaders alleged mistreatment by "Islamic fundamentalists," whom they claimed attended Protestant services in order to identify participants for later harassment. In May in Gjilan/Gnjilane, persons badly beat a member of a Protestant Evangelical church on his way home from church. Religious leaders claimed that the police failed to conduct a proper investigation. Protestants have also complained of vandalism of churches and theft of church property. Despite a number of incidents, including the break-in at the Evangelical Fellowship of the Messiah on Christmas Eve, violence and property destruction against Protestants decreased during the year; the KPS was more responsive to complaints although no arrests were made.

Members of the PISG and some political leaders reached out to Serbian Orthodox officials and expressed a public commitment to assist in the reconstruction of some damaged and destroyed churches, such as the visit by Prime Minister Rexhepi and PDK leader Hashim Thaqi to Zociste Monastery in 2002; however, no action was taken to help reconstruct damaged churches by year's end.

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

d. Freedom of Movement within the Country, Foreign Travel, Emigration, and Repatriation.—Applicable law provides for freedom of movement and no special documents were required for internal movement; however, inter-ethnic tensions and security concerns widely restricted freedom of movement in practice. Kosovo Serbs, and to a lesser extent other minority communities, found it difficult to move about safely without an international security escort. While freedom of movement increased in many areas during the year, freedom of movement for Kosovo Serbs varied greatly depending on location. In some areas, Kosovo Serbs moved about Albanian-majority communities without incident; in others, they required a KFOR or CIVPOL escort. On July 4, in Gorazdevac Village, a 43-year-old Kosovo Serb man was stabbed during an attack; police later arrested a 22-year-old Kosovo Albanian man for the crime. Serb media reported on April 21 that unknown assailants threw stones at a van belonging to Zvonko Dimitrijevic, a Kosovo Serb, of Pasjane near Gnjilane on the Presevo-Gnjilane road in the village of Mucibaba. The windows on the vehicle were smashed but no one was injured. A convoy of buses returning Serb children to their homes in Gorazdevac after a visit to Belgrade was stoned on September 22 in the village of Rudnik near Srbica, on the Kosovska Mitrovica-Pec road.

On a November 13 "go and see visit" to Musutiste village, Suha Reka municipality, seven displaced Kosovo Serbs encountered a group of 100 Kosovo Albanians demonstrating against the visit. After an apparent grenade explosion, some demonstrators threw rocks at a KFOR-escorted U.N. High Commission for Refugees (UNHCR) vehicle, injuring one UNHCR staff member. KFOR fired warning shots into the air, and an UNMIK Special Police Unit and other police restored order. A similar incident occurred on December 11, when 11 Serbs attempted to return to Klina municipality, but were not allowed to do so by Albanian residents; police intervened to disperse protestors, and 1 CIVPOL officer was injured.

In Mitrovica, there were restrictions on freedom of movement for both Albanians and Serbs due to ethnically based harassment (see Section 5). Ethnic Serbs stationed near the bridges monitored those who crossed the Ibar River from south Mitrovica into the northern part of the town. Some ethnic Albanians reported harassment, but this monitoring activity was generally less intense than in previous years. Since May 5, KFOR restricted nonresidents from passing through the village of Suhodoll i Eperm for security reasons, which caused dissatisfaction among the Albanian population in the area. On May 28, UNMIK police reported that in the

Mitrovica North village of Gusevac, approximately 150 to 200 people took part in a demonstration to express their discontent over the alleged lack of freedom of movement in the Sudhodoll area.

In order to improve freedom of movement by rendering Serb and Albanian vehicles indistinguishable from each other, UNMIK continued to offer Kosovo license plates to Kosovo Serbs for no fee if they had already paid for vehicle registration in Serbia. The Government of Serbia did not endorse the program and did not sign the memorandum of understanding. Kosovo Serbs reported that they did not feel secure traveling to municipal centers to register for the program. Other minorities asked that UNMIK issue them free Kosovo plates as well, but their request was denied. On September 4, the deadline for registering vehicles with Kosovo plates in Mitrovica north and north Kosovo was postponed for the fourth time and had not passed by year's end.

UNMIK provided identity cards and travel documents to those whose citizen identification documents were confiscated during the war. UNMIK regulations provide that the Central Civil Registry may issue travel documents to any person registered as a habitual resident of Kosovo. UNMIK issued approximately 1.3 million identity documents, 406,000 travel documents, and 182,000 drivers licenses since 2000. Although there were more than 103,000 minorities, including 71,000 Serbs, in the civil registry, fewer than 1,000 (less than 1 percent) applied for UNMIK travel documents. Twenty-nine countries recognized UNMIK travel documents, primarily the European Union, the U.S., and Balkan nations excluding Serbia, and negotiations continued with Eastern European and Middle Eastern countries, although no progress was made during the year. SRSG issued individual travel letters in limited cases, but such documents were not widely recognized. Kosovo Serbs often qualified for and received Serbian identity and travel documents, in addition to UNMIK-issued Kosovo identity documents. Many Kosovo Albanians also obtained Serbian documents to enable travel beyond the countries that recognized the UNMIK travel documents.

UNMIK and the PISG did not restrict or otherwise prohibit emigration, nor did they obstruct repatriation. Since Kosovo did not have national status, revocation of citizenship was not an issue.

While precise figures were unavailable, substantial numbers of Kosovo Serbs and Roma fled Kosovo following the conflict. Since 1999, just over 910,000 IDPs and refugees have returned or been repatriated, mostly ethnic Albanians. Of the more than 225,000 members of ethnic minority communities displaced after June 1999 (including approximately 170,000 Kosovo Serbs and 25,000 Roma), few had returned to Kosovo by year's end. Nonetheless, minority departures from Kosovo decreased and overall returns rose steadily during the year from 2,756 in 2002 to 3,629, an increase of approximately 30 percent. However, much work remained to be done to ensure that these returns were sustainable.

Efforts to promote refugee and IDP returns improved during the year. International agencies and NGOs initiated small-scale organized return projects and some small group organized returns, such as 35 households to Belopolje village in Peja/Pec, 30 households to Sivi Lukavac, others to Novake in Prizren, and Albanian returnees to Bitinje, a predominately Serb enclave in Strpce.

Most of the Kosovo Serbs and Roma who fled when Yugoslav forces withdrew had not returned by year's end. Their concerns centered on physical safety, lack of freedom of movement, property adjudication, and lack of employment opportunities. Many IDPs and refugees outside Kosovo also lacked accurate information on conditions in Kosovo and on the constitutional framework or civil structure. Many Kosovo Serbs who were previously employed in the public sector or in social enterprises continued to receive at least a portion of their salaries from the Government of Serbia and feared a return would put these benefits and protections at risk.

On July 1, the leaders of major Kosovo Albanian and non-Serb minority political parties published an open letter to IDPs in Serbia, Montenegro, and Macedonia urging them to return to Kosovo. This was followed on July 10 by Kosovo Assembly approval of 10 recommendations to create an environment more favorable to returns. Prominent Kosovo Albanian politicians, including former KLA political leader, Hashim Thaci, began to publicly voice support for minority returns. During the year, there were also joint PISG-UNMIK visits to return sites, such as the March 5 visit of Prime Minister Rexhepi and SRSG Michael Steiner to the village of Srecka/Sredska, and the July 10 visit of Kosovo President Ibrahim Rugova to the town of Urosevac/Ferizaj. In September, the PISG agreed to allocate \$8.75 million (7 million euros) from the Kosovo Consolidated Budget surplus to projects that support the return of IDPs.

The prospect for returns varied considerably according to region and among different ethnic groups. Ability to speak the language of the majority community as

well as the level of contact between IDPs and their neighbors prior to the conflict greatly affected the returnees' chances for reintegration. In general, interaction at the grassroots level between different communities increased during the year. Although this has helped to build inter-ethnic tolerance, it did not necessarily lead to a reconciliation process or acceptance of returns. Although some progress was made, Roma, Ashkali, and Egyptian returns continued to be limited and many Roma returnees were dependent on humanitarian aid.

UNMIK, UNHCR, and the international community continued a minority stabilization program to address some of the assistance needs of prospective returnees. On March 3, UNHCR announced that it had allocated \$6.25 million (5 million euros) for the return of IDPs. In addition, many NGOs and governments provided assistance in resettlement and repatriation efforts.

The UNMIK Office of Returns and Communities (ORC), UNDP, and UNHCR established the Rapid Response Returns Facility (RRRF) during the year to provide a rapid, flexible, and coordinated response for small-scale individual returns of minority displaced persons to their place of origin in Kosovo. This fund partially addressed the needs of approximately 130 returnee families to Kosovo during the year. The RRRF provides housing repair and reconstruction and socio-economic assistance. The UNHCR minority returns statistics indicated that 9,744 persons from nonmajority ethnic communities have returned since 2000; UNHCR estimated that 4,958 of these returnees were ethnic Serbs and that 4,786 came from other minority groups.

The law does not provide for the granting of refugee status or asylum to persons who meet the definition in the 1951 U.N. Convention Relating to the Status of Refugees and its 1967 Protocol; however, UNMIK provided protection against refoulement and granted individuals status as "persons with temporary protection in Kosovo." Of the 12,000 individuals who arrived in Kosovo in 2001, 1,400 persons with temporary protection remained in Kosovo at year's end. UNMIK cooperated with the office of the UNHCR and other humanitarian organizations in assisting this caseload.

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

Kosovo continued to be administered under the civil authority of UNMIK, but as noted in UNSC Resolution 1244, UNMIK seeks to provide "substantial autonomy and meaningful self-administration" for the persons of Kosovo. Since the withdrawal of Yugoslav forces in 1999, a series of elections have yielded locally elected leadership; however, Kosovo's leaders criticized UNMIK for the slow pace of transfer of powers to the PISG institutions. The capacity of local institutions to undertake additional administrative responsibilities slowed the process; nonetheless, UNMIK completed the formal transfer of all nonreserved competencies to local institutions on December 31 and announced plans to fully implement this transfer in 2004.

Despite difficulties due to Yugoslav "identity cleansing" (see Section 2.d.), UNMIK and OSCE registered 1.3 million voters for the October 2002 municipal elections; the elections attracted participation by all ethnic communities, although Serb participation varied significantly by municipality, with a near-boycott in north Mitrovica. International and domestic observers determined that the 2002 municipal elections were well-organized, efficient, and generally met international standards. Of the 68 political entities that participated in the elections, 40 won at least one local assembly seat. Only residents of Kosovo and those who lived abroad at the time of the election, but who were residents of Kosovo on January 1, 1998, are eligible to vote, a requirement that excluded most of the Kosovo Albanian diaspora community abroad but included most of the Kosovo Serb IDPs who left during the war.

The November 2001 general election led to the establishment in March 2002 of the 120-member Kosovo Central Assembly, which elected Ibrahim Rugova as President of Kosovo, approved Bajram Rexhepi as Prime Minister, and appointed 10 ministers in the PISG.

Kosovo has a multi-party system with three dominant mono-ethnic Albanian parties and several minority parties and coalitions. The Democratic League of Kosovo (LDK) led by Ibrahim Rugova continued to be the most popular political party in Kosovo, garnering more than 45 percent of total votes cast in all three elections since 2001, and gaining control of 18 municipalities, but falling short of the majority required to form the central government on its own.

The other leading parties are the Democratic Party of Kosovo (PDK), led by Hashim Thaci, the Serb Coalition "Povratnik" (Return), led by caucus head Dragisa Krstovic, and the Alliance for the Future of Kosovo (AAK), led by Ramush Haradinaj. All major parties and many of the smaller parties have youth wings.

There are 30 municipalities in Kosovo. Depending on the size of the municipality, 17 to 51 Municipal Assembly members were elected for 4-year terms through a pro-

portional system with closed lists. Each municipality elected its President (Mayor) and a Deputy President, with a second Deputy President required in the event of a large minority community in that municipality. Each Municipal Assembly is obliged to establish three Assembly committees: Policy and Finance, Communities, and Mediation, while the establishment of other committees is left to the discretion of each Municipal Assembly. Each municipality had a professional CEO and Board of Directors proposed to the Assembly by the President; depending on the size of municipalities the Board of Directors varied. Relations between municipal governments and central structures were disorganized due in part to the division of powers in the central structures between UNMIK and the PISG. The Ministry of Public Services primarily dealt with the municipal issues, while UNMIK had a Municipal Representative and staff in each municipality, and a Regional Representative each in the five UNMIK/KFOR-established regions.

There were a number of reports of attacks on and threats against Kosovo Albanian political figures. Bota Sot reported that some unidentified gangs appeared in the village of Kodrali, Decan municipality, and harassed several LDK supporters. UNMIK police reported a telephone threat against President Rugova warning him that his life would be in danger if he attended an April 12 event in Peja. The media reported on May 13 that Pristina Mayor Ismet Beqiri received a threatening letter claiming to be from the AKSh similar to the one Member of Parliament Fatmir Rexhepi (LDK) received a few days before. On September 26, a former Armed Forces of Republic of Kosovo (FARK) commander and one of the witnesses of last year's trial against the so-called Dukagjini Group of high profile former KLA members, survived a bomb attack on his vehicle in Peje, the third attempt on his life. In most cases, no suspects were identified; however, local observers often blamed these attacks on rival political party members. Nonpolitical motives, including clan rivalry and common criminality, were also suspected in some cases.

In 2002, the OSCE set up the Elections Working Group (EWG) to reform the electoral system, including the local Central Election Commission, in preparation for the 2004 Kosovo Assembly elections. At year's end, the EWG was working to submit to the SRSG a list of recommendations for implementation as an UNMIK regulation. Many Kosovars would prefer election reform through an Assembly law, but an Assembly proposal directing the Kosovo Government to draft an elections law was declared by the SRSG to have overstepped the Assembly's authority. Kosovo Serbs and other minority communities participated in the election reform process through representatives on the EWG.

In order to address concerns raised by PISG leaders about the slow pace of the transfer of powers to local institutions, the SRSG created the joint UNMIK-PISG Council for the Transfer of Competencies. At its first meeting in April, the Council determined those powers transferable to the PISG under the Constitutional Framework, and in May the Council identified certain competencies that were "immediately transferable" and others that warranted further consideration. After some difficulties, UNMIK announced in December that the transfer of all nonreserved competencies to local institutions would take effect as of the beginning of 2004.

No legal restrictions existed on participation by ethnic minorities in government and politics. There were 34 women in the 120-seat Assembly. One woman (an ethnic Turk) served on the eight-member Assembly Presidency and another woman (also an ethnic Turk) served in Prime Minister Rexhepi's Cabinet. In response to previous elections when women resigned their seats post-election, since 2001 UNMIK has required that any seat vacated by a woman be filled by a female replacement. Following the 2002 election, women represented 28 percent of the elected municipal representatives. An effort by women parliamentarians to create a women's caucus was not successful; however, a Committee on Gender Equality held regular meetings during the year.

There were 35 ethnic minority members in the 120-seat Assembly, including 22 Serbs (10 serving in reserved seats, the remainder elected at large). There were two ethnic minority PISG ministers (one Serb, one Turk), one Serb inter-ministerial coordinator with the rank of minister, and two Serb members and one Turkish member of the Assembly Presidency. While ethnic minorities were underrepresented at the municipal level in some parts of Kosovo, the Constitutional Framework requires that the Assembly include 10 reserved seats for Serbs and 10 for members of other minorities.

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

A wide variety of domestic and international human rights groups generally operated without restriction, investigating and publishing findings on human rights cases. UNMIK was generally cooperative and responsive to their views. UNMIK and

the OSCE continued to encourage the development of civil society, including local NGOs.

In accordance with UNMIK resolutions, UNMIK has registered more than 2,300 NGOs, including approximately 1,900 domestic and 390 international NGOs. While these figures were just higher than the number registered in 2002, the overall number of applications for registration declined. An increase in the number of local NGOs compensated for the international NGOs that left or localized their programs. UNMIK also suspended the Public Benefit Status (tax exemption) of 145 NGOs, largely due to their failure to provide annual reports, including financial information.

NGO efforts included assistance to hundreds of thousands of returning refugees, support for the search for the missing, and social services to ameliorate the effects of post-war trauma (see Sections 1.b. and 2.d.). The International Organization for Migration (IOM) coordinated training and projects for the KPC, often in collaboration with NGOs. Human rights observers, including those of the OSCE and some local NGOs, were active in documenting ethnically or politically motivated killings, disappearances, attacks, and incidents of intimidation (see Sections 1.a., 1.b., and 1.c.). UNSC Resolution 1244 gave the OSCE the mandate for human rights monitoring.

UNMIK, KFOR, and the PISG generally cooperated with the ICTY regarding crimes committed during the 1998–99 conflict. On February 17, KFOR detained Haradin Bala (“Shala”), Isak Musliu (“Qerqiz”), and Agim Murtezi (“Murrizi”), who were under indictment for war crimes by the ICTY. Agim Murtezi was later released by the ICTY, as he was arrested as a result of a mistaken identity. Fatmir Limaj, PDK caucus leader, was arrested in Slovenia as part of the same case and handed over to the ICTY. The ICTY announced its intention to issue two more war crimes indictments of Kosovo Albanians; however, it had not done so by year’s end. These were the only such operations conducted by KFOR following the ICTY’s indictments of individuals residing in Kosovo. In addition to the Limaj group trial, which was still in the investigative stage, the only other case before the ICTY was the continuing trial of Slobodan Milosevic for war crimes and crimes against humanity committed in Kosovo, Bosnia, and Croatia during the wars in the 1990s.

The OI continued to investigate allegations of government abuses of international human rights laws. The OI was generally respected within UNMIK, had a multi-ethnic staff, and was active in issuing reports and recommendations; however, the OI alleged that its recommendations were rarely followed by UNMIK or KFOR. During the year, the OI registered 1,187 complaints, plus 30 cases initiated by the OI. Of these, 121 (about 10 percent) were made by Kosovo Serbs, and 22 by other ethnic minorities. UNMIK was most frequently listed as the respondent party, followed by the Housing and Property Directorate, the PISG, and KFOR.

The OI had no authority to intervene in cases against KFOR, and UNMIK extended broad immunities to its employees. Since 2001, the OI has maintained that Regulation 2000/47 on UNMIK and KFOR Status, Privileges, and Immunities was in violation of internationally recognized human rights. Nonetheless, the OI exercised an important advisory role both in individual cases and through special reports and general opinions. COMKFOR agreed to work closely with the OI and stated that KFOR would not make any illegal arrests.

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

UNMIK regulations specifically prohibit discrimination on the basis of gender, race, or ethnic origin; however, violence and discrimination against women, persons with disabilities, and ethnic minorities persisted.

Women.—Violence against women, including rape and a high level of domestic violence, remained a serious and persistent problem. The Center for Protection of Women and Children (CPWC), a local NGO, estimated that it received approximately 5,400 requests for assistance from victims of violence during the year. Domestic violence is illegal, and applicable penalties include incarceration for periods of 6 months to 5 years. In May, UNMIK passed a regulation on Protection Against Domestic Violence which prohibits all kinds of threats and acts of domestic violence, while setting up conditions for victim’s protection, such as a prohibition on the approaching distance to the victim, and the legislation and procedure on the regular and emergency court protection orders. The regulation also deals with the authority in charge of implementing the protection order and its responsibilities, including arrests, while setting up protection order violation limits of fines from \$250 to \$2,500 (200 to 2,000 euros) or imprisonment of up to 6 months. This change in the law led to several successful court cases and resulted in court-ordered protection for several families at risk of domestic violence. Formal complaints to authorities alleging domestic violence increased significantly during the year, as did prosecutions. How-

ever, due to the traditionally male-dominated society, domestic abuse of women was not uncommon, and few victims of spousal abuse filed complaints with the authorities. The KPS School included special training segments on domestic violence and rape in its curriculum.

Rape was underreported significantly due to the cultural stigma attached to victims and their families. Spousal rape was not specifically addressed by law. Tradition generally prevented discussion of the topic of rape among ethnic Albanians, since, in some communities, the act is seen as dishonorable to the entire family. During the year, police registered 82 cases of rape and 45 cases of sexual assault, representing an increase in the number of reported cases in 2002.

The law prohibits prostitution; it is a misdemeanor subject to a 30-day sentence. Prostitutes who were not trafficking victims were released with a warning if it was their first contact with the police.

Kosovo served increasingly as a transit point and destination for trafficking in women for the purpose of prostitution (see Section 6.f.).

There were no governmental agencies dedicated to dealing with family violence; however, there were four shelters to assist victims of domestic violence and trafficking, two were run by local NGOs and two were run by international NGOs (see Section 6.f.). Several domestic and international NGOs pursued activities to assist women; however, they were constrained by a tradition of silence about domestic violence, sexual abuse, and rape.

Women have the same legal rights as men, but traditionally not the same social status, which affected their treatment within the legal system. On October 23, the Kosovo Assembly approved in principle a law of gender equality, which was the first law initiated by an Assembly committee, the Committee on Gender Affairs, rather than by the Government.

UNMIK's Office of Gender Affairs coordinated gender issues throughout all UNMIK offices. It appointed Municipal Gender Officers (MGOs) in each municipality to act as public advisors on gender affairs; 26 of the MGOs were Albanian and four were Serbs. Gender focal points, individuals appointed to coordinate among ministries on gender issues, were also established in six ministries, while the process was underway for the rest. There was also an office of gender issues in the Office of the Prime Minister.

Relatively few women obtained upper-level management positions in commerce or government, although there was no legal restriction on their doing so. There was no specific law against sexual harassment. Traditional patriarchal ideas of gender roles continued to subject women to discrimination. In some rural areas, women often had little effective ability to make decisions involving their children or to exercise control over property. While women and men legally have equal rights to inherit property, family property customarily passes only to men. Albanian widows, particularly in rural areas, risked losing custody of their children due to a custom requiring children and property to pass to the deceased father's family, while the widow returns to her birth family.

The presence of international organizations made many jobs available to women. UNMIK police and the OSCE continued an aggressive campaign to recruit women for the KPS, in which they made up about 15 percent. Approximately 210 out of 3,000 active duty KPC members were women (7 percent). Women were increasingly active in politics. Several women also served as heads of domestic NGOs. Nonetheless, while more women than before had jobs, very few had risen to senior levels. Few women occupied decision-making positions in the KPS or other government organizations. Unemployment, estimated at 60 percent, was higher for women; approximately 70 percent of women in Kosovo were registered as unemployed.

Children.—UNMIK and the PISG were generally committed to the welfare and rights of children. The Ministry of Education, Science, and Technology and the Ministry of Health shared responsibility for issues related to children's education and health; however, there was no one in the government who dealt specifically with the issue of children's rights and no juvenile justice code.

UNMIK regulations made enrollment in public school mandatory for children between the ages of 6 and 15, with some exceptions. The regulation made no provision for a waiver of school attendance based on safety concerns; however, authorities did not enforce it where there were ethnically based security concerns. Primary education was compulsory, free, and universal. The vast majority of school-aged children under 15 attended school. Forty-six percent of children attended the nonobligatory secondary school, 43 percent of whom were female. There was no difference in the treatment between girls and boys. UNMIK regulations require equal conditions for school children of all communities and accommodated minority populations by providing the right to native-language public education through the secondary level. Schools teaching Serbian, Bosnian, and Turkish languages operated during the year.

On May 5, the law on higher (university) education was promulgated by the SRSG. This law also licensed the Serb-run North Mitrovica University, and provided funding from the SRSG reserved portion of the Kosovo Consolidated Budget, together with financing from Serbia.

Extensive damage to many school buildings, a lack of educational materials, and persistent electrical power outages continued to hinder the full functioning of the education system; however, there have been improvements in infrastructure during the year. NGOs shifted their focus to promote training of pre-school and primary school teachers and the inclusion of children with special needs. By year's end, there were separate classrooms for children with disabilities in every municipality. A lack of freedom of movement and reluctance to depart from a Belgrade-based curriculum led Kosovo Serb children to attend neighborhood schools that were sometimes housed in inadequate facilities and lacked basic equipment. Enrollment for both Serb and Albanian children at the primary level was almost universal; however, at the secondary level, there was a marked gender and ethnic disparity, with lower rates of attendance and completion for Kosovo Albanian girls than for Kosovo Albanian boys or girls from the Kosovo Serb community. In rural areas, lack of transportation led families to prioritize sending boys to school.

Roma, Ashkali, and Egyptian children attended mixed schools with ethnic Albanian children but reportedly faced intimidation in some majority Albanian areas. Roma children tended to be disadvantaged by their community's poverty, leading many to start work at an early age to contribute to the family income. Bosniak children were able to obtain some primary education in their own language, but faced a lack of trained Bosniak teachers. The Ministry of Education continued a catch-up program for minority children, primarily Roma-Ashkali-Egyptians, who often missed schooling due to frequent moves associated with the conflict. The Ministry also provided an expedited registration process for displaced minority children at the secondary level and at the higher education level.

There was a report that, in September, recently-returned Albanian IDP children were not allowed access to the Strpce village of Biti local school because of their ethnicity; however, this was later resolved within the municipality.

Economic problems and the aftermath of the conflict also affected the health care system, with adverse consequences for children, particularly minority children. Humanitarian aid officials primarily blamed the high rate of infant and childhood mortality, as well as increasing epidemics of preventable diseases, on poverty that led to malnutrition, poor hygiene, and the deterioration of public sanitation. Observers believed that the high levels of air and water pollution, as well as the environmental effects of the uncontrolled release of toxic substances, including lead and other chemicals at the Trepca industrial complex, contributed to poor health conditions.

There were reports of child abuse, although it was not widespread. According to the Education Center, in Albanian speaking areas there was more abuse of children in the schools than in the family, while in the Serb areas there was more child abuse in the family than in school.

The OSCE issued a report during the year on the Centers for Social Work (CSW), which has offices in every municipality supervised by the PISG Ministry of Labor and Social Welfare. The report discussed 38 cases involving child victims of crime, 14 cases involving victims of sexual violence, 7 cases of victims of trafficking, 8 cases of abandonment, and 9 cases of educational neglect. For example, four girls aged 12 to 16 and a 2-year-old boy were living without adult care in an abandoned house in Prizren where men from the neighborhood visited the house and allegedly raped one of the girls; the CSW eventually appointed a caretaker who lacked adequate training.

High unemployment and family dislocation after the conflict resulted in a higher rate of child abandonment. Since the domestic adoption rate and foster family programs did not keep pace with the rate of abandonment, infants and children were often housed in group homes with few caretakers. Children with disabilities were often hidden away without proper care, particularly in rural areas.

Children were trafficked to and through Kosovo for the purpose of prostitution (see Section 6.f.). There was also one case of a UNMIK CIVPOL officer who was arrested along with three Kosovo residents for suspected involvement in a child trafficking and prostitution ring.

NGOs began to focus more on developing awareness of children's rights and training of social workers, such as Save the Children, which trained municipal level children's rights coordinators. NGOs reported that television programming for children, rare in 2002, was common, and media reporting on children's issues increased dramatically.

Persons with Disabilities.—There is no comprehensive law that specifically prohibits discrimination against persons with disabilities in employment, education, or

in the provision of state services, and there was considerable discrimination in these areas in practice. However, some laws addressed aspects of disability issues, such as a law on pensions for persons with disabilities over the age of 18, and on education that provides separate classrooms for persons with disabilities. High unemployment placed particular burdens on job seekers with disabilities, and UNMIK and the PISG offered no direct services for persons with disabilities. The law mandates access to official buildings; however, it was not enforced in practice. There were specially marked parking spaces for persons with disabilities, but there was no law preventing others from using them. Progress was made in the area of education for persons with disabilities during the year; there were separate classrooms available in every school for those children whose disabilities required separate facilities, as well as joint classes for children with special needs to involve students with disabilities in regular classroom activities where possible, and 800 children with special needs used this resource during the year.

In the absence of UNMIK and PISG social services for persons with disabilities, the local NGO Handikos was the only provider of extensive services for persons with physical disabilities in Kosovo; however, Handikos had no presence in the Serb-dominated northern municipalities or Novo Brdo, so most minority communities completely lacked services for persons with disabilities.

Consistent with the generally low level of medical care in Kosovo, specialist healthcare for persons with disabilities was not widely available and, for most persons, prohibitively expensive.

There was a complete lack of social understanding about persons with disabilities, and there were no social welfare provisions for the estimated 14,000 persons with mental disabilities in Kosovo. The guardianship law in place did not meet international standards and there was no expertise on the issue of disability rights. For instance, the law does not recognize the placement of individuals in institutions and the treatment against their will (involuntary treatment) as two different legal issues. The law also makes no provision for social welfare assistance for persons on the basis of mental disability.

There were dedicated mental health facilities in Kosovo, including Shtimje, the home for the aged in Pristina, and two facilities for children, one in Shtimje and another in Pristina. The World Health Organization established Community Mental Health Programs in each municipality, but their coverage was inadequate. Kosovo generally lacked mental health facilities with adequate capacity and services. There were psychology wards in hospitals such as in Pristina, which had a capacity of 56, but the conditions were far below acceptable standards for long-term mental healthcare.

The NGO Mental Disability Rights International (MDRI) has been active in promoting rights for persons with mental disabilities following its August 2002 report which found extensive and credible evidence of neglect, physical violence, sexual assault, and arbitrary detention at the main mental health care facilities. Staff and patients at the Shtimje Institute, the Pristina Elderly Home, and the Pristina University Hospital, reportedly committed these crimes, and criminal investigations were underway at year's end. The programs were a product of policies established by UNMIK; however, UNMIK has largely transferred responsibilities on persons with disabilities to local personnel.

In response to MDRI's report, UNMIK established "Boards of Visitors" to provide oversight of conditions and secure funding to build group homes for persons with disabilities. UNMIK spent approximately \$2.5 million (2 million euros) during the year to rebuild the Shtimje institution. On July 17, MDRI issued a 1-year follow-on report alleging that, despite improvements in facilities, UNMIK failed to protect patients' rights and create safe alternatives to institutional care in the community, which UNMIK strongly denied. MDRI reported that resources went almost exclusively to facility improvements rather than to improvement in services and treatment for persons with mental disabilities, which remained inadequate. For instance, Shtimje's 199 residents filled the facility well above its target capacity of 100 residents. Medical staff were not trained to deal with persons with mental disabilities and were insensitive to the special needs of women who had experienced sexual violence or other trauma. MDRI alleged that patients were detained with no legal basis, as no regulation was promulgated by UNMIK to regulate the process of commitment to psychiatric or social care facilities or to protect rights within institutions.

UNMIK lacked a plan for adequate community-support services to allow for integration into the community. In the absence of a community support system, persons with mental disabilities invariably ended up in the criminal justice system, often due to petty crimes, ignorance on the part of police, or inadequate facilities. On occasion, individuals in need of mental health treatment were convicted of fabricated

or petty crimes and ended up in the prison system, which lacked resources for adequate treatment; however, MDRI trained some KPS officers to help prevent this. Additionally, despite documented abuses, no one in Kosovo has been punished for mistreatment of persons with mental disabilities.

National/Racial/Ethnic Minorities.—Although the high level of revenge-based violence that followed Yugoslavia's 1999 withdrawal continued to decline significantly, violence and crime continued to affect minorities. There were killings, kidnappings, and assaults committed against Kosovo Serbs, Roma, and other minorities, and property crimes such as arson continued to occur. Overall the level of violent crime remained about the same as in 2002. There were 72 killings during the year, up slightly from 70 in 2002 (see Section 1.a.). Of these, 17 involved victims from minority communities (24 percent). There were 13 killings of ethnic Serbs during the year, 7 of which were widely believed to be ethnically motivated. Increased violence, particularly during the summer, may have been politically motivated, as evidenced by its correlation with an increase in political activity. The high-profile violent crimes against Serbs were allegedly ethnically motivated, but there was no clear evidence to confirm this because no one was convicted by year's end. Kosovo Serbs and Roma continued to report that they were afraid to leave their enclaves due to fear of intimidation and attack by ethnic Albanians (see Section 2.d.).

On May 17, one Serb, Zoran Mikic, was killed in Vrbovc village of Viti, while another that had gone missing on May 12 was found dead in Gazivode of Zubin Potok municipality. On June 3, a Serb family of three in Obilic was brutally killed, including the 80-year-old Slobodan Stolic, his wife, and son. On August 13, two Serb youths were killed and four wounded by automatic rifle fire while swimming in a river in Gorazdevac. On August 26, a Serb farmer was shot in the stomach by a sniper in Bica, but survived. On August 31, a grenade attack on a shop in Cernica killed one and injured four. No suspects had been arrested in any of these cases, causing considerable concern within the Serb community. On November 16, Viti/Vitina police station was informed of a dead body of a 21-year-old Kosovo Serb male, found in the fields near Klokot village, with a single gunshot wound. Police arrested two Kosovo Serb male suspects who had a land ownership dispute with the victim, but they were later released; the case remained unsolved at year's end.

There were several instances of Serb violence against Kosovo Albanians, but no reported fatalities. On February 12, a group of Serbs from Zubin Potok physically attacked a five-member Albanian family traveling to the Albanian enclave of Caber. On May 4, 62-year-old Albanian Shaip Zhilivoda was beaten by a group of Serbs in North Mitrovica, sustaining serious injuries that left him in a coma for several days; UNMIK police arrested a Serb in connection with this case. On March 3, unknown persons threw a grenade into an Albanian/Bosniak enclave in northern Mitrovica. On April 9, several Serbs threw stones at Bekim Shala, an Albanian, in the Serb enclave of Gorazhdec/Gorazdevac, in Peje/Pec municipality, causing serious injuries. There were several instances of apparent retaliation for the August 13 Gorazdec killings. For 4 days in a row ending on August 18, Albanian neighborhoods in Mitrovica north were the targets of grenade attacks. On August 17, a group of Serbs from Gracanica beat five Albanians, including two children, who were traveling to Gjilan. On August 20, Ramadan Krasniqi was ambushed while driving through the Serb-inhabited village of Raniluk, on Gjilan-Kamenica road, but he escaped unharmed. On September 9, Albanian inhabitants of the northern Mitrovica neighborhood Kodra e Minatoreve complained that Serb "bridgewatchers" were guarding the entrance to their zone under the pretext of protecting Serb homes, while impeding access for Albanians to the local medical clinic and school. In November, five Serbs assaulted the family of Bedri Beka in Mitrovica north while they slept, attacked Beka several times, and threw an explosive device at his house; CIVPOL identified those involved and arrested one suspect.

On December 6, 150 demonstrators surrounded a lunch meeting in north Mitrovica between a delegation of World Bank officials and Kosovo Prime Minister Bajram Rexhepi. The crowd threw stones at the restaurant, damaging the windows. The Prime Minister fled and was not injured, but one member of the international delegation suffered minor injuries.

Members of non-Serb minority communities, including Bosniaks, Egyptians, Ashkali, Gorani, and some Roma, reported that their security situation improved during the year, although incidents of violence and harassment continued to occur and their freedom of movement was restricted in some areas (see Section 2.d.). On July 20, a hand grenade exploded in the garden of an Ashkali family. The head of the family claimed that this was the ninth time his family had been attacked. Bosniak leaders continued to complain that thousands of their community members had left because of discrimination and a lack of economic opportunity.

Civilians were responsible for the destruction, often through arson, of private property. There were 524 cases of arson recorded during the year, up from 489 cases in 2002. Police believed that 26 of these arsons were ethnically motivated. The reported phenomenon of “strategic sales” of property persisted and grew; violence, intimidation, and attractive price offers were used to convince Kosovo Serbs to sell properties at key locations, leading to the erosion of Kosovo Serb neighborhoods and a consequent increase in isolation of those remaining. Property disputes and illegal occupation of homes continued to be a source of inter-ethnic friction (see Section 1.e.). These disputes were rooted in the forced migration and displacement resulting from the 1999 conflict. Kosovo Serbs and Roma live primarily in enclaves, except for the Kosovo Serbs in the north of Kosovo, where Serbs and Albanians partitioned Mitrovica. Serbs lived largely in the northern Kosovo municipalities of Leposaviq/Leposavic, Zubin Potok, and Zvecan, in the northern part of Mitrovica, and in scattered enclaves under KFOR protection elsewhere. KFOR and police provided security to these enclaves, and escorts for those travel, but began to scale back their patrols and escorts.

In Mitrovica, ethnic Serbs and Albanians harassed each other and restricted freedom of movement (see Section 2.d.). Many Kosovo Albanians in South Mitrovica wanted to return to their homes in north Mitrovica, and approximately 1,500 Kosovo Albanians who lived in the northern section of town were subjected to repeated harassment. In predominately ethnic Albanian south Mitrovica, Kosovo Albanians illegally occupied Serb-owned properties. After UNMIK extended its authority to north Mitrovica last year, the Government of Serbia established a branch office of the Kosovo Coordination Centers (CCK), where Kosovo Serbs from the city could apply for Yugoslav documents processed in Serbia. While there remained concern over other “parallel structures” in the area, including the Serb Ministry of Health-funded North Mitrovica Hospital, many of the employees of the former Serbian-funded municipal administration were employed by UNMIK. After Kosovo Serbs in north Mitrovica largely boycotted the 2002 municipal elections, UNMIK appointed a multi-ethnic Advisory Board for north Mitrovica to represent residents of the northern sector of the municipality.

Despite some improvement over previous years, ethnic minorities, particularly Serbs, suffered from widespread social discrimination, particularly in employment, education, and health services. Physical security and freedom of movement continued to be serious concerns for Kosovo Serbs, as evidenced by the continuing residence of the vast majority of Kosovo Serbs in enclaves. Kosovo Serbs also experienced social discrimination in education and health care, but these services continue to be supplemented by funding from Serbia through the CCK and parallel institutions, such as the hospital in North Mitrovica. Minority membership in the KPC continued to be a problem (see Section 1.d.).

The Turkish community was more closely integrated with Kosovo Albanians and felt the impact of social discrimination less than other minorities. Roma were heavily dependent on humanitarian aid. Although there were some successful efforts to resettle Roma, Ashkali, and Egyptians in their prior homes, security concerns persisted (see Section 2.d.).

Section 6. Worker Rights

a. The Right of Association.—UNMIK regulation provides for fundamental rights at work, including the employment relationship, terms of employment, and the right to form and belong to unions and other organizations without employer interference, but no explicit right of association, and workers exercised these rights in practice. Anti-union discrimination is prohibited and did not occur in practice. The Confederation of Independent Trade Unions of Kosovo (BSPK), the largest of the few unions active in Kosovo, reported that the regulation was respected by only a small number of firms. They claimed that worker rights were abused in every sector, including the international organizations, where staff did not have access to security insurance or pensions. The PISG Ministry of Labor and Social Welfare has responsibility for policy recommendations on labor practices and worker rights.

After the war, labor organizations redirected their focus from members’ welfare to traditional labor issues. The dominant union organization, BSPK, was founded in 1990 and its membership reached a high point of about 260,000 members in the mid-1990s. During the year, it had 16 active branches and 4 with observer status. BSPK’s membership was approximately 100,600 persons, of whom half were unemployed. BSPK’s president sat on the board of the Kosovo Trust Agency, which managed the privatization process, and a BSPK member sat on each committee in the Kosovo Assembly. BSPK continued to work with international entities, including the International Labor Organization (ILO), gained full membership to the International Confederation of Free Trade Unions, and observer status to the European

Trade Union Confederation. BSPK had good access to state owned enterprises, but not to private enterprises, so labor rights tended to be limited in private firms. BSPK had a branch for small enterprises and artisans, but it represented owners rather than employees. Another active trade union organization was the Union of Education, Science, and Culture of Kosovo, which was registered as an NGO.

Although legislation expressly permits international affiliations and there were no legal impediments to their activities, in practice, a lack of international travel and exchange constrained the ability of unions to affiliate internationally.

b. The Right to Organize and Bargain Collectively.—UNMIK regulation provides for the right to organize and bargain collectively; however, collective bargaining rarely took place. Trade unions tended to focus on the needs of specific groups, rather than the collective needs of all workers. Workers in various sectors were ineffective at finding common interests for which to negotiate, such as job security, minimum safety standards, and universal benefits. The weak economy and high unemployment rate limited the leverage of labor organizations.

The law does not recognize the right to strike; however, strikes were not prohibited. BSPK believed the right to strike was recognized indirectly when it forwarded its statutes for registration, which contain this right. Nothing in the law addresses labor disputes; however, in 2001, UNMIK, the BSPK, and the Chamber of Commerce concluded a Tripartite Agreement, which BSPK reported was functioning well to help resolve labor disputes.

Workers engaged in strikes and protests, some on a large scale, which tended to be directed against the Government and state-owned enterprises rather than private enterprises. In September, teachers throughout Kosovo held strikes that corresponded with the start of the school year. BSPK called upon teachers to avoid strikes, as did its subsidiary Trade Unions of Primary and Secondary schools in Kosovo, but the SBASHK supported the strikes. Parallel to the teachers, strikes were also organized by more than 700 Trepca miners, demanding employment, and pensioners, who demanded restoration of their status and payment of pensions owed by Serbia. The strikes were resolved through meetings with the Government, which agreed to increase wages for education and health staff by 20 percent immediately and 5 percent starting in 2004, granted immediate assistance to the miners of \$187,500 (150,000 euros), and included miners over 50 years of age, as opposed to 65, in the pensions scheme. There were several other smaller-scale strikes and protests, including an August rally by hundreds of police officers and administrative workers who were dismissed by force during 1987–89.

There are no export processing zones.

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

d. Status of Child Labor Practices and Minimum Age for Employment.—The pre-1989 labor laws set the minimum age for employment at age 16 and age 18 for any work likely to jeopardize the health, safety or morals of a young person, but permit children to work at age 15 provided such work is not harmful to the child nor prejudicial to school attendance. In villages and farming communities, younger children typically worked to assist their families. Urban children often worked in a variety of unofficial retail jobs, typically washing car windows or selling newspapers, cigarettes and phone cards on the street; some also engaged in physical labor, such as transporting goods. The number of these children working on the streets rose sharply since 1999, when rural families resettled to cities in large numbers after the war. According to one study, almost half of the children who worked such street jobs lived in rural villages before the 1999 conflict, and one-fifth commuted from villages to work in the cities. Almost 90 percent of these children said they were forced into such work by poverty, and over 80 percent said they worked up to 9 hours a day to support unemployed parents, often preventing school attendance. According to a report published in September by a local NGO, Human Rights and Legal Initiative Professional Center, primarily male children between the ages of 8 and 14 worked on the streets, but they also recorded children as young as age 6. There were no real employment opportunities for children in the formal sector, and institutions lacked a strategy to address this problem or an office focused exclusively on children's rights.

Reports of sweatshops were rare, although some privately operated factories operated under poor conditions. Many families depended on wages earned by children, often by selling cigarettes or groceries on the streets for long hours.

e. Acceptable Conditions of Work.—The Kosovo Office of Statistics estimated that the unemployment rate was 60 percent, and the average wage paid to those who were employed full-time was insufficient to provide a decent standard of living for

a worker and family. The labor legislation provides for a minimum wage, but did not set its level. While the public sector wage, paid out of the Kosovo Consolidated Budget, was \$189 (151 euros), the private sector wage was an average of \$260 (208 euros). Employers did not implement the official 40-hour workweek under conditions of high underemployment and unemployment. Night work was eligible for overtime pay, and the laws prohibited overtime work exceeding 20 hours per week and 40 hours per month.

While many international agencies and NGOs paid adequate wages, UNMIK decided that wages for all jobs that will eventually fall under Kosovo's governmental structure should be set according to the level affordable under the consolidated budget, even though such salaries were barely sufficient to support a worker and a family. This situation precipitated teachers' strikes in October and in September 2002.

Labor inspectors began work at the end of 2001, and the Kosovo Assembly passed a Law on Labor Inspectorate in February, but its implementation was difficult due to high unemployment that made employers and workers less concerned with enforcement of established occupational safety and health standards. The law does not permit employees to remove themselves from dangerous workplaces without fear of losing their jobs.

f. Trafficking in Persons.—UNMIK regulations specifically prohibit all forms of trafficking in persons; however, trafficking of women and children remained a serious problem. During the year, one international police officer was arrested for suspicion of child prostitution and slavery; however, there was no known evidence of official involvement in trafficking.

Trafficking in persons is a crime punishable by 2 to 20 years in prison under UNMIK regulations, which also provide for victim assistance. A client engaging in sex with a victim of trafficking may be sentenced for up to 5 years in prison, while sex with a trafficked minor is a criminal offense carrying penalties of up to 10 years in prison.

UNMIK actively investigated cases of trafficking during the year, and police raided several brothels and nightclubs on almost a weekly basis. The Trafficking and Prostitution Investigation Unit (TPIU) of UNMIK CIVPOL provided a coordinated law enforcement response against trafficking through investigations and counter-trafficking police operations, such as raids against suspected brothels, while local KPS officers provided most of the undercover police work. Since its creation in 2000, TPIU has carried out several thousand counter-trafficking operations, brought over 140 charges on trafficking in human beings, closed 83 premises, and created a database of 1,848 women and 510 men who were suspected of involvement in trafficking. During the year, TPIU conducted 2,047 raids or checks and assisted 70 victims of trafficking. At year's end, there were 200 establishments on UNMIK's list of off limits premises, with 70 percent of those in Prizren and Gnjilane, both close to the border with Macedonia and Albania.

According to TPIU, of 60 trafficking cases in the courts during the year, 26 were ongoing at year's end. Of those completed, the courts acquitted 18 and convicted 17, only one of which resulted in the maximum sentence of 5 years, while all others resulted in sentences of 3 to 6 months. There were also arrests for trafficking-related offenses, including 33 for prostitution, 19 for solicitation of prostitution, 11 for pimping, and 6 for possession of false documents. UNMIK lacked bilateral extradition treaties, so there was no such cooperation with other countries.

A significant problem in anti-trafficking efforts was the low number of prosecutions and convictions, and short sentences for traffickers; this resulted in a lack of cooperation from victims. Victims' rights groups often successfully persuaded victims to return to their homes without waiting to testify against their traffickers, which undermined effective prosecutions. Other factors that contributed to the low number of prosecutions included the increasing sophistication of organized crime efforts to avoid direct links between the victims and senior crime figures, lack of a witness protection program, and inadequate training for judicial personnel.

The numbers of reported trafficking victims increased since last year. However, statistics were often imprecise and unreliable, since CPWC, the IOM, and TPIU relied upon different definitions of trafficking, employed uneven statistical analysis, and overlapped in data collection. CPWC estimated that it responded to approximately 180 cases of trafficking during the year, 80 percent of which were internally trafficked. The IOM assisted 58 victims, including 17 locals. TPIU worked with both of these organizations and others to assist a combined total of 70 local and international victims.

Kosovo was a source, transit point, and destination for trafficked persons; internal trafficking was a problem as well. As in previous years, the vast majority of trafficked women and children in Kosovo were from Eastern Europe. According to the

IOM, over 50 percent of victims trafficked into Kosovo from abroad were from Moldova, 22 percent from Romania, 13 percent from Ukraine, and the rest from Bulgaria, Albania, Russia, and Serbia, while just under 5 percent were originally from Kosovo. Evidence suggested that trafficking was often the result of a coordinated effort between Kosovo Serb and Kosovo Albanian organized crime elements, with Serbia acting as a particularly active transit hub for the transfer of trafficked victims from Eastern Europe into and through Kosovo. Serbia was the entry point into Kosovo for 59 percent of trafficking victims, Macedonia for 21 percent, and Albania for 5 percent. Women from Moldova have also been trafficked into Kosovo through Austria and Switzerland. Some women were trafficked through Kosovo to Macedonia, Albania, Italy, and other Western European destinations. Less than half of the victims traveled with passports, and 70 percent reported crossing borders illegally at least once.

The number of Kosovo victims of trafficking assisted by the IOM Counter Trafficking Unit has consistently increased since 2000, leading to an average of three cases reported per month. This was partly due to increased awareness as well as increased willingness to report the cases to the referral system. The cases of local victims of trafficking assisted in the past 2 years by IOM Kosovo indicated that a large number of the victims were minors (62 percent), particularly young girls between the ages of 13 and 15; the youngest reported victim was 12 years old. The overall number of cases involving minors was increasing; local children and young girls from rural areas were particularly at risk of being trafficked, as were those from urban areas plagued with a high level of poverty, unemployment, and illiteracy (61 percent).

Based on interviews with 271 trafficking victims over the past 3 years, approximately 80 percent of the clients of women trafficked for prostitution were locals, while approximately 20 percent were internationals; however, there were no comprehensive figures on this issue. According to the IOM, the presence of a large international community in Kosovo contributed to an increase in the number of brothels involved in trafficking; however, women rescued from the brothels often reported that the majority of their clientele were locals. While there have been cases of internationals involved in trafficking they were few in number; the international community presence supported trafficking more indirectly than directly, by bringing money into the economy that was spent by locals on prostitution.

Most trafficking in Kosovo was conducted for the purpose of sexual exploitation, but some victims were also subjected to forced labor. Approximately 90 percent of victims were lured into migrating illegally with false job promises or false invitations abroad, while 9 percent were initially forced or kidnapped. According to an IOM report released in September, prior abuse in the family and financial hardship were the strongest determining factors for potential victims of trafficking. Among victims of trafficking, 70 percent were poor and over 80 percent lacked a high school education. Trafficked victims worked in the sex industry, primarily in brothels and nightclubs, and increasingly in private residences. Less than 5 percent reported that they were aware that they would be working in the sex industry when they accepted employment offers. Methods of trafficking increased in sophistication and complexity. Women were less likely to be held by force or physically threatened, but often were paid more after they were trafficked to Kosovo than they could make in their country of origin. Prostitution no longer took place in the bars and brothels, but at the separate premises, such as private apartments. Many trafficking victims were able to make enough money, often approximately \$375 to \$500 (300 to 400 euros) per month, to send remittances to their families in their countries of origin. Many women who were initially victims of trafficking claimed they were engaged in consensual prostitution and refused assistance. They were then either released by police or convicted on prostitution charges with minimal sentences.

Commercial sexual exploitation of children was not a widespread problem in the past; however, there were cases of trafficking victims as young as 12 years old during the year. On June 9, UNMIK police arrested four suspects, three Kosovo Albanians and one international police officer, in Peje/Pec municipality on suspicion of involvement in a child prostitution and slavery conspiracy. One of the Kosovo Albanians involved in the case committed suicide, and the CIVPOL officer was released pending trial. Almost 60 percent of victims were between the ages 18 and 24, and 12 percent were minors. During the year, the IOM assisted a 15-year-old boy who was being trafficked through Kosovo. While the IOM has never directly come into contact with cases of trafficking in children for organs, it believes this practice may have occurred.

Trafficking victims reported that they were regularly subjected to physical violence, rape, denial of access to health care, and confiscation of their travel and identity documents. Victims were often found in poor health and psychological condition,

with as many as 80 percent exhibiting health problems directly resulting from sexual exploitation. Victims reported being physically abused in 78 percent of cases examined by the IOM.

Internationals caught involved in prostitution or entering bars on an UNMIK's list of off-limits premises were returned to their host countries. There were no cases of internationals caught in the act of soliciting or engaging in prostitution, but several were found in suspected premises and sent home, including five KFOR soldiers in Mitrovica, and a CIVPOL police commander sent home from Pristina in March.

There was no evidence of corruption or bribery in trafficking prosecutions; witness cooperation and threats were more significant factors. Some local prosecutors reported instances in which the same lawyer represented an accused trafficker and the victim. The Kosovo Judicial and Prosecutorial Council, which hears disciplinary complaints against local judges and prosecutors, brought 14 disciplinary procedures since 2000, but only 5 during the year, mostly for ethics violations and neglect of responsibilities; corruption charges were not common.

UNMIK and the OSCE, PISG ministries, international organizations, and NGOs shared responsibility for combating trafficking and assisting victims. The UNMIK Victims' Advocacy and Assistance Unit (VAAU) worked with victims of trafficking and other crimes to assist them in accessing the criminal justice system and coordinated victim support. Victims of trafficking who chose assistance were referred by TPIU through OSCE regional officers to one of two organizations. International victims were referred to the IOM, which runs a shelter through the NGO United Methodist Committee on Relief. Domestic victims were referred to the CPWC, which ran a shelter and provided a variety of services for victims, such as counseling and job training. There was also an Interim Secure Facility open to all victims of trafficking and domestic violence while they waited to testify in court or considered whether to seek additional assistance.

Several international agencies and NGOs established programs to assist the victims of trafficking with material support to return to their countries of origin or homes. While UNMIK, the OSCE, and the IOM did not directly provide shelter for domestic victims, they worked with local and international NGOs, such as UMCOR and CPWC to provide these services. In addition, CPWC conducted awareness programs in schools and communities. In early January, CPWC's offices were burglarized and computers with confidential information were taken, potentially putting victims at risk; the crime had not been solved by year's end.

Protection for victims of trafficking made considerable progress in recent years. Since prostitution is illegal and many of the trafficked women were in the country without documentation, victims often failed to report their traffickers due to fear of arrest. However, UNMIK regulation provides a defense for victims of trafficking against criminal charges of prostitution and illegal entry, while the law provides a prohibition against deportation of trafficked persons due to a conviction of prostitution or illegal entry. UNMIK did not provide any official residency status to victims. Those who did not accept assistance from the IOM were released, but if they continued to work as prostitutes, they were subject to re-arrest, short jail sentences, and deportation.

There was significant success in disseminating the view that women who were the victims of trafficking should not be prosecuted for prostitution nor subjected to deportation orders. However, a few local judges sometimes incorrectly sentenced trafficking victims to jail, contrary to the law, which provides for their partial immunity. Judges issued deportation orders against some women for lack of proper documentation.

During the year, the IOM worked closely with the PISG, particularly the Office of the Prime Minister, the Ministry of Labor and Social Welfare, and the Ministry of Health to increase local awareness of the phenomenon of trafficking, and to encourage engagement in counteracting the problem. The IOM also offered training on trafficking to instructors engaged in rule of law development programs. The IOM continued an awareness campaign directed at Kosovo NGOs involved in human rights and women's issues, and a public campaign to discourage the use of commercial sex services by Kosovo men and international staff. The IOM also released a report on psychological support and services for victims of trafficking.

MONTENEGRO

Montenegro was a constituent republic of the Federal Republic of Yugoslavia (FRY) until February when the FRY was dissolved and Montenegro became a constituent republic of the state union of Serbia and Montenegro (SaM). Like Serbia, Montenegro has a president and a parliamentary system of government. On May 11, Filip Vujanovic was elected President in general elections that were deemed free

and fair. The political scene in Montenegro was dominated by two major coalitions, one led by Prime Minister Milo Djukanovic of the Democratic Party of Socialists (DPS), and another by opposition leader Predrag Bulatovic of the Socialist People's Party. The Montenegrin Government continued to act largely independently from the Republic of Serbia on most issues. Montenegro has a separate customs regime, a separate visa regime, its own central bank, and uses the euro rather than the Yugoslav dinar as its currency. The Constitution provides for an independent judiciary; however, courts often were subject to political influence and corruption and remained inefficient.

The Republic's police, under the authority of the Ministry of Internal Affairs (MUP), have responsibility for internal security. The Montenegrin State Security Service (SDB), also located within the MUP, has authority to conduct surveillance of citizens. A detachment of the SaM Army was stationed in Montenegro and cooperated with Montenegrin police to arrest traffickers. While civilian authorities generally maintained effective control of the security services, there were some instances in which elements of the security forces acted independently of government authority. Some members of security forces committed human rights abuses.

Montenegro has a population of approximately 686,000, including refugees and displaced persons from Kosovo. The economy, more market-based than state-owned, was mixed agricultural, industrial, and tourist-oriented. Real gross domestic product growth for the year was approximately 2.5 percent, and annual inflation was approximately 7.8 percent. Wages have not kept pace with inflation due to slow growth of the economy. Low per capita income, and the tolerance for corruption it fostered, combined with a high cost of living to create conditions ripe for crime.

The Government generally respected the human rights of its citizens; however, there were problems in some areas. Police at times beat and abused citizens, although human rights groups noted that there were fewer reports of police abuse than during previous years. Police arbitrarily arrested and detained civilians. Media independence was a problem; however, the Government exercised slightly less influence over the media than in previous years. Pressure from politicians sometimes resulted in distorted coverage of events by state and some private media. Domestic violence and discrimination against women continued to be problems. Some discrimination persisted, particularly with regard to Roma. Trafficking in women and children for sexual exploitation continued to be a problem.

RESPECT FOR HUMAN RIGHTS

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

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

There were no developments in the investigations of the 2001 killing of Darko Raspopovic, chief of the Montenegrin police anti-terrorism unit, or the 2000 assassination of Goran Zugic, advisor for security issues to the President of Montenegro.

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

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.—The law prohibits such practices; however, police occasionally beat suspects during arrest or while suspects were detained for questioning.

On May 17, five police inspectors reportedly physically and verbally abused Igor Zindovic in the port city of Bar. According to a criminal complaint filed by the Humanitarian Law Center (HLC), the inspectors detained Zindovic and held him for several days. During this time, they forced a confession of robbery from him by hitting him on the head, stomach, and back and threatening to kill him and throw his body into the sea. Zindovic was taken before the police chief, who said he was to sign everything or he would be "wrapped in a fishing net and thrown in the Bojana River." On May 20, Zindovic was taken to a prison, and the next day he told an investigating judge that his confession had been coerced. On June 10, Zindovic was released when the prosecutor dismissed the case against him.

On August 21, police inspector Dobrasin Vulic and three other unidentified officers reportedly physically abused Nikola Popovic. According to the HLC, which filed a criminal complaint in the case, Popovic, hearing that his son had been detained, went to the police station in the Zabjelo neighborhood of Podgorica. At the station, an unidentified officer punched him, and Vulic kicked him repeatedly in the mouth and nose and threatened to beat him with his nightstick whenever he saw him. Popovic was detained for 3 days. At year's end, judicial authorities had taken no action on the HLC complaint; however, an investigation into charges that Popovic attacked an officer performing a security-related duty was ongoing.

In October, HLC filed a criminal complaint against two police officers for mistreating Izet Korac of Rozaje early that month. According to HLC, Korac was slightly wounded during the incident. An investigation was ongoing at year's end.

Three Bijelo Polje police officers, Mevludin Hasanovic, Vladimir Siljak, and Ljubodrag Žugic, beat student Darko Knezevic and held him for several hours without medical attention in 2002. In accordance with the MUP Department for Internal Control and Control of Legal Usage of Authority, Hasanovic was fined 50 percent of his salary for 2 months and the other two officers were fined 50 percent of their salaries 3 months. The three police officers were also indicted on charges of "mistreatment while on duty"; their trials were ongoing at year's end. At the same time, police agreed not to pursue criminal charges against Knezevic.

In December, the Basic Prosecutor issued an indictment against six police officers in Berane for "exceeding authority" for their involvement in beating five Muslim men in Petnjica in 2002. The victims, considering the indictment too mild, brought private charges against the police officers. The prosecutor also issued an indictment against one of these plaintiffs for "threatening by dangerous arms during a fight or quarrel."

According to the MUP Department for Internal Control and Control of Legal Usage of Authority, police involved in the beating of two Roma internally displaced persons (IDP) boys in 2002 were fined 30 percent of 1 month's salary.

The Municipal Court in Pljevlja ordered the Republic of Montenegro to pay \$11,375 (9,100 euros) to Bojan Tosic in compensation for his unlawful arrest and torture by police in 1999; however, by year's end, the compensation had not been paid. At year's end, a criminal case was ongoing against Police Inspector Zeljko Golubovic for inciting the abuse of Tosic to extract a confession that Tosic had planted an explosive device under an automobile.

Prison conditions generally met international standards; however, some problems remained. Prison facilities were antiquated, overcrowded and poorly maintained. Women were held separately from men. The law mandates that juveniles be held separately from adults and pretrial detainees be held separately from convicted criminals; however, in practice, this did not always occur due to overcrowding. Due to inadequate prison budgets, prisoners often had to obtain hygienic supplies from their families, although the prisons provided basic supplies to those who could not obtain them otherwise.

The Government permitted prison visits by human rights observers, including the International Committee of the Red Cross and local NGOs. The Ombudsman, elected by Parliament in October, had the right to visit detainees and prisoners at any time, without prior notice. After the Ombudsman's office became functional on December 10, the Ombudsman visited one detainee and one inmate.

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

The MUP controls both National and Border Police. These two services were generally effective in maintaining basic law and order; however, their effectiveness in fighting organized crime was limited. A sizable percentage of the police force was made up of Bosnian Muslims, also referred to as Bosniaks, many of whom were deployed in a predominantly Muslim area in the north commonly referred to as Sandzak. During the year, the Border Police took over from the SaM army responsibility for policing Montenegro's borders. The Government investigated some police abuses; however, criminal procedures and sentences against police were rare. When they were initiated, criminal procedures against police were often of long duration with convictions resulting in only minor penalties.

Low wages and socialist-era habits contributed to an environment in which some corruption was tolerated; the small, close-knit society discouraged reporting of corruption and provided criminals access to law enforcement officers. However, strong international and domestic pressure resulted in some progress.

The international community provided substantial financial and technical assistance to upgrade the quality of training and facilities for the Border Police, with a special focus on combating trafficking in persons. Assistance was also provided to train the police to better combat organized crime.

In December, Parliament adopted the Criminal Procedure Act; it was expected to take effect in April 2004 and to supercede all previous criminal procedure laws. The Act defines the authority of police in pretrial processes and permits police involvement in these processes only with the approval of a judge. It also contains new measures for combating organized crime and for in-court witness protection. The Organization for Security and Cooperation in Europe (OSCE) expects the Act to strengthen protection of human rights and freedoms of citizens while giving more power to police, prosecutors, and courts to combat the most serious criminal offenses.

Arrests require a judicial warrant or “high suspicion that the suspect committed an offense.” A suspect could be detained for up to 72 hours without access to an attorney. It is within this initial detention period that most abuses occurred (see Section 1.c.). Under the new Criminal Procedure Act, expected to take effect in 2004, a suspect may only be detained for up to 48 hours before being taken before a judge. The Act includes a legal requirement to provide access to a lawyer during the pre-trial detention period. There is no general requirement for a juvenile suspect to have an adult present during police interrogation; however, if a juvenile faces a sentence of 5 years or more, an attorney must be present. If a criminal case goes to trial for a crime with a possible sentence greater than 5 years, a lawyer will be appointed if the defendant cannot afford one. There is a system of bail; however, it was not widely used because citizens could rarely raise money for bail. Remanded prisoners were permitted visits by family members and friends, and this was confirmed by an October survey of Montenegrin detention procedures by the Committee of Experts of the European Committee on Crime Problems.

The Montenegrin Helsinki Committee (HCM) did not record any incidents of arbitrary arrest or detention during the year. There were some cases of arrest in which subsequent investigation did not lead to prosecution; however, unlike in previous years, the HCM did not find any political, ethnic, or religious motivation in these cases. The HCM believed the police sometimes made arrests before collecting sufficient evidence and that some police officers at times formulated records in a manner that made it appear that preliminary investigations were concluded when they had not been.

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

e. Denial of Fair Public Trial.—The Constitution provides for an independent judiciary; however, a historical lack of cooperation between police and prosecutors, a backlog of cases, often primitive courtroom facilities, and corruption remained problems. The Government may have at times influenced prosecutors for political reasons. Although judges were poorly paid, some received free housing, which to some extent offset their low salaries. The failure to bring indictments in a trafficking case involving a deputy state prosecutor raised concerns of possible political influence on the justice system (see Section 6.f.).

The court system consists of municipal, higher (or district), and supreme courts at the republic level.

In accordance with the 2002 Law on Courts, a Judicial Council was established and began functioning during the year. The Supreme Court President chairs the Council, and other members include judges, lawyers, and academics; no Executive Branch members are included. The Judicial Council selects and disciplines judges and handles court administration, such as preparation of the judiciary’s budget request. The law also requires that cases be assigned to judges by rotation and dictates formation of an Appeals Court and an Administrative Court to reduce the burden on the Supreme Court; however, these new courts had not been formed by year’s end due to lack of facilities.

The law provides for the right to a fair trial, the presumption of innocence, access to a lawyer, and the right of appeal.

There were no war crimes trials in Montenegro during the year, although cases for compensation for damages during the conflict in the 1990s were heard.

In 2002, the Bijelo Polje District Court sentenced former “Avengers” paramilitary unit member Nebojsa Ranisavljevic to 15 years in prison for war crimes committed in Serbia and Bosnia during the Bosnian war. The Supreme Court held a hearing on Ranisavljevic’s appeal, but at year’s end the court had not issued a ruling. Victims’ families pressed criminal charges, seeking to have the Ranisavljevic investigation extended to additional individuals, including Dobrica Cosic and high officials in office when the alleged crimes were committed. The families also initiated 19 lawsuits seeking compensation for non-material damages (e.g., pain and suffering) in courts in Montenegro (Bar, Berane, Bijelo Polje, Rozaje) and Serbia (Prijepolje). These cases were pending at year’s end. In February, the HCM requested an investigation of Dobrica Cosic.

There were no reports of political prisoners.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence.—The Constitution prohibits such actions; however, the law allows the SDB to eavesdrop on citizens without court authorization. Some observers believed that police used wiretapping and surveillance against opposition parties and other groups on a selective basis. Many individuals and organizations operated on the assumption that they were, or could be, under surveillance.

Citizens could inspect secret files kept on them by the SDB from 1945 to 1989; however, they did not have access to post-1989 files.

There were reports that membership in the appropriate political party was a prerequisite for obtaining positions or advancing within certain parts of the Government.

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Speech and Press.—The Constitution and laws provide for freedom of speech and of the press, and the Government generally respected these rights in practice; however, officials brought or threatened libel suits when accused of wrongdoing. Despite some steps to move away from state control of the media, certain private media, such as the daily *Publika*, retained close ties to the Government.

The Government tried to move away from state-run media towards true public broadcasting (PBS) and privatization. The Media Law mandates regulatory structures designed to insulate state-owned media from direct party control, including a Radio and Television Council (RTVCG) to take over from the Government editorial oversight of PBS radio and television stations. The Council was formed during the year, with members selected by a variety of NGOs and professional groups; however, some observers noted that many Council members had close ties to the Government. The state-owned print media were slated for privatization, so they were not placed under the purview of RTVCG. Despite an obligation imposed by the 2002 media laws to privatize by November, the state-owned daily newspaper *Pobjeda* had not begun the process at year's end. Only two out of a dozen local, state-owned newspapers began the privatization process by year's end.

The print media consisted of a mixture of state-owned and private news outlets, which published a wide variety of domestic and foreign articles. Domestic radio and television stations regularly broadcast programs from Belgrade's B-92, Croatian State Television, Italian television, the British Broadcasting Corporation, the Voice of America, and Radio Free Europe.

Domestic radio and television stations needed licenses from the Government to broadcast. The regulatory Broadcasting Agency was established during the year; however, it had not begun allocating licenses by year's end. YU-INFO TV news no longer broadcast from military bases in the Republic; the broadcasts had violated the law. The Serbian television station TV Pink, highly partial to the Montenegrin Government, continued to broadcast in Montenegro under temporary licenses received in a non-transparent procedure from the Agency for Telecommunications. The more financially and technically powerful TV Pink began to edge out Montenegrin independent stations from the market.

Many private media outlets lost guaranteed financial backing from supporters and had to rely on circulation and advertising for revenue; this increased competition for audience share and resulted in the closure of two dailies. A tacit government requirement that ministries place their listings, such as government job vacancies, in the pro-government *Publika* newspaper provided extra revenue for this relatively low-circulation daily.

In 2002, the parties then in opposition voted in favor of media reform laws that ultimately led to cancellation of the state-run television's gavel-to-gavel coverage of Parliament. However, when the RTVCG Council ordered that full coverage cease, the opposition began a boycott of Parliament, arguing that government domination of the media made it necessary for citizens to see unedited parliamentary coverage. Although the RTVCG and many other actors offered various compromises that would provide near-complete coverage, the boycott was ongoing at year's end.

There were no publicized cases of direct government censorship of state-owned media. However, officials continued to bring libel suits against some media outlets, the newspaper *Dan* in particular, for relatively harmless offenses. The fear of being sued for libel, which carried criminal penalties of up to 3 years' imprisonment, continued to inhibit free expression in the press. However, in December, Parliament adopted a new criminal code that eliminated jail sentences for libel (including insult and defamation), imposing only fines ranging from \$750 to \$12,500 (600 to 10,000 euros). In September, after *Dan* printed an opinion piece asserting that Prime Minister Djukanovic used the services of trafficked women, the Prime Minister filed a libel lawsuit against the editor-in-chief of *Dan* and his deputy, and against the NGO activist who wrote the article; the cases had not gone to court by year's end. Despite the continued risk of libel suits, a modest increase in the willingness of the media to criticize the Government was noticeable.

In November 2002, the Podgorica Higher Court sentenced former editor-in-chief of opposition daily *Dan*, Vladislav Asanin, to 30 days in jail for libeling businessman Stanko Subotic and to a 3-month jail term for libeling then President Djukanovic after Asanin reprinted in *Dan* an allegation that Subotic and Djukanovic were involved in cigarette smuggling. By year's end, the Government had not jailed Asanin for either conviction; however, the Supreme Court denied his appeal in the Subotic

case on October 13. His appeal in the Djukanovic case remained pending at year's end.

The Government did not restrict access to the Internet or academic freedom.

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

c. Freedom of Religion.—The law provides for freedom of religion, and the Government generally respected this right in practice. There was no state religion, although the Montenegrin Constitution mentions the Orthodox Church, Islamic Religious Community, and Roman Catholic Church as equal and separate from the state, and the Serbian Orthodox Church received some preferential treatment in practice. The Ministry of Religion was abolished early in the year.

While there was no formal registration requirement for religions, religious groups had to register as citizen groups with the Montenegrin MUP in order to gain status as a legal entity, which is necessary for real estate and other administrative transactions. The Diocese of Montenegro and the Littoral-Serbian Orthodox Church, even though not formally registered, enjoyed the status of legal entity.

A human rights organization claimed that the Government discriminated against a member of the Jehovah's Witnesses from Berane who received a 1-year sentence for use of a counterfeit banknote. These human rights activists questioned the strength of the evidence presented in the case and noted that the defendant's membership in the Jehovah's Witnesses was included in the court decision.

There was no progress noted during the year on restitution of previously seized church property. The Government challenged a decision by the SaM Ministry of Defense to transfer military property into the hands of the Serbian Orthodox Church. Officials claimed the transfer was an illegal attempt to prevent the Republic Government from obtaining the property when the federal state was dissolved.

Religion and ethnicity were intertwined closely and in many cases it was difficult to identify discriminatory acts as primarily religious or primarily ethnic in origin. Minority religious communities reported some continued problems with vandalism of church buildings, cemeteries, and other religious premises.

Catholic, Orthodox, and Muslim communities coexisted within the same towns and often used the same municipal-owned properties for worship services. Tensions continued between the canonically unrecognized Montenegrin Orthodox Church and the Serbian Orthodox Church, but these tensions were largely political. Pro-Serbian political parties strongly supported moves to establish the Serbian Orthodox Church as the official state religion, while pro-independence parties pushed for the recognition of the Montenegrin Orthodox Church. The two churches continued to compete for adherents and made conflicting property claims; however, the contention was not marked by the violence seen in previous years.

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

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

There were approximately 18,019 IDPs from Kosovo. The majority of IDPs were ethnically Montenegrins (5,816) and Serbs (4,515); however, there were also Roma (3,118) and others. Eviction of Roma from illegal settlements and, sometimes, legal residences, was a serious problem (see Section 5).

The law provides for the granting of refugee status to persons who meet the definition in the 1951 U.N. Convention Relating to the Status of Refugees and its 1967 Protocol. There is no law that provides for asylum. In practice, the Government provided some protection against refoulement and granted refugee status. Such cases were referred to the office of the U.N. High Commissioner for Refugees (UNHCR) in Belgrade for determination. Refugees that the UNHCR determined had legitimate fears of persecution could then be resettled elsewhere. People who entered Montenegro illegally claiming fear of persecution were sent to Belgrade, where they were detained for up to 3 weeks in a special jail. In these cases, the UNHCR was also requested to determine the legitimacy of persecution claims.

The Government generally cooperated with the UNHCR and other humanitarian organizations in assisting refugees. According to the UNHCR, there were 13,299 refugees from the former Yugoslavia in the Republic (9,716 from Bosnia and Herzegovina, 3,560 from Croatia). Only refugees who were leaving the country permanently were issued travel documents. Conditions for refugees varied; those with relatives or property in the country were able to find housing and, in some cases, employment. Many Roma refugees lived in collective centers, with only limited access to health care and education. One of the major problems for Roma children was

their lack of knowledge of the Serbian language; Albanian is the first language for most Roma in Montenegro, particularly IDPs.

The 2002 Law on Employment treated refugees as economic migrants and deprived them of the right to register with the Montenegrin Employment Bureau, a right IDPs lacked. The May 5 Decree on Employment of Non-Resident Physical Persons was designed to limit economic migration; however, a \$3.13 (2.5 euros) per-day surcharge it levied on employment of non-residents also applied to refugees and IDPs, making their labor more expensive than comparable labor of Montenegrin 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 exercised this right in practice through periodic, free, and fair elections held on the basis of universal suffrage.

In February, a presidential election failed due to low turnout (46.1 percent), with the mainstream opposition parties boycotting. Parliament then removed the 50 percent turnout requirement, and acting president Filip Vujanovic was elected President on May 11, with 64 percent of the vote in a free and fair election, which had a turnout of 48.3 percent.

In an October 2002 election, President Djukanovic's coalition, Democratic List for a European Montenegro, obtained a majority in Parliament, with 39 out of the total 75 parliamentary seats. After resigning the presidency in late 2002, Djukanovic formed his Government on January 8 and was confirmed as Prime Minister. Djukanovic has been in power as President or Prime Minister almost all of the previous 12 years.

The Croatian minority's political party, Croatian Civic Initiative, won four seats in the Tivat municipal assembly in 2002. According to a survey by the Ministry for Protection of Rights of Minorities and Ethnic Groups, there were no Roma in the state administration, and only 0.15 percent of local administration employees were Roma.

There were no legal restrictions on women's participation in government and women voted in large numbers. There were 8 women in the 75-seat legislature, and 2 women in the cabinet (Ministers of Culture and Foreign Economic Relations). Vesna Medenica, a female judge, was appointed State Prosecutor when her predecessor resigned under pressure from critics who accused him of corruption and possible collusion in a highly visible human trafficking case. At year's end, there was one female mayor in Montenegro's 21 municipalities. (Two female mayors resigned during the year.)

There were no legal restrictions on political participation by ethnic minorities, although ethnic Montenegrins and Serbs dominated the Republic's political leadership. There were 11 ethnic minorities in the 75-seat legislature, and 3 in the Cabinet. Ethnic Albanians and Bosniaks participated in the political process, and their parties, candidates, and voters participated in all elections. Four parliamentary seats are allocated to ethnic Albanians; two of these seats were held by members of Albanian parties and the other two were held by members of Prime Minister Djukanovic's DPS.

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

A number of domestic and international human rights groups generally operated without government restriction, and officials were somewhat cooperative and responsive to their views. There were a substantial number of NGOs investigating and publishing their findings on human rights cases; these included HLC, HCM, and the Center for Democracy and Human Rights. NGOs have been credited with helping to bring about an overall decline in police brutality and other abuses.

There was a committee on human rights in the Parliament; however, in December, HLC and HCM stated that the committee was inactive.

The Government cooperated with the International Criminal Tribunal for the former Yugoslavia (ICTY) in allowing access to witnesses and in responding quickly to reports that indictments might have been in Montenegro. Prime Minister Djukanovic declined the ICTY Prosecutor's request that he testify in the trial of Slobodan Milosevic in September.

In July, Parliament adopted the Law on the Protector of Human Rights and Freedoms (the Ombudsman Law). In October, Parliament elected former Constitutional Court Judge Sefko Crnovrsanin as the first Ombudsman and the Ombudsman office was functioning by year's end. According to the Law, the Ombudsman protects human rights and freedoms guaranteed by the Constitution, laws, ratified inter-

national human rights agreements, and generally accepted principles of international law, when these rights are violated by actions or omissions of state bodies, local governments, or public services. The Ombudsman does not have authority over the work of the courts, except in cases of prolonged procedure, obvious abuses of procedure, and failure to execute court decisions. Anyone can appeal to the Ombudsman, and the procedure is free of charge. If the Ombudsman finds a violation of human rights or freedoms, he may initiate disciplinary procedures or dismissal of the violator. Failure to comply with the Ombudsman's request for access to official data, documents, or premises, or to the Ombudsman's request to testify at a hearing, is sanctioned by fines of 10 to 20 times the minimum monthly wage. The Ombudsman must submit to Parliament an annual report, which is a public document.

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

The law provides for equal rights for all citizens, regardless of ethnicity, social status, or gender; however, in practice, the Government provided little protection against discrimination.

Women.—High levels of domestic violence persisted, particularly in rural areas. The few official agencies dedicated to coping with family violence had inadequate resources and were limited by social pressure to keep families together. In 2002, the Government introduced provisions against domestic violence in its criminal legislation. Prescribed sanctions are: For arrogant behavior that threatens the tranquility, physical integrity, or mental condition of a family member, a fine or up to 1 year in prison; if dangerous weapons are used, 3 months to 5 years in prison; if damage to health or serious injury results, or if directed against a minor, 1 to 5 years in prison; and if death results, 3 to 12 years in prison. Victims of domestic violence rarely filed complaints with the authorities. According to a survey by the NGO SOS Hotline for Women and Child Victims of Violence-Podgorica (SOS Hotline), only 30 percent of victims reported domestic violence incidents to police. In the 2 districts for which SOS Hotline had statistics, approximately 180 domestic violence criminal complaints were filed with police, and police forwarded about 85 of these to prosecutors. In the remaining cases, police usually issued warnings. The judiciary prosecuted a number of domestic violence cases; however, NGOs reported that courts were insufficiently active on domestic violence cases due to lack of understanding of the issue. Seniors from the MUP High School in Danilovgrad were trained to deal with domestic violence.

Punishment for spousal rape is 1 to 10 years in prison; however, the crime can only be prosecuted if the victim brings the charges. According to SOS Hotline, although nearly one-fourth of married women are victims of spousal rape, no charges were filed during the year.

Punishment for rape is 1 to 10 years in prison. According to the Montenegrin Women's Lobby (MWL), victims rarely filed criminal complaints for rape. Of the two women MWL assisted to file criminal charges against their alleged rapists during the year, neither ultimately pursued a prosecution.

Trafficking in women for prostitution was a problem (see Section 6.f.). A lack of female police at police stations resulted in long delays in investigating rapes, assaults, and offenses against women.

Sexual harassment was a problem. Women did not enjoy equal status with men, and few women held upper-level management positions in government or commerce; however, increasing numbers of women served as judges, and there were many women in professional fields such as law, science, and medicine. Legally, women were entitled to equal pay for equal work; however, in practice, they did not always receive it. Women were allowed 12 to 18 months of maternity leave.

Traditional patriarchal ideas of gender roles, which hold that women should be subservient to male members of their families, continued to subject women to discrimination in the home. In rural areas, particularly among minority communities, women did not always have the ability to exercise their right to control property, and husbands commonly directed wives' voting. Divorce occurred, although infrequently. Women were active in human rights organizations.

Children.—The Government attempted to meet the health and educational needs of children; however, insufficient resources impeded this goal. The educational system provided 8 years of mandatory schooling. Although ethnic Albanian children had access to instruction in their native language, some Albanians criticized the Government for not developing a curriculum in which Albanians could learn about their ethnic culture and history. Most Roma children received little or no education beyond the primary school level.

There were some reports that abuse against children was a problem, although there was no societal pattern of such abuse. The law does not allow a juvenile to

make an allegation of a crime without a parent or guardian present; consequently, there was almost no reporting of child abuse or incest.

Trafficking in girls for the purpose of prostitution was a problem (see Section 6.f.).

Persons with Disabilities.—The law prohibits discrimination against persons with disabilities in employment, education, or in the provision of state services. The law mandates access to new official buildings, and the Government enforced these provisions in practice; however, facilities for persons with disabilities were inadequate, including at polling stations. Mobile voting existed for handicapped or ill voters who could not come to polling stations. There was societal discrimination against persons with disabilities.

National/Racial/Ethnic Minorities.—Societal discrimination against ethnic minorities persisted. While there was no officially sanctioned discrimination against the Roma population, prejudice against them was widespread. Local authorities often ignored or tacitly condoned societal intimidation or ill treatment of Roma, many of whom were IDPs from Kosovo. The HLC reported that a Roma woman, Radmila Selimovic, was discharged from the hospital following a July 16 hit-and-run accident with no follow-up treatment arranged in spite of serious injuries she had received, including a broken pelvis that left her unable to walk. The police had not taken a statement from her by year's end. On June 19, the Montenegrin Government agreed to pay \$1,231,250 (985,000 euros) to 74 Roma whose neighborhood was destroyed by a mob in 1995—as police stood by—following the alleged rape of a non-Roma girl by two Roma youths.

Roma IDPs, who lived primarily in collective centers and scattered settlements throughout the country, often lacked identity documents and access to basic human services (see Section 2.d.). Eviction from illegal settlements and, sometimes, legal residences, was a serious problem.

HLC reported that the local population exerted pressure on three Roma families to move out of Niksic and organized protests against the Roma in front of the City Council. In response, police provided stronger security for the Roma families concerned.

Some Bosniaks complained that the division of the Sandzak region between Montenegro and Serbia created some problems for residents. The majority of Montenegrin Bosniaks supported the Djukanovic Government and were integrated into national political parties (see Section 3).

Section 6. Worker Rights

a. The Right of Association.—The law provides for the right of association for all workers; however, military personnel may not form unions. Most, if not all, of the workforce in the official economy was organized. Both official, government-affiliated unions and independent unions existed. Because the independent labor movement largely was fragmented, there was little improvement in working conditions or wages. A general lack of resources within the economy also acted as a restraint.

The Constitution, laws, and the General Collective Agreement prohibit anti-union discrimination. Anti-union discrimination was not generally a problem, although workers were involuntarily transferred to lower-paid positions discriminatorily. Unions could affiliate with international labor organizations; however, access to international labor unions was limited.

b. The Right to Organize and Bargain Collectively.—The law provides for the right of collective bargaining; however, collective bargaining remained at a rudimentary level of development. Instead of attempting to make progress on the collective needs of all workers, negotiations generally centered on advancing the needs of a specific group of workers. The high unemployment rate limited unions' bargaining power and willingness to take action.

The law only prohibits strikes by military and police personnel. Strikes were frequent during the year, primarily caused by the economic situation, unpaid salaries, allegations of manipulation and fraud in the privatization process, and denial of union rights. A strike of education workers during the year lasted nearly 11 months. There were also strikes in shipping and hotel/tourism companies, timber- and wood-processing plants, a home appliance plant, and a construction equipment company—all state-owned.

There are no export processing zones.

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

d. Status of Child Labor Practices and Minimum Age for Employment.—The official minimum age for employment is 15 years, although in farming communities it was common to find younger children assisting their families. Children could also

be found in a variety of unofficial retail jobs, typically washing car windows or selling small items such as newspapers. The high unemployment rate ensured that there was little demand for child labor in the formal sector.

Some children worked in the “gray zone” between voluntary and forced labor; however, there were no reports that such practices occurred systematically.

e. Acceptable Conditions of Work.—The minimum wage was \$62.50 (50 euros) per month, and large government enterprises, including all of the major banks and industrial and trading companies, generally observed this wage. The minimum wage was comparable to unemployment benefits or wages paid to those on mandatory leave. The gross average wage for 2002 was \$231 per month (185 euros), with a disposable average wage (after social contributions and payroll taxes) of approximately \$106 (85 euros) per month; this amount was insufficient to provide a decent standard of living for a worker and family. Prices increased faster than wages, with inflation as of October at 6.7 percent. The latest available data suggest that households spent almost all of their resources on basic needs, such as food, clothing, and housing.

The official workweek is 40 hours and payment of overtime is prescribed by the GCA. The Government did not give high priority to the enforcement of established occupational safety and health regulations. In view of the competition for employment, workers were not free to leave hazardous work situations without risking loss of employment.

f. Trafficking in Persons.—The law prohibits trafficking in persons; however, trafficking in persons remained a serious problem. There were reports that police and other officials were involved in trafficking.

The Criminal Code provides for up to 8 years’ imprisonment for trafficking and up to 10 years’ imprisonment if a person under age 14 is involved. The new Criminal Code, which is expected to take effect in April 2004, sets the punishment for all trafficking in persons at up to 10 years’ imprisonment. Only three cases under the new trafficking charge had come to trial by October, and only one resulted in a conviction. NGOs and international organizations suspected that the small number of arrests did not reflect the full extent of the trafficking problem.

A controversial case involving the rape and torture of a trafficked woman from Moldova, identified by the initials S.C., arose when authorities arrested Montenegrin Deputy State Prosecutor Zoran Piperovic in November 2002. Government officials were alleged to be directly involved in the purchase, sale, rape, and torture of S.C. Piperovic and two other suspects were charged with mediation of prostitution, and a fourth person was charged with trafficking in persons and mediation of prostitution. After Ana Vukovic, the Podgorica Municipal Court Investigative Judge assigned to the case, conducted a 4-month investigation, including interviews with about 50 witnesses, she recommended that indictments be issued against all four suspects. On June 2, after reviewing Vukovic’s report, Podgorica Prosecutor Zoran Radonjic dismissed charges against all the suspects, citing insufficient evidence. Judge Vukovic criticized Radonjic’s decision, stating publicly that she believed her investigation had turned up sufficient evidence to indict Piperovic and the other suspects (see Section 1.e.). Foreign governments, the European Union, and the OSCE strongly criticized the decision not to try the case.

S.C., who was residing abroad, decided not to pursue the case further through an optional procedure known as a private prosecution, and Judge Vukovic officially closed the case on September 2, noting that it could be reopened if new evidence emerged. In November, Judge Vukovic claimed that she was wiretapped and placed under surveillance; the SDB and police denied the charges. At year’s end, State Prosecutor Vesna Medenica was investigating Vukovic’s allegations.

In July, at the invitation of the Montenegrin Government, the Council of Europe and the OSCE performed a joint investigation of the handling of the S.C. case and provided a copy of their report and recommendations to the Government at the end of September. The Government provided its response on October 20, and both the report and response were made public by year’s end.

The Government and ruling party (DPS) denounced the case, and in late January when Prime Minister Djukanovic formed a new government, he did not renew the mandate of the incumbent Minister of Internal Affairs, Andrija Jovicevic. This move was widely interpreted as retaliation for Jovicevic’s authorization of Piperovic’s arrest. Government actions, such as disbanding the special anti-trafficking police unit that arrested Piperovic and the other suspects, and transferring the police’s anti-trafficking chief to a new department, raised concerns about the Government’s commitment to fighting trafficking. However, the Government did fire Deputy State Prosecutor Zoran Piperovic; his boss, State Prosecutor Bozidar Vukcevic; and Podgorica Prosecutor Zoran Radonjic.

Since 2001, a National Coordinator appointed by the MUP has chaired the Anti-Trafficking Working Group composed of relevant ministries, social services, the OSCE, the International Organization for Migration (IOM), and NGOs. Until the Piperovic case arose, there had been good cooperation among the board's members; however, the scandal appeared to damage trust within the group, and cooperation reportedly neared a standstill. One source of tension was the coordinator's admitted close friendship with one of the accused. The Anti-Trafficking Working Group convened several times in the second half of the year to develop an anti-trafficking strategy. In November, the Government approved the strategy and established a new inter-ministerial working group tasked with supervising implementation; the group began its work in December.

Available data suggested that Montenegro remained primarily a transit point for trafficked women and children and, to a lesser extent, a destination. According to local NGOs, victims likely originated from Romania, Ukraine, Moldova, Bulgaria, and Russia, often passing through Belgrade and on to Kosovo or Albania, where they continued on to Italy and other western European countries. Trafficking had increased steadily since 1999; however, since January, there was a decline in the reports of trafficked persons to NGOs and international organizations such as the IOM. The Podgorica shelter, Safe Women's House, accommodated approximately 49 women between its opening in 2001 and the end of 2002; however, in the first 9 months of the year, it housed only 9 women. Precise figures on the number of women and children trafficked through Montenegro were not available.

Information regarding the latest methods of recruitment or entrapment of trafficked women was not readily available; however, NGOs reported that, as in the past, victims often responded to employment advertisements for jobs abroad as babysitters, hairdressers, maids, waitresses, models, or dancers. According to the International Helsinki Federation, although some women may have been aware that they were going to work in the sex industry, they often were unaware of the slavery-like conditions they might face. Many women were sold several times in different countries to different nightclub owners. Their passports often were confiscated. Women reported being beaten and raped by their traffickers. There were allegations that some authorities have colluded in trafficking by taking bribes, although the Government denied such allegations.

The highly publicized S.C. case and police crackdowns on nightclubs and brothels may have forced the sex industry into a lower profile. Women's organizations reported a decline in requests for help by trafficked women, which they attributed to the removal of women from bars and nightclubs to brothels set up in private residences, where they had less opportunity to escape or be discovered.

A protocol signed by the MUP and two local NGOs in 2002 provides procedures for protecting trafficking victims by distinguishing them from prostitutes and illegal migrants, as well as procedures for referring victims to appropriate social services; however, according to local NGOs, law enforcement authorities continued to mishandle some cases involving potential victims. In February, authorities transferred a Romanian woman found in Bar to a detention center in Belgrade. She was later found to be a victim of trafficking and transferred to the shelter in Belgrade. The Government repatriates victims; a number of international donors funded repatriation through the IOM.

International organizations sponsored police training in methods of dealing with human trafficking. Local NGOs, with the support of international donor funding, opened a shelter for trafficking victims and a 24-hour hotline in Podgorica. General awareness of the problem improved following internationally sponsored public awareness campaigns conducted throughout the country.

SLOVAK REPUBLIC

The Slovak Republic is a multiparty parliamentary democracy, led by a prime minister and a 150-member parliament. In September 2002, a reform-oriented government, led by Prime Minister Mikulas Dzurinda, was elected. President Rudolph Schuster serves as head of state and was elected for a 5-year term in the country's first direct presidential elections in May 1999. Both elections were declared free and fair by the Organization for Security and Cooperation in Europe (OSCE). The Constitution provides for an independent judiciary; however, corruption and inefficiency were serious problems.

The national police have sole responsibility for internal and border security. With the exception of the Slovak Information Service (SIS), which reports directly to the Prime Minister, all security forces are under the Ministry of the Interior. A par-

liamentary commission composed of legislators from ruling and opposition parties oversee the SIS. Civilian authorities maintained effective control of the security forces. Some members of the police and SIS forces committed human rights abuses.

The country had a population of approximately 5.4 million and an industrialized market economy. Industry and the banking sector were almost completely privatized. The gross domestic product (GDP) rose 4 percent during the first 9 months of the year. The private sector generated approximately 90 percent of the GDP in the first three quarters. The year-end inflation rate was 9.3 percent. The unemployment rate decreased to less than 15 percent nationwide but approached 30 percent in some regions.

The Government generally respected the human rights of its citizens; however, there were problems in some areas. Police officers allegedly beat and abused persons, particularly Roma. The performance of the security forces, particularly the police, continued to improve during the year. Investigation and prosecution of racially motivated crimes improved, although sentences imposed by some judges appeared lenient, leading some nongovernmental organizations (NGOs) to claim that perpetrators were not adequately punished. There were reports of sterilizations that were coerced or without informed consent, particularly of Romani women, which the Government did not promote or approve but did investigate and took some steps to address. Societal violence against women and children remained problems. Skinhead attacks on Roma and other minorities continued. Minorities, particularly Roma, faced considerable societal discrimination. Trafficking in women also remained a problem.

RESPECT FOR HUMAN RIGHTS

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

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

The case of seven police officers, who were charged with inhuman and degrading treatment in the 2001 death of a Rom while in police custody, was returned to the prosecutors for further investigation. The prosecutor appealed the decision to the Supreme Court. The remaining four officers were released from pretrial detention, while an investigation into the alleged involvement of the mayor of Magnezitovce was reopened after a judgment from the Supreme Court.

A complaint filed by the European Roma Rights Center (ERRC) in the case of a Rom killed during an interrogation in 1999 remained pending before the European Court of Human Rights (ECHR) at year's end.

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

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.—The Constitution prohibits such practices; however, on occasion, police allegedly beat suspects in custody, primarily Roma.

There continued to be reports of police brutality against Roma (see Section 5). According to Roma legal rights NGOs, Roma were frequently subjected to abusive raids on Romani settlements, the use of excessive force against suspects, and officials' failure to investigate thoroughly crimes against Roma. There were 165 complaints of police brutality reported in the first 6 months of this year, compared with 102 complaints in the same period of 2002. The suspected officers went to trial in only 3 percent of the cases. From October 2002 through June, Minister of the Interior Vladimir Palko dismissed 236 officers, of whom 6 percent left the force for committing physical abuse or threats. A supervisor who witnessed a racially motivated crime and did not act was also released from duty.

Police reportedly used pressure and threats to discourage Roma from pressing charges (see Section 1.d.). There were credible reports that, at times, police contributed to the problem of violence against Roma by not investigating attacks against them in a timely and thorough manner or by coercing Roma not to submit potentially incriminating evidence (see Sections 1.d. and 5).

The Supreme Court ruled early in the year that previous amnesties prevented criminal prosecution of Ivan Lexa, the former SIS director, for the 1995 abduction of the son of former President Michal Kovac; he was released from pretrial detention but charges remained in the death of a key witness in the kidnapping case and for many other crimes.

Prison conditions generally met international standards; however, overcrowding among pre-trial detainees increased from 115 to 128 percent. Men and women were held separately, as were juveniles from adults, and pretrial detainees from convicted criminals.

The Government permitted visits by independent human rights observers. The Slovak Helsinki Committee negotiated a formal agreement with the General Management of Prisons to monitor conditions in all jails holding convicted prisoners.

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

The national police, which has sole responsibility for internal and border security, reports to the Ministry of Interior (MOI). Police operated under severe constraints, including insufficient resources, training, and equipment. Amendments to the Police Act were approved during the year to improve communication and the timeliness of investigations. Improvements, such as the use of cooperating witnesses and reorganization of police ranks, further contributed to accountability and effectiveness. Since September, civil servants have replaced police officers and political appointees in many MOI positions to professionalize the ministry and place more police on the streets. In addition, MOI Minister Vladimir Palko strictly enforced disciplinary measures, and many police officers were forced to resign during the year; several left because of problems with alcohol, corruption, or disorderly conduct.

Human rights observers continued to charge that police investigators were reluctant to take the testimony of witnesses, particularly Roma, regarding skinhead attacks on Roma. They also contended that on occasion, police failed to investigate cases of skinhead violence when the skinheads did not admit to the crime, although they were increasingly responsive in their efforts to monitor and control the skinhead movement (see Section 5). The Police Center for Monitoring Extremist Activities organized raids on meeting places of extremist groups and continued to cooperate on factfinding investigations with NGOs. Lawyers often were reluctant to represent Roma for fear that it would have a negative effect on their law practices.

Some MOI officials stated that police needed to develop different community policing strategies and increase training on human rights and the treatment of victims (see Section 5). The NGO Citizens and Democracy provided training on human rights and advised the police on improving interaction with citizens. The Romani populations living in settlements have very low trust in the police. NGOs complained that police pressured Romani women who brought forward complaints that they were sterilized by threatening to bring countercharges against them (see Section 1.f.). The Ministry of Interior responded to the complaints by forming a specialized investigative team considered more culturally sensitive and led by a woman.

A person accused or suspected of a crime must be given a hearing within 48 hours (or a maximum of 72 hours in serious cases) and either be released or remanded by the court. Detainees have the right to see an attorney immediately and must be notified of this right. If remanded by a court, the accused is entitled to an additional hearing within 48 hours, at which time the judge must either release the accused or issue a written order placing the accused in custody.

Attorney visits were allowed as frequently as necessary, and consular visits were allowed upon request by a judge. The law allows monthly family visits upon request and receipt by detainees of a package of up to 10 pounds every 2 weeks. There was a bail system.

Pretrial detention may last up to 6 months; a judge may extend this period to 1 year; a panel of judges may extend the period to 2 years; the Supreme Court may extend the period to 3 years, which occurred in 1.5 percent of all 2002 cases. If a person is deemed to constitute a serious danger to society, the Supreme Court may extend the detention period to a maximum of 5 years. Delays in court procedures and investigations frequently led to lengthy pretrial detentions. In 2002, the average length of pretrial detention in district courts was 100 days and in regional courts 240 days. Prosecutors must release a detainee if the maximum period for detention expires before the date of the trial. In some instances, criminals were released from detention allegedly due to the influence of organized crime elements, personal connections, or bribery of judiciary officials. Illegal migrants may be held up to 6 months for identification purposes in detention facilities (see Section 2.d.).

The Constitution prohibits forced exile, and the Government did not employ it.

e. Denial of Fair Public Trial.—The Constitution provides for courts that are independent, impartial, and separate from the other branches of government; however, problems with corruption and inefficiency in the judiciary continued, despite government efforts to overcome them. According to judicial experts, the first instance courts for both criminal and civil law were ineffective, and judges were severely overburdened by rapidly changing legislation without adequate training.

Many observers credibly alleged that some judges were corrupt. Justice Minister Daniel Lipsic introduced several anti-corruption initiatives and publicly criticized inappropriate decisions and behaviors by court officials, particularly expressing concern about personal connections influencing criminal prosecution at the local and re-

gional levels. In February, Minister Lipsic lodged a complaint against a decision to release on probation Mikulas Cernak, a well-known organized crime figure. Cernak fled to the Czech Republic and was later extradited to serve out the remainder of his sentence. In a similar case, a disciplinary panel ruled in June that the chairman of a regional court should be removed from the bench for procedural errors after he released organized crime figures from pretrial detention.

In September, Parliament overrode a presidential veto to pass an amendment to the Law on Judges, which strengthened the responsibility of judges, introduced severe disciplinary measures, and mandated disclosure of disciplinary decisions and judges' property. Parliament also approved a law on a special prosecutor and court to fight corruption and granted the extended use of undercover operations in investigating corruption charges against politicians and judges.

The court system consists of 55 district courts and 8 regional courts, with the Supreme Court, consisting of 75 judges, as the highest court of appeals. 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; its decisions may be appealed to the Supreme Court and the Constitutional Court. The Constitution provides that the President appoint the 13 Constitutional Court judges to 12-year terms based upon parliamentary nominations.

The Judicial Council, a constitutionally recognized independent body of lawyers and judges, represents the judiciary and provides decisions regarding disciplinary proceedings, administrative issues, and appointments to the Justice Ministry.

After the Constitutional Court nullified the reelection of former Supreme Court President Stefan Harabin in December 2002, the Judicial Council elected Milan Karabin as the new Supreme Court President in September. Although the prosecutor cancelled an investigation into Harabin's alleged corrupt activities, a fellow Supreme Court justice filed two criminal charges against Harabin for abuse of power. The investigation resulted in no new charges.

Under the law, persons charged with criminal offenses are entitled to fair and open public trials, although in practice observers stated that corruption among judges could infringe on a person's right to a fair trial. Individuals 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. However, a defendant, unless handicapped or a minor, is not guaranteed free representation during a trial if the maximum criminal sentence is less than 5 years. Defendants enjoy a presumption of innocence, have the right to refuse to incriminate themselves, and may appeal any adverse judgment. According to existing legislation, suspects are also presumed innocent during the appeal process. Occasionally, judges were required to release defendants from prison because they did not have a complete trial within the 3-year time limit. In 2002, the average length of trial detention in district court was 141 days and in regional courts 375 days.

Credible sources stated that it was difficult for indigent citizens and marginalized groups, such as minorities and persons with disabilities, to obtain non-criminal legal representation. Plaintiffs are required to pay a court fee of 5 percent of possible damages in advance. The fee is returned if the case is won, and the presiding judge may waive the advance payment. The Ministry of Justice stated that 30,000 citizens took advantage of a free legal and counseling and basic legal orientation service that it offered in 7 cities for 5 hours each week. The Slovak Bar Association may ask lawyers to accept indigent cases under certain conditions but identified only 8 out of 150 requests that met their criteria.

There were no reports of political prisoners. In July, Parliament approved \$7 million (86 million SKK) to compensate former political prisoners under the communist regime, with individual payments ranging from \$650 (20,750 SKK) to \$2,220 (83,740 SKK), depending on the total time incarcerated; over 4,000 persons applied for remuneration.

In October, Parliament approved a law on property restitution providing citizens a second opportunity to apply for the return of land confiscated by the state between 1948 and 1990. The citizenship requirement was criticized for violating international standards on restitution. The Central Union of Jewish Religious Communities in the Slovak Republic (UZZNO) stated that up to 30 percent of the unclaimed land might have been confiscated from Jewish owners between 1938 and 1945 and sought monetary compensation from the state.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence.—The law prohibits such actions; however, at times, the authorities infringed on these rights in practice. The Criminal Code requires police to obtain a 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, with few exceptions. Police must present the warrant before con-

ducting the search or within 24 hours afterwards. Some Romani activists alleged that occasionally local police entered Romani homes without a search warrant. This was reportedly most common in the eastern part of the country.

The law regulates wiretapping and mail surveillance for the purposes of criminal investigation, which may be conducted by order of a regional court judge. A prosecutor may order a wiretap in an emergency, in which case a judge must give a ruling within 24 hours about the admissibility of any evidence collected. Emergency situations include serious premeditated crimes, corruption, or crimes involving international treaty obligations or misuse of power.

Military investigators looking into the 2002 wiretapping complaint of Pavol Rusko, chairman of the political party Alliance of New Citizens (ANO), themselves complained of intimidation and surveillance by the SIS throughout the investigation. In July, the underlying case was closed for lack of evidence and then reopened after these allegations arose. The military investigator concluded that the wiretap targeted a major national newspaper rather than the political leader (see section 2.a.).

In January, the NGO Poradna and the Center for Reproductive Rights released a study that allegedly documented over 100 cases of coerced or forced sterilizations of Romani women, many dating back to the 1980s (see Section 4). Police investigators completed a criminal investigation in October that identified two cases in which minors were sterilized without proper parental consent; however, the criminal investigation found these cases to be violations of administrative procedure rather than criminal offenses. The Ministry of Health also completed an independent investigation, but found no evidence to support the charges of coerced or forced sterilizations.

International and local human rights groups, including Human Rights Watch, the ERRC, the International Helsinki Federation for Human Rights, and the Slovak Helsinki Commission, found the claims of the Romani women to be credible and questioned the findings of the Government's investigation. They noted particularly the investigation's failure to determine whether the consent to be sterilized was informed and government officials reaching hasty conclusions before investigating all relevant allegations. In October, the Council of Europe's (COE's) Commissioner for Human Rights concluded that an intimidating atmosphere created by law enforcement officials threatening victims with countercharges during the criminal investigation made it "unlikely" that the Government's investigation "would shed full light on the sterilization practices."

Regulations governing the consent of a patient were ill-defined and "informed consent" had not been included into statutory law. Inspectors from the COE investigating these allegations concluded "it can reasonably be assumed that Romani women in Slovakia were sterilized without their informed consent."

In November, the Government adopted a resolution ordering reforms recommended by the COE and NGOs to strengthen patients' rights. At year's end, the Health Ministry was preparing a new amendment to the law on health care, clarifying regulations on sterilization and reproductive rights and implementing the principle of free and informed consent into all practices. Pilot projects began to train Romani health assistants and open new gynecological facilities in areas with compact Romani populations during the year.

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Speech and Press.—The Constitution provides for freedom of speech and of the press, including academic freedom, and the Government generally respected these rights in practice.

The media generally was free and uncensored, and individuals reported that they were able to criticize the Government without fear of reprisal. Independent newspapers and magazines regularly published a wide range of opinion and news articles that were distributed nationwide.

Three boards appointed by a majority vote of Parliament supervised radio and television broadcasting, established broadcasting policy for state-owned television and radio, issued broadcast licenses, and administered advertising laws and other regulations. The European Journalism Center recently noted that the appointment process subjected the boards to undue political influence. In March, the Antitrust Office ruled in favor of a private news agency, the Slovak Press Agency (SITA), in its complaint that the state-funded TASR news agency was acting in a noncompetitive manner. Observers believed that these boards and the state funded information service should be restructured to secure their independence from the Government and political parties.

ANO's chairman and Minister of Economy, Pavol Rusko, continued to influence Markiza's editorial policies despite having divested his ownership interest.

In April, Parliament repealed a controversial section in the Penal Code that allowed public officials to press criminal charges for defamation, which ended an ongoing case against a journalist.

Journalists were generally free from harassment or intimidation; however, several news and international organizations, including the International Press Institute (IPI) and the International Federation of Journalists, expressed concern about reports that the SIS illegally tapped the communications of one of the leading news dailies, SME. In July, the Chief Military Prosecutor announced that SIS agents had tapped phones illegally at SME and that military investigators had their own phones tapped. A military prosecutor charged three officers of the SIS with abusing the powers of public authority, and the investigation remained pending at year's end.

In August, a member of the Defense and Security Parliamentary Committee released information that Prime Minister Dzurinda named members of the press, including well-known editor Milan Simecka from the daily SME, as co-conspirators in a group seeking to destabilize the state. This case remained under investigation at year's end.

The Government did not limit access to the Internet or restrict academic freedom.

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

c. Freedom of Religion.—The Constitution provides for freedom of religion, and the Government generally respected this right in practice. No official state religion exists; however, the Catholic Church, the dominant faith in terms of membership, received significant state subsidies.

Registration of churches is not required, but, under existing law, only registered churches and religious organizations had the explicit right to conduct public worship services and other activities. However, no religions were banned or discouraged by the authorities in practice. Government subsidies for clergy and office expenses were provided in a nondiscriminatory way to registered religions that sought it. The law provides that funding is based on the number of clergy, not the number of adherents, with the result that some religions with fewer members received more funding than those with more.

To register, a religious group must submit a list of 20,000 permanent residents who adhere to that religion. Leaders of a number of minority religious communities, in particular Muslims, smaller Protestant churches, the Hare Krishna community, and the Church of Scientology, complained about the numerical requirement, which effectively barred them from obtaining registered status.

The Government monitored, although it did not interfere with, religious “cults” and “sects.” The Ministry of Interior monitored the Church of Scientology and its members. Some Scientologists complained of harassment by the SIS.

Anti-Semitism persisted among some elements of the population. Despite protests by the Federation of Jewish Communities, the Slovak National Party (SNS) and Matica Slovenska (an official cultural organization not supported politically by the Government) continued efforts to rehabilitate the historical reputation of Jozef Tiso, leader of the Nazi-collaborationist wartime Slovak State. An SIS list of persons allegedly harming the country's interests, which was leaked to the press in mid-year, identified individuals as Jewish. The media and politicians criticized the practice of categorizing citizens by religious affiliation.

Anti-Semitism was manifested occasionally in incidents of violence and vandalism. Incidents of desecration and vandalism of Jewish cemeteries by skinheads continued, and authorities responded promptly and appropriately. In January, a Jewish cemetery in Banovce nad Bebravou was desecrated, and 35 tombs were destroyed. Some of the vandals were immediately taken into custody and received suspended sentences of 4 to 7 months in prison and a fine of up to \$4,230 (135,000 SKK) because they were minors. In late October, vandals damaged tombstones at the Jewish cemeteries in Nove Mesto nad Vahom, Puchov, and Humenne. The vandalism caused irreversible damage at the Humenne cemetery, which is listed as a national cultural monument. In one instance, police were able quickly to catch the perpetrators, but the other investigations remained pending at year's end.

In July, the Government approved an agreement pursuant to the 2001 framework treaty with the Vatican, obliging students to take either a religion or an ethics class at the elementary level.

Some property restitution cases remained unresolved. However, in July, the Government and the UZZNO concluded negotiations on compensation of \$22.2 million (707 million SKK) for heirless property owned by Jewish families before the Holocaust.

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

d. Freedom of Movement within the Country, Foreign Travel, Emigration, and Repatriation.—The Constitution provides for these rights; however, there were some limits on these rights for Roma.

According to a legal rights NGO, although the law requires state administrators to register all citizens, some local officials refused to give registration documents to Roma citizens, which in turn prevented them from receiving social benefits and housing (see Section 5).

The numbers of Roma seeking asylum in European countries decreased from previous years, although the Czech Republic reported an increase in both Romani asylum seekers and illegal migrants from the country. The Czech and Slovak governments formed a committee in October to study increased migration and its effects. Many human rights organizations claimed that asylum seekers migrated due to the lack of available economic opportunities in the country; however, one Slovak Rom received asylum in a European Union (EU) country after successive skinhead attacks.

The law provides for the granting of refugee status or asylum to persons who meet the definition in the 1951 U.N. Convention Relating to the Status of Refugees and its 1967 Protocol. In practice, the Government provided protection against refoulement but did not routinely grant refugee status or asylum. The Government cooperated with the U.N. High Commissioner for Refugees (UNHCR) and other humanitarian organizations in assisting refugees.

The law provides for “tolerated residence”—temporary protection—which allows refugees to remain in the country for a designated period of time if their lives would be threatened by a forced return to their home country. The Government occasionally adopted specific resolutions in response to a crisis, allowing for the temporary acceptance of refugees who did not wish to enter the asylum process.

According to National Migration Office statistics, through November, 7 persons received asylum out of a total of 8,991 applications. Out of all applications reviewed from the beginning of the year, 8,951 cases were terminated because asylum seekers disappeared from refugee camps or left the country.

In July, a task force was convened to review the country’s asylum system, with broad membership that included the UNHCR, the International Organization of Migration (IOM), the Alien and Border Police, the Slovak Helsinki Committee, the Ministry of Interior, and the Migration Office.

Illegal migrants may be held up to 6 months for identification purposes in detention facilities (see Section 1.d.), but many illegal entrants simply applied for asylum and were released. NGOs contracted by the UNHCR periodically monitored detention facilities and offered legal counsel. After detainees applied for asylum, the Government transferred them to a quarantined refugee reception center for 30 days and then to longer-stay refugee centers; however, many asylum-seekers left the country before completing the application procedure. The refugee centers offer benefits such as meals, pocket money, schooling for children, and language classes for adults.

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

The Constitution provides citizens with the right to change their government peacefully, and citizens exercised this right through periodic, free, and fair elections held on the basis of universal suffrage. All citizens over the age of 18 were eligible to vote by secret ballot; however, there was no system of absentee voting for those outside of the country during elections. The Constitution reserves certain powers for the President as chief of state (directly elected by citizens), but executive power largely rests with the Prime Minister. Legislative power is vested in the Parliament. Reform of the country’s political and economic structure led to an invitation in 2002 to join the EU in May 2004.

The head of Government was Prime Minister Mikulas Dzurinda, who took office for a second term in 2002. The country was a multiparty, multiethnic parliamentary democracy. The Government did not restrict the functioning of political opponents, including their right to publicize political opinions.

The OSCE declared the most recent national elections, held in September 2002, to be free and fair.

There were 29 women parliamentarians in the 150-member Parliament; however, there were no women in the cabinet. There were 604 women among the 2,618 candidates in the parliamentary elections (23.1 percent), of whom 4.8 percent were elected. Of the country’s 2,915 mayors, 428 (15 percent) were women.

The ethnic Hungarian minority party won 20 seats in Parliament in the 2002 election and was well represented in the Government. The Slovak Hungarian Coali-

tion (SMK) chairman served as a deputy speaker in Parliament. The SMK also controlled three ministries and held the deputy prime ministership for Nationalities, Human Rights, and European Integration. Many political parties promised to place Roma on their candidate lists; however, only five received positions on a total of three lists, and none was elected to Parliament. Some ethnic Romani parties were successful at winning representation at the local level; however, Roma were consistently underrepresented in government service.

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

A number of domestic and international human rights groups generally operated without government restriction, and the Government was generally cooperative and responsive to their views; however, the Deputy Prime Minister for Nationalities, Human Rights and European Integration threatened to pursue criminal charges against the authors of a human rights report regarding coerced sterilizations of Slovak Romani women (see Section 1.f.). The Government later withdrew the threat to prosecute the authors. During their investigation into the authors' allegations, the police asked the authors to reveal the names of the women used in their research, and they refused. Other researchers encountered problems accessing medical records in hospitals to collect information for criminal or civil proceedings.

The law requires foundations to register and to have substantial financial resources in order to operate; however, no organization was denied registration or faced any other limitations on its operations.

Parliament amended the law on the Slovak National Center for Human Rights, which sponsored conferences, released publications, and received a \$225,700 (7.2 million SKK) budget allocation in 2002. The law established a board of trustees and empowered the Supreme Audit Office to audit the accounts of the center. The former director refused any government oversight, claiming that it would interfere with the independence of the center. The President, Speaker of the Parliament, the Ombudsman for Human Rights, the Ministry of Labor, and the Prime Minister may each appoint one board member based on recommendations of NGOs; law school deans may appoint four other board members. A new director was elected; however, the former director lodged a complaint at the Constitutional Court and blocked access to the Center's building on a number of occasions.

The country's first Human Rights Ombudsman was elected in 2002. The law provides that the Ombudsman should assist in protecting the fundamental rights and freedoms in cases where public administration bodies have violated the law. The Ombudsman has a budget of approximately \$72,000 (2.3 million SKK) and publishes an annual report of activities. Between the creation of the office and March, the Ombudsman had received 2,061 complaints; however, many of these were outside the office's jurisdiction. In four cases, the office found violations of rights: One instance for the right of education and three for court delays. In comments on the country's second periodic report, the Committee for Human Rights welcomed new legislation protecting human rights, recommended more crisis centers for victims of domestic violence, and recommended that police harassment and racist attacks against the Roma minority be addressed (see Section 5). The Committee also stated that more information about the activities of the Ombudsman was needed. The NGO Citizen and Democracy also criticized the Ombudsman, stating that communication with the public was poor.

The well-developed NGO sector and international organizations in the country did not report any undue government inference or obstructive laws.

Inspectors from the COE investigated allegations of forced sterilization of women (see Section 1.f.).

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

The law prohibits discrimination and provides for the equality of all citizens; however, enforcement of the law was inconsistent, and some minority groups reported that their members often received no government assistance with complaints about discrimination. The Romani minority, immigrants, and homosexuals were victims of societal violence. In some cases, police were found to be unwilling to investigate them fully (see Sections 1.c. and 1.d.).

Women.—The Criminal Code specifically prohibits rape, sexual abuse, domestic violence, and trafficking in women. Police treated spousal abuse, other violence against women, and child abuse in the same way as other criminal offenses. Some activists claimed that more specialists working with women and child victims were needed, particularly with increasing caseloads. There were 418 cases of violence reported in the first 6 months of the year, 8 times the rate reported in 2000. Police estimated that two-thirds of female rape victims failed to report their cases. In Jan-

uary, new domestic violence laws that strengthen victims' rights took effect. The law expands the definition of possible perpetrators of domestic violence to include people other than spouses, defines specific acts of violence that are prosecutable, and increases sentences for perpetrators. NGOs continued to advocate an additional amendment that would permit police physically to remove and ban the offender from the victim's place of residence. As supported by the U.N. Committee for Human Rights in its response to the country's second periodic report, NGOs continued to press for more funding and space in safe houses for victims of domestic violence (see section 4).

Prostitution is legal; however, the Criminal Code prohibits activities related to prostitution such as renting apartments for prostitution, spreading sexually transmitted diseases, or trafficking in women for the purpose of prostitution. Trafficking in women was a problem (see Section 6.f.).

There were reports of coerced or forced sterilization, particularly of Romani women (see Sections 1.f. and 4).

Women are equal under the law. They have the same rights as men to property and inheritance; however, discrimination against women remained a problem in practice. According to studies, women earned approximately 30 percent less than men; experts claimed that this was due to large numbers of women working in low-paid occupations, such as the education or social services sectors.

The Gender Center for Equal Treatment of Men and Women, an independent NGO that cooperated with the U.N. Development Program and the Government, dealt primarily with claims of unfair treatment of women in the workplace but also focused on mobilization and job creation for women.

Children.—The Government was committed to children's rights and welfare; it maintained a system of public education and health care. The Ministry of Labor oversaw implementation of the Government's programs for children. The Constitution, the Law on Education, and the Labor Code each addressed part of the issue of children's rights. There also was a system of financial assistance for families with children. Education was universal, free, and compulsory for 9 years, or until the age of 15; parents may be prosecuted for not sending their children to school. The Ministry of Education states that primary school enrollment was nearly 100 percent. While most ethnic Slovak and Hungarian children attended school on a regular basis, a high percentage of Romani children failed to attend school regularly.

Child abuse remained a problem and was underreported. Experts from various state institutions dealing with child abuse claimed that there were significant discrepancies between official figures on violence against children and the actual situation. Among the most frequent crimes committed against children were sexual abuse, beatings, and nonpayment of child support. In October, the media reported that over the previous 6 months, six children died as a result of physical abuse.

UNICEF operated a hotline for children, which assisted in approximately 12,000 calls during the year. Most of the calls came from girls between the ages of 11 to 14 and were about family relations, problems with relationships, or sexuality. The project funding came primarily from domestic foundations and grants. Several foundations supported educational campaigns and projects for abused or disabled children.

Child prostitution is not addressed specifically in the Criminal Code but is covered by more general provisions in the law. The Penal Code contains a provision outlawing child pornography. As of October, there were 13 cases related to child pornography: 5 of production, 6 of dissemination, and 2 of possession.

Activists claimed that children were increasingly born into poverty and that this phenomenon affected the Romani minority in particular. It has resulted in an increased number of Romani children being abandoned, either at the hospital, immediately after birth, or during infancy. These children became wards of the state and were sent to orphanages. Roma constituted the majority of the population in state institutions for children.

Persons with Disabilities.—The Constitution and law provide for health protection and special working conditions for persons with mental and physical disabilities, including special protection in employment relations and special assistance in training. The Law on Employment Services, passed during the year, provides for the creation of sheltered workplaces (where a certain percentage of jobs are set aside for persons with disabilities) and the employment of special assistants. The law also prohibits discrimination against persons with physical disabilities in employment, education, and the provision of other state services; however, experts reported that accessibility of premises and access to education, particularly higher education, remained a problem.

Several new government initiatives for persons with disabilities were implemented during the year, including three laws governing construction with handicap access that came into effect and included sanctions for violations. An NGO dealing with persons with disabilities stated that pressure from a number of NGOs and the cooperation of the Government resulted in improved accessibility, particularly regarding new construction and public buildings. The Ministry of Transportation purchased a number of buses, which were accessible for persons with disabilities. A Council for Citizens with Disabilities served as a governmental advisory body regarding persons with disabilities.

The 2002 election of a member of the Association of Organizations of Disabled People to Parliament highlighted the situation of persons with disabilities and helped to reverse the communist-era attitude that such persons should be hidden from view. The Parliament building underwent reconstruction to improve access.

National/Racial/Ethnic Minorities.—The Constitution provides minorities with the right to develop their own culture, learn and be educated in their mother tongue, use their language in official communication, and participate in the administration of public affairs related to them.

Police investigated the nationalist political party SNS, which employed strongly nationalist rhetoric, for its use of discriminatory images in 2002 campaign commercials. Authorities closed with no criminal charges the investigation of former SNS deputy Vitazoslav Moric, who, at a press conference nearly 3 years ago, stated that Roma should live on reservations. Another controversial SNS leader, Jan Slota, publicly stated that the Government should offer Roma \$627 (20,000 SKK) to undergo sterilization.

In March, the Army district law court charged two army officers with spreading racial hatred after making racist public statements at a conference on minorities in society. The officers each received 2 months in jail and a fine of \$157 (5,000 SKK.)

Skinhead violence against Roma continued to be a serious problem. The NGO People Against Racism reported that although police were increasingly responsive in their efforts to monitor and control the skinhead movement, the problem persisted (see Section 1.d.). They also reported that the skinhead movement continued to grow and became more organized. They estimated that there were approximately 500 to 800 skinheads and 3,000 to 5,000 skinhead sympathizers. They also stated that skinheads had been targeting members of other ethnic and national groups as well as Roma.

A special police unit to monitor extremist activities has operated at the police presidium since 2002, and there was one regional advisor for the Bratislava region. The police recorded 113 cases of racially motivated crime and reported solving 73 cases. Roma were the most frequent targets of these attacks. The police arrested 24 skinheads, including one of the major neo-Nazi organizers, at a large meeting. This monitoring unit and its NGO advisory board strengthened police capabilities to identify neo-Nazi members and be more informed about their activities.

In 2002, a Romani family fled the country following repeated physical and verbal attacks by skinheads, including a serious assault on the father at the Zilina railroad station. The family, which had been attacked in their home by skinheads who killed the mother in 2000, continued to be targeted even after the original assailants had been convicted. The family received asylum abroad during the year.

The investigation was closed and no perpetrators were charged for a February 2002 attack by 15 unknown men on residents in the village of Ganovce; the attack injured numerous Roma. The case was taken to the European Court of Human Rights.

In September, seven masked men reportedly beat several Roma in Zahorske Ves on their property. In December, there were reports of another attack on several more victims in which three homes were set on fire.

Discrimination against minorities, particularly Roma, continued in the spheres of education, healthcare, and employment. Members of the Romani minority were victims of societal violence and frequently were unable to seek adequate reparation through the justice system. Activists also claimed that Roma received lengthier jail sentences than the majority population for comparable offenses.

In 2001, the country ratified the European Charter on the Use of Minority Languages to protect minority rights. The law provides that in municipalities with a minority that constitutes at least 20 percent of the population, the minority language is an official language. Thirty additional municipalities were added to the list during the year; however, NGOs reported that language laws had conflicting provisions and that low public awareness about the laws sometimes led to improper implementation. Hungarian is an official language in nearly 500 towns, Romany in 53, Ruthenian in 91, Ukrainian in 6, and German in 1 village.

In May, the Government approved the creation of a 24-member government advisory council for national minorities and ethnic groups, which includes 7 Hungarians, 3 Roma, and government officials.

There were complaints that the media failed to represent minorities in a balanced manner. The Ministry of Culture continued to provide money for cultural activities and media in minority languages, in addition to cultural and educational activities. However, financial difficulties continued as a growing number of publications competed for funds. Organizations also stated that finding advertisers for minority publications, particularly Romani, was difficult.

Roma constituted the second largest ethnic minority, reported by the 2001 census to number 90,000, although experts estimated the population to be up to 375,000 (nearly 7 percent of the population). NGOs maintained that Roma continued to be reluctant to identify themselves as Roma because they feared discrimination.

There were reports of coerced or forced sterilizations, particularly of Romani women, which the Government investigated (see Sections 1.f. and 4).

Several anti-discrimination public awareness campaigns occurred throughout the year sponsored by the EU and the Office of the Government; however, public perception of minorities remained very negative. According to a newspaper survey, 50 percent claimed that they did not want to have a Romani neighbor; a 2001 study by the Institute for Public Questions and UNDP reported that 70.9 percent of the majority population believed that relations with Roma were to some degree conflict-ridden or unpleasant, while only 31.5 percent of Roma held the same view.

There were several reports that Roma were discriminated against in the health care system. Two COE reports issued during the year recommended improvements in the healthcare system to ensure equal access to services. The mortality rate for Romani children was three times that of the majority population, and the life expectancy for Roma was lower by almost 17 years. Allegations of segregated hospital wards and that Roma were more likely to be sterilized continued. The Ministry of Health denied charges of discrimination or segregation in health care.

Many NGOs alleged that segregation in schools continued. Roma children were disproportionately placed in special schools for the mentally handicapped, in many cases only due to their insufficient knowledge of the Slovak language.

The Government enacted a 10-year strategy for the development of Roma, which included elements of positive discrimination or affirmative action.

The Government's Plenipotentiary for Roma Communities, with a budget of approximately \$1.57 million (50 million SKK) supervises social workers, provides project funds for infrastructure development, and cooperates with municipalities and villages to improve interaction between Roma and non-Roma. NGOs claimed that the lack of a statutory basis limited the office's authority. In December, the Government approved changes to the organizational structure that included the creation of several new offices with increased staff and regional presence under the direction of the Plenipotentiary with an operations budget funded by both the Government and the EU.

In October, the Government approved the founding of a Hungarian university in Southern Slovakia, where most Hungarians reside. Hungarians were considered disadvantaged in higher education opportunities, since approximately 2 percent of ethnic Hungarians in the country attended university, compared with 4.8 percent of Slovaks.

Section 6. Worker Rights

a. The Right of Association.—The Constitution provides for the right to form and join unions, except in the armed forces, and workers exercised this right. Approximately 30 percent of the work force was unionized, with 600,000 trade union members registered. Unions were independent of the Government and political parties; however, they continued to lobby those entities in order to gain support for union positions on key labor issues. In July, a new labor code acceptable to both employers and employees became effective.

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.

Unions were free to form or join federations or confederations and to affiliate with and participate in international bodies, and they did so in practice.

b. The Right to Organize and Bargain Collectively.—The law provides for the right to organize. The Slovak Trade Unions Confederation (KOZ) includes nearly 90 percent of all trade unions in the country. Unions may leave KOZ at any time.

The law provides for collective bargaining. The KOZ was an active partner in the tripartite process, which also included representatives of employers and the Government.

The Constitution provides for the right to strike and specifies two types of strikes: When no agreement is reached while bargaining or to support the demands of other employees on strike (solidarity strike). A solidarity strike requires the affirmative vote of a majority of those voting, with at least 50 percent of eligible employees voting. A strike and the list of members on the strike committee must be announced in advance. Relevant legislation on collective bargaining prohibits the dismissal of workers legally participating in strikes; however, if a strike is not considered official, strikers are not ensured protection.

There were several national strikes during the year. In May, the Customs Directorate closed border crossings for 4 hours to protest delays in tripartite talks, and in June, teachers held a 1-day strike to draw attention to their low wages. In January, railroad workers went on strike to protest the reduction of local routes and proposed lay-offs. The Bratislava District Court issued an injunction to halt the 3-day strike until the lawsuit initiated by the Government on whether the strike was legal could be evaluated. In October, a regional court ruled in favor of the railway trade union's appeal. The strike was not rescheduled.

The law regulates free customs zones and customs warehouses. Firms operating in such zones must comply with the labor code; there have been no reports of special involvement by the trade unions to date. No special legislation governs labor relations in free trade zones.

c. Prohibition of Forced or Bonded Labor.—Both the Constitution and the Employment Act prohibit forced or bonded labor, including by children; however, there were reports of trafficking of women (see Section 6.f.).

d. Status of Child Labor Practices and Minimum Age for Employment.—There are laws to protect children from exploitation in the workplace, which were effectively implemented and enforced, and problems with child labor were nearly nonexistent.

Although the minimum age for employment is 15, children under 15 may perform light work in cultural or artistic performances, so long as the work does not affect their health, safety, or schooling. Children under 16 are not allowed to work underground or perform work that is inappropriate for their age or health. Children under 15 may not work more than 30 hours per week, and children under the age of 16 are limited to 33 hours per week. Conditions and protections for children between the ages of 16 and 18 are less stringent. The law that relates to child labor applies to all sectors of employment; however, the more stringent regulations apply only to certain sectors. For example, the minimum age for mining was 21. The revised labor code requires that the National Labor Inspector's Office approve employment of children younger than 15 in artistic professions, including modeling and acting.

The country had adequate laws and regulations for the implementation and enforcement of measures to prohibit the worst forms of child labor. Civil fines were the legal remedy available to government agencies. A first offender may be fined up to \$15,674 (500,000 SKK), while a repeat offender may be required to pay up to \$22,989 (1 million SKK). The enforcement remedies have proven adequate to deter violation to date. The country has established formal institutional mechanisms to investigate and address complaints relating to allegations of child labor. Child labor complaints were received and investigated by district inspection units. The National Labor Inspectorate inspected 35 percent of all registered companies and reported no case of illegal child labor. The Inspectorate maintained a database of working children ages 14 to 17, who have an approval to work, in occupations such as models or other artistic trades. Upon receipt of a complaint, an inspector visited the worksite and inspected the contract. If it was determined that a child labor law or regulation had been broken, the case was turned over to the national inspection unit of the Ministry of Labor.

e. Acceptable Conditions of Work.—The minimum wage was \$191 (6,080 SKK) per month and \$1.09 (35 SKK) per hour, which alone did not provide a decent standard of living for a worker and family in many areas of the country. A May amendment to the Labor Code reduced the maximum weekly work hours from 58 to 48 (including overtime), permits workers to hold multiple jobs, and allows employers to hire part-time workers for up to 20 hours per week. The new labor law stipulates a maximum of 400 hours annual overtime, pending agreement between the employee and the employer. The trade unions, the Ministry of Labor, and local employment offices monitored observance of these laws, and authorities effectively enforced them.

The Labor Code establishes health and safety standards that the Office of Labor Safety generally enforced effectively. For hazardous employment, workers undergo medical screening under the supervision of a physician. They have the right to

refuse to work in situations that endanger their health and safety and may file complaints against employers in such situations. Employees working under conditions endangering their health and safety for a certain period of time are entitled to paid "relaxation" leave in addition to their standard leave.

f. Trafficking in Persons.—The law specifically prohibits all forms of trafficking in persons; however, there were instances of trafficking in women for prostitution from and within the country.

The Law Against Trafficking in Persons provides that an individual involved in the trafficking of persons can receive a sentence of 3 to 10 years. However, if the offender is a member of a crime syndicate, the sentence is 12 to 15 years. As of the end of October, the police had investigated 28 cases involving trafficking. Police did not keep statistics on victims of trafficking and described difficulties in identifying the total number of victims, since many were unwilling to come forward or cooperate with police.

During the year, police, with assistance from German police, arrested seven members of a trafficking gang from the southwestern part of the country. According to a press report, police suspected the involvement of a low-level government employee. Over the course of 8 years, the gang procured at least 60 young women, some of whom claimed to be sold for \$255 (10,000 SKK) abroad. The traffickers lured some victims into prostitution by promising a good salary or debt forgiveness, and others were forced through violence. The women were sent to Germany, Poland, Switzerland, and France. The head of the gang was previously prosecuted for sex trafficking in France and had been banned from the EU for 5 years. In total, the gang made an estimated profit of \$156,740 (5 million SKK).

Throughout the year, police succeeded in breaking trafficking rings and clamping down on illegal prostitution. On one occasion, the vice president of the police stated that traffickers used violence to confine women in apartments, where they beat them and forced them to take drugs. In March, police charged and issued international warrants for 10 people, 1 of whom was a Slovak woman who managed erotic clubs abroad. In July, Salzburg police arrested traffickers whose victims in part came from, or were trafficked through, the country. The accused Austrians paid approximately \$1,309 (41,760 SKK) for Slovak women and in turn forced them to pay for their transportation.

A police sexual crimes and trafficking unit, staffed by six senior police officers, coordinates nationwide the investigation of trafficking in persons. The office cooperated with local NGOs and the International Organization for Migration (IOM). U.N. Office for Drug Control and Crime Prevention's technical cooperation project seeks to improve legal enforcement and strengthen international cooperation. Police received training to identify and handle cases of victims of trafficking.

The Criminal and Financial Police Administration and the IOM reported that the country was an origin and transit point for victims of trafficking. The major trafficking routes for Slovak victims are through the Czech Republic or Austria to Western Europe but also to Japan. Victims, who usually traveled by car or plane, were typically between the age of 18 and 25 from various social backgrounds but particularly from areas with a high unemployment rate. Another high-risk group included men and women who looked for work abroad, sometimes illegally, and were ill-informed of the potential risks.

Experts believed that victims may work in the country for a short period of time before being transferred to Western Europe. Activists who worked with the few victims in the country said that most victims were forced to work as prostitutes or dancers in exotic clubs. To assure compliance of the victims, their documents were taken, and their captors closely monitored them. According to women's groups, women—mostly Ukrainians and Russians—were lured to the country with offers of possible employment. Although some victims came knowing they would work in the sex industry, they are not aware that they would be denied their freedoms upon arrival.

The Act on Protection of Witnesses and the Act on Compensation of Damages allows the Government to assist victims of trafficking. There was a special unit for the protection of witnesses within the Police Presidium, and an inter-ministerial committee may authorize protection. Deportation of foreigners may be postponed if a person is in the witness protection program. NGOs and the IOM reported that victims feared returning to their home countries because of the stigma attached to trafficking victims. According to NGO activists, government agencies such as customs and police officers treated victims poorly, as many law enforcement officials believed that victims were not forced, but rather chose their fate.

There were no national organizations in the country focused solely on the issue of trafficking. However, local organizations successfully repatriated victims of trafficking and carried out public awareness campaigns on regional and municipal lev-

els. In mid-year, the NGO Victim Support Slovakia started a hotline for trafficking victims and those seeking work abroad. A public awareness campaign significantly increased the hotline's call volume, and, from May to June, the organization handled 400 calls, several of which were inquiries about organizations offering work abroad. Victim Support Slovakia assisted one trafficking victim returned from Spain. The Government cooperated with the NGO Dafne to provide counseling services for victims in the northern part of the country.

An IOM survey revealed a general lack of awareness among the public and in the school system about trafficking and the need to strengthen victim assistance. The IOM launched a public awareness campaign with television announcements and information packets about working abroad. According to an IOM study, 44 percent of the young women surveyed would accept an offer of illegal work abroad.

SLOVENIA

Slovenia is a parliamentary democracy and constitutional republic. Power is shared between a directly elected president, a prime minister, and a bicameral legislature. In 2002, Janez Drnovsek was elected President in free, fair, and open elections. The judiciary is independent.

The Ministry of Interior, which was responsible for internal security, maintained effective control of the police. By law, the armed forces did not exercise civil police functions. Members of the security forces occasionally committed human rights abuses.

The country continued its transition from a centrally planned to a market economy. The population was approximately 2 million. Manufacturing accounted for most employment, with machinery and other manufactured products constituting the major exports. GDP growth was estimated at 3.2 percent and inflation at 5.5 percent for the year.

The Government generally respected the human rights of its citizens; although there were a few problems in some areas, the law and the judiciary provided effective means of dealing with individual instances of abuse. Police in several cases allegedly used excessive force against detainees. Credible sources alleged that media self-censorship existed as a result of indirect political and economic pressures. Violence against women was a problem. National minorities (including former Yugoslav residents without legal status) reported some governmental and societal discrimination. Trafficking in women through and to the country for sexual exploitation was a problem.

RESPECT FOR HUMAN RIGHTS

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

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

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

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.—The Constitution prohibits such practices; however, human rights observers alleged that police in several cases used excessive force against detainees. The Criminal Code does not separate out torture as a criminal act, but such crimes are prosecuted based on the nature of each incident (i.e., severe physical injury, extreme injury, or extortion of a statement).

The report of the European Committee for the Prevention of Torture (CPT) on its September 2001 visit to the country noted that it received some allegations of physical ill-treatment by police, relating essentially to the disproportionate use of force at the time of apprehension. In a few isolated cases, the physical ill-treatment was alleged to have occurred while the person concerned was being transferred in a police vehicle or during questioning by police officers. The alleged ill-treatment consisted primarily of slaps, punches, and kicks. The report noted that the majority of persons met by the CPT delegation who were, or recently had been, detained by police indicated that they had been treated correctly at both time of arrest and during questioning.

Prison conditions generally met international standards; however, jails were overcrowded. Male and female prisoners were held separately, juvenile offenders were held separately from adults, and convicted criminals were held separately from pre-trial detainees.

The Government permitted prison visits by independent human rights observers and the media, and such visits took place during the year. The Human Rights Ombudsman and his staff also conducted periodic prison visits.

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

Police are centrally organized under the supervision of the Police and Security Bureau of the Ministry of Interior. The Bureau oversees the drafting of basic guidelines, security policy, and regulations governing the work of the police and exercises special inspectorial authority in monitoring police performance, with an emphasis on the protection of human rights and fundamental freedoms. Police duties include protection of life, personal safety, and property; prevention and investigation of criminal offenses and detection and arrest of perpetrators; maintenance of public order; management and control of traffic on public roads; protection of national borders and border crossings; enforcement of immigration law; protection of certain state structures, individuals, and facilities; and, protection of classified data. The General Police Administration, headed by the General Director of the Police, has overall responsibility for the execution of police duties and directly oversees activities at the national level. Regional police duties are under the jurisdiction of Police Administration Units, whose Directors report to the General Director. Local police tasks fall to individual Police Stations, whose Commanders report to the Director of the relevant Police Administration.

Police corruption and abuse initially were investigated internally. If there was evidence of wrongdoing, the officers involved could be referred to the Ministry of Interior or the prosecutor's office, depending on the severity of the breach. There was anecdotal evidence to suggest that police officers were sometimes subject to informal sanction, such as being transferred to a new, less desirable, assignment, in lieu of being formally disciplined.

The authorities must advise detainees in writing within 24 hours, in their own language, of the reasons for the arrest. Until charges are brought, detention may last up to 6 months; once charges are brought, detention may be prolonged for a maximum of 2 years. Persons detained in excess of 2 years while awaiting trial or while their trial is ongoing must be released pending conclusion of their trial (see Section 1.e.). During the year, there were 1,158 persons in pretrial detention. The problem of lengthy pretrial detention was not widespread, and defendants generally were released on bail, except in the most serious criminal cases. The law also provides safeguards against self-incrimination.

On September 9, Koper Mayor Boris Popovic was arrested on a series of white collar crime-related charges. Popovic was placed in pretrial detention, a decision that was considered highly unusual for any case involving similar charges for a sitting mayor, prompting allegations that the arrest and detention were politically motivated. On October 7, the Supreme Court ruled Popovic's detention unjustified and he was immediately released. Trial procedures were continuing at year's end.

The Constitution prohibits forced exile, and the Government did not employ it.

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

The judicial system consists of district courts, regional courts, courts of appeals, an administrative court, and the Supreme Court. A nine-member Constitutional Court rules on the constitutionality of legislation, treaties, and international agreements and is the highest level of appeal for administrative procedures. The speed with which the Constitutional Court considered various cases during the year caused some to question its impartiality. Judges, elected by the National Assembly (Parliament) upon the nomination of the Judicial Council, are constitutionally independent and serve indefinitely, subject to an age limit. The Judicial Council is composed of six sitting judges elected by their peers and five presidential nominees elected by the Parliament.

The Constitution provides for the right to a fair trial, and an independent judiciary generally enforced this right. Constitutional provisions include equality before the law, presumption of innocence, due process, open court proceedings, the right of appeal, and a prohibition against double jeopardy. Defendants by law have the right to counsel, and the Government provides counsel for the indigent. These rights were generally respected in practice, although the judicial system was overburdened and as a result, the judicial process frequently was protracted. In some cases, criminal trials reportedly have taken from 2 to 5 years to conclude (see Section 1.d.).

Eligibility to file a denationalization claim depends on the citizenship of the claimant at the time the property was nationalized; however, current citizenship is not a factor in how the claims are processed. The Government did not track the claims

of non-citizens separately from those of citizens. Claims filed by individuals who were not resident in the country took longer to resolve because they commonly did not have local legal representation actively engaged in monitoring their cases and because it took longer for them to gather and submit required supporting documentation. Court backlogs also contributed to delays in resolving claims for denationalization of property.

There were no reports of political prisoners.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence.—The Constitution provides for the protection of privacy, “personal data rights,” and the inviolability of the home, mail, and other means of communication, and the Government generally respected these rights and protections in practice.

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Speech and Press.—The Constitution provides for freedom of speech and of the press, and the Government generally respected these rights in practice; however, there were reports that indirect political and economic pressures continued to influence the media, resulting in occasional self-censorship. There were credible reports that advertisers pressured media outlets to present various issues in certain ways, which resulted in little separation of marketing and editorial decision-making.

The press was active and independent; however, major media did not represent a broad range of political or ethnic interests. The major print media were supported through private investment and advertising, although cultural publications and book publishing received government subsidies. Numerous foreign broadcasts were accessible via satellite and cable. All major towns had radio stations and cable television. A newspaper was published for the ethnic Italian minority living on the Adriatic coast. Bosnian refugees and the Albanian community had newsletters in their own languages. Foreign newspapers, magazines, and journals were widely available. Minority language television and radio broadcasts were available.

Six national television channels were available. Three were part of the government-subsidized RTV Slovenia network, and three were independent, private stations.

The election law requires the media to offer free space and broadcasting time to political parties at election time. Television networks routinely provided public figures and opinion makers from across the political spectrum access to a broad range of programming and advertising opportunities.

Under the direction of the Maribor Prosecutor’s office, nine individuals were arrested in mid-September in connection with the 2001 beating of investigative journalist Miro Petek. A special Parliamentary Commission continued to examine whether government officials properly executed their responsibilities in relation to the case.

On February 25, the National Assembly adopted the Law on the Access to Information of Public Character to provide free public access to all such information controlled by state or local institutions and their agents.

The Government did not restrict access to the Internet or academic freedom.

b. Freedom of Peaceful Assembly and Association.—The Constitution provides for freedom of assembly and association, and the Government generally respected these rights in practice. These rights may be restricted only by an act of Parliament in circumstances involving national security, public safety, or protection against infectious diseases.

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

There were no formal requirements for recognition as a religion by the Government. Religious communities must register with the Government’s Office for Religious Communities if they wish to be legal entities, and registration entitles such groups to value-added tax rebates. In response to complaints from several groups that the Office had failed to act on their registration applications, the Secretary General of the Government clarified registration procedures and instructed the Office to process outstanding applications. As of September, the Office had approved 3 out of 10 pending applications.

The appropriate role for religious instruction in schools continued to be an issue of debate. The Constitution states that parents are entitled to give their children “a moral and religious upbringing.” Only those schools supported by religious bodies taught religion.

The law provides for denationalization (restitution or compensation) of church property—church buildings and support buildings, residences, businesses, and forests—nationalized after World War II by the Socialist Federal Republic of Yugoslavia. By the end of September, the Government had finalized 32,614 (86 percent)

of the 38,156 denationalization claims filed. During the year, the Government reallocated existing resources, including judges, to reduce the backlog.

Societal attitudes toward the minority Muslim and Serb Orthodox communities generally were tolerant; however, some persons feared the possible emergence of Muslim fundamentalism.

Interfaith relations were generally amicable, although there was little warmth between the majority Catholic Church and foreign missionary groups that were viewed as aggressive proselytizers.

While there are no governmental restrictions on the Muslim community's freedom of worship, services commonly were held in private homes under cramped conditions. On December 8, 34 years after the project was originally proposed, the Ljubljana Municipality Council approved zoning changes that would permit construction of a mosque and cultural center. This decision met with considerable controversy on a variety of grounds, provoking intolerant statements from a number of local politicians and city officials. On December 23, opponents of the project registered their intention to pursue a referendum on the Council decision; collection of signatures was expected to begin in January 2004. Several other religious communities expressed concern over excessive delays and lack of transparency in municipal building permits.

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

d. Freedom of Movement within the Country, Foreign Travel, Emigration, and Repatriation.—The Constitution provides for these rights, and the Government generally respected them in practice. Limitations on these rights may be made only by statute and only where necessary in criminal cases, to control infectious disease, or in wartime.

The Constitution provides for the granting of asylum and refugee status to persons who meet the definition in the 1951 U.N. Convention Relating to the Status of Refugees and its 1967 Protocol. In practice, the Government provided protection against refoulement and granted refugee status or asylum, although there was some concern that border police did not consistently inform individuals of their rights as potential refugees. The Government cooperated with the office of the U.N. High Commissioner for Refugees and other humanitarian organizations in assisting refugees. Since potential refugees viewed the country as a transit point rather than a destination, few stayed long enough to be processed as refugees. As a result, the Government provided refuge or temporary protection to only a small number of persons fleeing persecution or civil conflict refugees. During the year, the country granted refugee status to 17 persons and humanitarian refugee status to an additional 20 persons. The issue of the provision of temporary protection did not arise during the year.

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

The Constitution provides citizens with the right to change their government peacefully, and citizens generally exercised this right in practice through periodic, free, and fair elections held on the basis of universal suffrage. The November–December 2002 presidential elections were the most recent elections at the national level. Reform of the country's political and economic structure led to an invitation in 2002 to join the European Union (EU) in May 2004.

There were no restrictions on the participation of women or minorities in politics. There were 12 women in the 90-seat Parliament and 3 women in the 40-seat National Council. A total of 3 of 16 cabinet ministers were female.

The Constitution provides the "autochthonous" (indigenous) Italian and Hungarian minorities the right, as a community, to have at least one representative in the Parliament. However, the Constitution and law do not provide any other minority group, autochthonous or otherwise, the right to be represented as a community in Parliament. On June 2, the U.N. Committee on the Elimination of Racial Discrimination (CERD) issued a report recommending that the Government consider taking further measures to ensure that all groups of minorities are represented in Parliament.

Twenty distinct Roma communities, each designated autochthonous at the local level, are entitled to a seat on their local municipal councils. At year's end, all but one municipality (Grosuplje) was in compliance with the law in this regard.

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

A number of domestic and international independent human rights groups generally operated without government restriction, investigating and publishing their

findings on human rights cases. Government officials generally were cooperative and responsive to their views.

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

The Constitution provides for equality before the law regardless of race, sex, disability, language, or social status. The Constitution provides special rights for the autochthonous Italian and Hungarian ethnic communities, and for the small Roma community; these provisions were generally respected in practice.

Women.—Violence against women occurred and was underreported; however, awareness of spousal abuse and violence against women increased. SOS Phone, a nongovernmental organization (NGO) that provided anonymous emergency counseling and services to domestic violence victims, received thousands of calls throughout the year. The Government partially funded 3 shelters for battered women, which operated at capacity (approximately 40 beds combined) and turned away numerous women. In cases of reported spousal abuse or violence, the police actively intervened and prosecuted offenders.

Prostitution is illegal but decriminalized. Anti-trafficking authorities and NGOs informally estimated that as many as 80 bars and clubs across the country could be engaged in prostitution. Trafficking in women for the purpose of sexual exploitation was a problem (see Section 6.f.).

The law does not explicitly prohibit sexual harassment; however, it may be prosecuted under sections of the Criminal Code that prohibit sexual abuse. Sexual harassment and violence remained serious problems.

Government policy provides for equal rights for women and there was no official discrimination against women or minorities in housing, jobs, or education. Under the Constitution, marriage is based on the equality of both spouses, and the Constitution stipulates that the State shall protect the family, motherhood, and fatherhood.

In rural areas, women, even those employed outside the home, bore a disproportionate share of household work and family care, because of a generally conservative social tradition. However, women frequently were active in business and in government executive departments. Although both sexes had the same average period of unemployment, women frequently held lower paying jobs. On average, women's earnings were 89 percent of those of men.

Children.—The Constitution stipulates that children “enjoy human rights and fundamental freedoms consistent with their age and level of maturity,” and the Government is committed to protecting children's rights and welfare.

The Government provided compulsory, free, and universal primary school education for children through grade 9 (ages 14 and 15). Ministry of Education statistics showed an attendance rate of nearly 100 percent of school-aged children. The Government provided universal health care for all citizens, including children.

During the year, police investigated 198 counts of criminal sexual attacks on minors; however, there was no societal pattern of abuse of children. The law provides special protection for children from exploitation and mistreatment. Social workers visited schools regularly to monitor any incidents of mistreatment or abuse of children.

Trafficking in girls for the purpose of sexual exploitation was a problem (see Section 6.f.).

Persons with Disabilities.—The law prohibits discrimination against persons with disabilities, and in practice the Government generally did not discriminate against persons with disabilities in employment, education, or the provision of other state services.

The law mandates access to buildings for persons with disabilities, and the Government generally enforced these provisions in practice. Modifications of public and private structures to ease access by persons with disabilities continued, although at a slow pace.

National/Racial/Ethnic Minorities.—According to the 2002 census, minorities made up approximately 17 percent of the population and included 35,642 Croats, 38,964 Serbs, 21,542 Bosniaks (Bosnian Muslims), 10,467 Muslims, 6,243 Hungarians, 6,186 Albanians, 3,246 Roma, and 2,258 Italians.

The Constitution provides for the protection of the fundamental rights and freedoms of all persons “irrespective of national origin, race, sex, language, religion, political or other beliefs, financial status, birth, education, social status, or whatever other personal circumstance.”

The Constitution provides special rights and protections to autochthonous Italian and Hungarian minorities, including the right to use their own national symbols and have bilingual education and the right for each to be represented as a commu-

nity in Parliament (see Section 3). The Roma minority does not have comparable special rights and protections. The Constitution provides that “the status and special rights of Gypsy communities living in Slovenia shall be such as are determined by statute.” By year’s end, Parliament had not enacted laws to establish such rights for the Roma community; however, the Government and Roma representatives have discussed possible legislation for several years. A study on measures to combat discrimination in the country, released in May and funded by the European Community (EC) action program to combat discrimination, estimated that 40 percent of Roma in the country were autochthonous.

Ethnic Serbs, Croats, Bosnians, Kosovar Albanians, and Roma from Kosovo and Albania were considered “new” minorities; they were not protected by the special constitutional provisions for autochthonous minorities and faced some governmental and societal discrimination. In its June 2 report on Slovenia, the CERD expressed concern that discriminatory attitudes and practices against the Roma may persist and that the distinction between “indigenous” Roma and “new” Roma may give rise to new discrimination.

Regularization of status for non-Slovenian former Yugoslav citizens remained an issue. The Ministry of Interior (MOI) reported that of the 211,830 applications for citizenship received since independence, as of September, 194,507 were approved, 6,542 were refused, 3,825 were being processed, 3,659 were awaiting processing, and 3,297 were rejected for technical reasons such as insufficient documentation. The MOI reported that 12,991 applications for permanent residence have been received since 1999. Of these, 10,980 were approved, 303 were refused, 518 were being processed, 1,069 were stopped while in process, and 121 were rejected for technical reasons.

Approximately 2,300 persons granted “temporary refugee” status after fleeing the 1992–95 conflict in Bosnia normalized their status by applying for permanent residency during a 6-month window in 2002–2003 (see Section 2.d.). Some Yugoslavs residing in Slovenia at the time of independence opted not to apply for citizenship in a 6-month window in 1991–92. Subsequently, their records were “erased” from the population register in a move characterized by some as administrative and by others as ethnically motivated. In April, the Constitutional Court ruled unconstitutional portions of the 1999 law governing the legal status of former Yugoslav citizens, because the law does not recognize the full period in which these “erased” persons resided in the country, nor does it provide them the opportunity to apply for permanent residency. At year’s end, Government efforts to resolve the Court’s concerns through new legislation remained in progress, despite considerable controversy.

The NGO European Roma Rights Center (ERRC) reported that Roma frequently lived in settlements apart from other communities that were characterized by lack of basic utilities such as electricity, running water, sanitation, and access to transportation. The ERRC also reported that some local authorities developed segregated substandard housing facilities to which Romani communities were forcibly relocated. The ERRC reported that Roma children frequently attended segregated classes or schools and that, in some instances, Roma children were segregated in schools for children with mental disabilities. In its June 2 report, the CERD expressed concern over the practice of educating some Roma children at vocational centers for adults and others in special classes; the Committee encouraged the Government to promote the integration of Roma children into mainstream schools. The May report funded by the EC action program to combat discrimination noted that the enrollment of Roma children to primary schools for children with special needs was ten times higher than the average for the country, reportedly because of their inadequate knowledge of the Slovenian language. The Government attempted to expand education of Roma children both through enrichment programs and their inclusion in public kindergartens.

Roma also reported discrimination in employment, which in turn complicated their housing situation, and they were subject disproportionately to poverty and unemployment. The May report funded by the EC action program to combat discrimination noted that the unemployment rate among Roma was 87 percent.

Section 6. Worker Rights

a. The Right of Association.—The Constitution stipulates that trade unions, their operation, and their membership shall be free, and workers exercised these rights. All workers, except police and military personnel, were eligible to form and join labor organizations.

Unions formally and in practice were independent of the Government and political parties, although individual union members held positions in the legislature.

The law prohibits anti-union discrimination and there were no reports that it occurred.

There were no restrictions on unions joining or forming federations and affiliating with international union organizations.

b. The Right to Organize and Bargain Collectively.—The Government exercised a dominant role in setting the minimum wage and conditions of work; however, in the private sector, wages and working conditions were agreed upon in the 2003–2005 general collective agreement between the labor unions and the Chamber of Economy. This “Social Agreement” included provisions on issues such as wage policy, employment, training, social dialogue, equal opportunity, and taxation. Collective bargaining remained limited.

The Economic and Social Council, comprised of government officials, managers, and union representatives, negotiated public sector wages, collective bargaining rules, and major regulatory changes. Of the 40 members of the upper chamber of Parliament—the National Council—4 represented employers, 4 represented employees, and 4 represented farmers, small business persons, and independent professional persons. If a labor dispute is not resolved, it initially is heard by district-level administrative courts and may be appealed to the Supreme or Constitutional Court, depending on the nature of the complaint.

The Constitution provides for the right to strike, and workers exercised this right. The law restricts strikes by some public sector employees, primarily the police and members of the military services. Other public sector professionals, such as judges, doctors, and educators, continued to be active in labor issues.

Export processing zones (EPZs) exist in Koper, Maribor, and Nova Gorica. Worker rights in the EPZs are the same as in the rest of the country.

c. Prohibition of Forced or Bonded Labor.—The law prohibits forced or bonded labor, including by children; however, there were reports that such practices occurred (see Section 6.f.).

d. Status of Child Labor Practices and Minimum Age for Employment.—The minimum age for employment was 16, although during the harvest season or for other farm chores, younger children did work. Urban employers generally respected the age limits.

e. Acceptable Conditions of Work.—The monthly minimum wage was approximately \$456 (103,643 tolar), which provided a decent standard of living for a worker and family. A new labor law took effect in January, which reduced the workweek to 40 hours and increased the minimum annual leave to 20 days. The Ministry of Labor is responsible for monitoring labor practices and has inspection authority; police are responsible for investigating any violation of the law.

Special commissions controlled by the Ministries of Health and Labor set and enforced standards for occupational health and safety. Workers had the right to remove themselves from dangerous work situations without jeopardy to their continued employment.

Laws and regulations governing worker rights, wages, and working conditions did not generally differentiate between citizens and non-citizens.

f. Trafficking in Persons.—The law does not specifically prohibit trafficking in persons, and trafficking of women through and to the country was a problem. In the absence of a law against trafficking, the Government continued to investigate and prosecute traffickers under laws against pimping, procurement of sexual acts, inducement into prostitution, rape, sexual assault, bringing a person in slavery or similar conditions, and the transportation of slaves. Enslavement convictions carry sentences of 1 to 10 years’ imprisonment. Persons also can be prosecuted for rape, pimping, procurement of sexual acts, inducement into prostitution, sexual assault, and other related offenses. The penalty ranges from 3 months’ to 5 years’ imprisonment or, in cases involving minors or forced prostitution, 1 to 10 years’ imprisonment. Regional police directorates had departments that investigated trafficking and organized crime.

The country was primarily a transit, and secondarily a destination, country for women and teenage girls trafficked from Southeastern, Eastern, and Central Europe to Western Europe, the United States, and Canada. The country was also a country of origin for a small number of women and teenaged girls trafficked to Western Europe. Victims were trafficked for purposes of sexual exploitation.

Government officials generally were not involved in trafficking, although there was anecdotal evidence that some tolerated trafficking at the local level.

The Government has not fully established a system of shelter and protection for victims and witnesses. There is a National Coordinator for Trafficking in Persons and an interagency anti-trafficking working group that based its activities on the national strategy to combat trafficking. The working group, which included par-

liamentary, NGO, and media representatives, established standard operating procedures for first-responders to ensure that victims receive information about the options and assistance available to them. During the year, a cabinet-level decision enhanced the working group's status and authority.

A study conducted during the year by the International Organization for Migration office identified five common deceptive practices used to recruit women trafficked to the country from Eastern Europe and the Balkans: (1) through offers of employment with no indication of work in the sex industry; (2) through media advertisements promising high wages; (3) through offers of employment in entertainment and dancing; (4) through offers of marriage; and, (5) regarding the conditions under which women will undertake prostitution. Women who were victims of trafficking reportedly were subjected to violence. Organized crime was responsible for some of the trafficking. In general, victims trafficked into the country were not treated as criminals; however, they usually were voluntarily deported either immediately upon apprehension or following their testimony in court.

In September, the domestic NGO Kljuc, in cooperation with the EU and several ministries, established the first shelter devoted to trafficking victims. Kljuc signed a memorandum of understanding with the Ministry of Interior that provided victims immunity from prosecution and temporary legal status, including work permits and access to social services. Kljuc also worked to raise public awareness of the trafficking problem, provide legal assistance, counseling, and other services to trafficked women, and improve cooperation among NGOs in the region.

To deter trafficking, the Ministry of Interior produced pamphlets and other informational materials for NGO-run awareness programs to sensitize potential target populations to the dangers of and approaches used by traffickers. The Ministry also worked with NGOs to provide specialized training to police and to assist the small number of victims with reintegration.

SPAIN

Spain is a democracy with a Constitutional monarch. The Parliament consists of two chambers, the Congress of Deputies and the Senate. Since 1996, Jose Maria Aznar of the Popular Party has been Prime Minister, with the title President of the Government. Elections were free and fair. The next national elections were scheduled for March 14, 2004. The judiciary is independent.

Internal security responsibilities are divided among the National Police, which are responsible for security in urban areas; the Civil Guard, which police rural areas and control borders and highways; and police forces under the authority of the autonomous communities of Catalonia and the Basque Country. Civilian authorities maintained effective control of the security forces. There were allegations that some members of the security forces committed isolated human rights abuses.

The market-based economy, with primary reliance on private enterprise, provided the population of over 40 million with a high standard of living. The economy grew during the third quarter at a 2.4 percent annual rate. The annual inflation rate was 3 percent at year's end. Unemployment decreased to 11.0 percent by November. Wages generally kept pace with inflation.

The Government generally respected the human rights of its citizens; although there were a few problems in some areas, the law and judiciary provide effective means of addressing individual instances of abuse. There were allegations that a few members of the security forces abused detainees and mistreated foreigners and illegal immigrants. According to Amnesty International (AI), government investigations of such alleged abuses often were lengthy and punishments were light. Lengthy pretrial detention and delays in trials were sometimes problems. Violence against women was a problem, which the Government took steps to address. Societal discrimination against Roma and immigrants remained a problem, as did occasional violence against immigrants. Trafficking in women and teenage girls for the purpose of prostitution was a problem, which the Government took steps to address.

The terrorist group ETA (Basque Fatherland and Liberty) continued its campaign of shootings and bombings, killing three persons during the year. ETA sympathizers also continued a campaign of street violence and vandalism in the Basque region intended to intimidate politicians, academics, and journalists. Judicial proceedings against members of ETA continued, and Spanish and French police arrested 126 suspected ETA members and collaborators.

RESPECT FOR HUMAN RIGHTS

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

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

ETA, whose declared goal is to establish an independent Basque state, continued its terrorist campaign of bombings and shootings, killing three persons as of September. ETA publicly claimed responsibility for its attacks. On February 8, ETA shot and killed a municipal policeman in Andoaín (Guipuzcoa), and on May 30, a car bomb killed two national policemen in Sanguesa.

The Government continued to pursue legal actions against ETA members. By October, police had arrested 126 ETA members and collaborators, and had dismantled 5 ETA operational cells and 2 support cells. Authorities in France, Mexico, the Netherlands, Switzerland, Venezuela and Germany have arrested, and in some cases extradited to Spain, ETA members.

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

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.—The law prohibits such practices; however, suspects charged with terrorism at times asserted that they were abused during detention, as did suspects in other types of detention. An AI report stated that torture was not present in a systematic form in the country, but certain practices could facilitate mistreatment. They urged an end to legal provisions that allow police to hold suspects of certain terror-related crimes for up to 5 days with access only to a public lawyer. AI stated that giving suspects access to a lawyer of their choice would make for better observations of treatment in police custody. AI was also concerned about continuing reports of mistreatment of detainees in immigration detention centers, and urged the Government to broaden its definition of torture to include rape by authorities while in custody, as some authorities have been convicted of sexual abuse against immigrant women in previous years. However, there were no reports of sexual abuse by authorities against immigrant women during the year.

The Council of Europe's Committee for the Prevention of Torture made public a report in March of the July 2001 inspection that indicated that the Government had not complied with some of its recommendations in order to avoid mistreatment in jails. The Committee reiterated its recommendations that the Government reduce from 5 days to 2 the maximum period allowed for authorities to notify relatives or other persons of the fact and place of a subject's detention; that persons held in incommunicado detention be allowed a medical examination by a doctor of their own choice and receive written information regarding this proposed right; and that detainees be provided with more immediate access to a lawyer.

In the province of Girona, four Catalan policemen were sentenced to 1 year in prison and 8 years in rehabilitation for the torture of two young men who they thought were drug traffickers. In 2002, AI reported that police had abused undocumented Moroccan minors, particularly in the Spanish North African enclaves of Ceuta and Melilla, and that some undocumented minors were returned to Morocco without sufficient concern for their welfare (see Section 2.d.). No reports of abuse were received during the year; however, AI continued to express concerns about the adequacy of placement services for undocumented minors returned to Morocco.

In addition to killings, ETA bombings and attempted bombings caused numerous injuries and property damage. Several of these attempts were directed at the tourist industry, including bombings in July in Pamplona, Alicante, Benidorm and Santander. In addition to attacks aimed at tourist zones, in February, ETA set off a bomb close to the residence of a police officer in Bilbao. Between June and August, ETA planted two car bombs in Bilbao, and a total of five bombs in Vizcaya, Guipuzcoa, and Estella, Navarra. The latter one was placed near the entrance of the local Court.

Prison conditions generally met international standards. In the prison system, women were held separately from men; juveniles were held separately from adults; and pretrial detainees were held separately from convicted criminals.

The Government permits visits by independent human rights observers. In October, the U.N. special rapporteur Theo van Boven visited the country on behalf of the U.N. Commission on Human Rights, investigating allegations of torture made by ETA suspects.

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

Police forces include the National Police, Municipal Police, the Civil Guard, and police forces under the authority of the autonomous communities of Catalonia and the Basque Country. All police forces operated effectively with no reports of systemic

corruption. The Constitution provides for an ombudsman, called the People's Defender (Defensor del Pueblo), who investigated claims of police abuse (see Section 4). Police internal investigators have 15 days to respond to Ombudsman inquiries, and the Ombudsman's Office issues findings on the results of the investigation and can impose sanctions. The Ombudsman can execute unannounced inspections of police facilities.

Arrest warrants were based on sufficient evidence and issued by a duly authorized official. Persons were apprehended openly and brought before an independent judiciary. A suspect may not be held for more than 72 hours without a hearing except in cases involving terrorism, in which case the law permits holding a suspect an additional 2 days—or a total of 5 days—without a hearing. A judge may authorize semi-incommunicado detention for terrorism suspects, in which suspects have access only to a court-appointed lawyer.

At times pretrial detention was 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 usually was less than 1 year. By September, approximately 22.7 percent of the prison population was in pretrial detention (12,540 out of 55,223 inmates), although that number included convicted prisoners whose cases were on appeal. Pretrial delays are a feature of the legal system, and do not appear to be the result of corruption, judicial inefficiency, financial constraints, or staff shortages.

The law on aliens permits the detention of a person for up to 40 days prior to deportation but specifies that it must not take place in a prison-like setting (see Section 2.d.).

The Constitution prohibits forced exile, and the Government did not employ it.

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

The judicial 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 (ECHR) is the final arbiter in cases concerning human rights.

The Constitution provides for the right to a fair public trial, and an independent judiciary generally enforced this right. There was a nine-person jury system. Defendants enjoy the presumption of innocence and have the right to be represented by an attorney (at state expense for the indigent), to confront witnesses and to present witnesses on their behalf, and to have access to government-held evidence. Defendants were released on bail unless the court believed that they might flee or be a threat to public safety. Following a conviction, defendants may appeal to the next higher court.

The law calls for an expeditious judicial hearing following arrest; however, the judicial process often was lengthy (see Section 1.d.). Since April 28, the courts have set a goal of resolving petty crimes cases (those with possible punishments of less than 5 years) in a maximum of 15 days.

There were no reports of political prisoners.

f. Arbitrary Interference with Privacy, Family, Home or Correspondence.—The Constitution prohibits such actions, and the Government generally respected these prohibitions in practice. Under the Criminal Code, the authorities must obtain court approval before searching private property, wiretapping, or interfering with private correspondence. However, the antiterrorist law gives discretionary authority to the Minister of the Interior to act prior to obtaining court approval in "cases of emergency."

The parents or legal guardians of a person with mental disabilities may petition a judge for sterilization of that person (see Section 5).

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Speech and Press.—The Constitution provides for freedom of speech and of the press, and the Government generally respected these rights in practice.

Opposition viewpoints, both from political parties and nonpartisan organizations, were reflected freely and widely in the active and independent media. TVE (TV-1 and TV-2) and Radio Nacional were state media. The autonomous regions' TV stations (TV Catalunya, Canal Sur, et al) were affiliated with their respective regional governments. The news agency EFE was also state-owned. International media operated freely.

On February 20, the Government closed the Basque newspaper, Euskalunon Egunkaria, because of its links to ETA. ETA and its sympathizers continued their

violent campaign of intimidation against political, press, and academic professionals and organizations in the Basque country (see Sections 1.a. and 1.c.). At the beginning of the year, the police dismantled a massive operation in which ETA was preparing to send letter bombs to journalists, judges, politicians, and prison workers. An International Press Institute report issued in March indicated that journalists worked under the threat of terrorism. One of ETA's tactics was the distribution of their style guides, which threatens reporters who do not cover ETA actions and goals in a favorable manner.

The trade union Comisiones Obreras (Working Commissions) took Spanish national television (TVE) to court for what it claimed was the unfair treatment of the 2002 general strike received on that network. In June, the court ordered TVE to air further coverage regarding the strike.

The Government did not restrict access to the Internet or academic freedom. ETA and elements of radical Basque nationalism continued to intimidate and pressure unsympathetic academics to leave the region.

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

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

The Constitution declares the country to be a secular state, and various laws provide that no religion should have the character of a state religion; however, Catholicism was the dominant religion and enjoyed the closest official relationship with the Government. Among the various benefits enjoyed by the Catholic Church was financing through the tax system. Judaism, Islam, and many Protestant denominations had official status through bilateral agreements but enjoyed fewer privileges. Other recognized religions, such as Jehovah's Witnesses and the Church of Jesus Christ of Latter-day Saints (Mormons), were covered by constitutional protections but had no special agreements with the Government.

The law establishes a legal regime and certain privileges for religious organizations to benefit from this regime. Religions not recognized officially, such as the Church of Scientology, were treated as cultural associations. Leaders of the Protestant, Muslim, and Jewish communities reported that they continued to press the Government for privileges comparable to those enjoyed by the Catholic Church. Protestant and Muslim leaders wanted like their communities to receive government support through an income tax allocation or other designation. Protests against the construction of mosques continued in various parts of Catalonia, according to community sources.

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

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

The law provides for the granting of asylum and refugee status to persons who meet the definition in the 1951 U.N. Convention Relating to the Status of Refugees and its 1967 Protocol. In practice, the Government provided protection against refoulement and granted refugee status and asylum. The Government cooperated with the office of the U.N. High Commissioner for Refugees (UNHCR) and other humanitarian organizations, including the Spanish Committee for Assistance to Refugees (CEAR), in assisting refugees and asylum-seekers. Under the law, asylum requests are adjudicated in a two-stage process, with the Office of Asylum and Refugees (OAR) making an initial decision on the admissibility of the application for processing. The Interministerial Committee for Asylum and Refuge (CIAR) examines the applications accepted for processing and included representatives from the Ministries of Interior, Justice, Labor, Foreign Affairs, and a non-voting member of the UNHCR. The Minister of the Interior must approve the decision of the CIAR in each case. According to provisional statistics, as of August 30 there were 3,564 applications for asylum, of which the Government granted 159 asylum status and admitted 59 others for humanitarian or other reasons. The largest number of applicants came from Nigeria, Cuba, and Colombia.

The UNHCR advised authorities throughout the asylum process. Applicants for asylum have the right to have their applications sent immediately to the local office of the UNHCR. The authorities were not bound by the judgment of the UNHCR in individual cases, but they often reevaluated decisions with which the UNHCR did 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. Individuals at ports of entry who lack visas or permission to enter the country are allowed to apply for asylum; the applicant in such cases may be detained until a decision is made regarding the admissibility for processing of the application. In cases where persons apply inside the country, a decision must be reached within 2 months, but in cases where persons have applied 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 Government also provides temporary protection to persons who do not qualify as refugees or asylees. Regulatory changes in 2001 redefined the basis for admission on humanitarian grounds for certain applicants who do not meet the requirements of the 1951 Convention. Those granted admission for humanitarian reasons must renew their status annually. The law allows the applicant a 15-day grace period in which to leave the country if refugee status or asylum 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 begins after 15 days.

In April, the Ministry of Interior and the International Organization for Migration signed an agreement to promote volunteer return of illegal immigrants, as well as of asylum and refugee seekers who so desire, to their countries of origin.

AI called for more in-depth, case-by-case reviews of the welfare of minors being returned to Morocco before their expulsion. The law prohibits the repatriation of minors without social services' knowing where the child will be returned and authorities generally respected that provision. The Government was seeking more cooperation from Morocco in getting reinsertion information to facilitate the transfer of illegal minors, and this issue was raised at the Spain-Morocco summit in December.

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

The Constitution provides citizens with the right to change their government peacefully, and citizens exercised this right in practice through periodic, free, and fair elections held on the basis of universal suffrage. The country has 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 2000, Jose Maria Aznar of the Popular Party was reelected Prime Minister, with the title President of the Government. The next national elections are scheduled to take place on March 14, 2004.

Governmental power was shared between the central Government and 17 regional "autonomous communities." Local nationalist parties gave political expression to regional linguistic and cultural identities.

On March 17, the Spanish Supreme Court unanimously decided to declare Batasuna to be the political arm of ETA, a terrorist organization, and therefore illegal. The de-legalization means that Batasuna, Euskal Herriarrok and Herri Batasuna were erased from the registry of political parties; that they will not be able to participate in any elections; that none of their activities (meetings, publication, propaganda, electoral process) will be permitted; and that their patrimonial assets will be sold off and the proceeds used for social or humanitarian activities.

In September, the Basque Government initiated a claim against the Spanish Government at the ECHR. The claim alleges that the Law of Political Parties, used as a base to de-legalize Batasuna, violates fundamental rights. In November, the ECHR officially received the cases of 221 Batasuna candidates who were not allowed to stand for office, but made no rulings on them by year's end. During the year, the European Parliament released a human rights report stating that the Law of Political Parties is "in accordance with the principles of freedom, democracy, and respect for human rights and fundamental liberties, as well as being in accordance with the Rule of Law."

Women participated actively in government and politics. Of 15 Cabinet Ministers, 5 were women, including the Foreign Minister. The Speaker of the Chamber of Deputies was a woman. Of the 350 members of the lower house, 110 were women. Of 259 Senators, 65 were women. One of the country's two European Union (EU) Commissioners was a woman. At year's end, 21 of the 64 Spanish members of the European Parliament were women.

The Government did not keep statistics on the ethnic composition of the national parliament. The Spanish city enclaves of Ceuta and Melilla in North Africa had Muslim political parties.

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

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

The Constitution provides for an ombudsman, called the People's Defender, whose duties include actively investigating complaints of human rights abuses by the authorities (see Section 1.d.). The Ombudsman operated independently from any party or government ministry, was elected every 5 years by a three-fifths majority of the Congress of Deputies, and was immune from prosecution. He had complete access to government institutions and to all documents other than those classified for national security reasons, and could refer cases to the courts on his own authority. The Ombudsman had a staff of approximately 150 persons and received approximately 15,000 complaints as of September. The majority of the complaints pertained to health and social services, integration and shelter services for immigrants, moving of imprisoned persons from one penitentiary to another, and lack of adequate facilities in such penitentiaries. Government agencies were responsive to the Ombudsman's recommendations. Several of the autonomous communities had their own ombudsman, and there were ombudsmen dedicated to the rights of specific groups, such as women, children, and persons with disabilities.

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

The Constitution provides for equal rights for all citizens, and discrimination on the basis of sex, race, ethnicity, nationality, disability, or ideology is illegal; however, social discrimination against Roma and immigrants continued to be problems.

Women.—Violence against women, particularly domestic violence, remained a problem. According to the Government, as of November, 64 women and 35 men had been killed as a result of domestic violence, and women had filed 13,016 criminal complaints and 32,996 misdemeanor complaints against their husbands or male partners. The Government continued to take steps to reduce violence against women.

The law prohibits rape and spousal abuse. As of November, 1,514 reports of rape had been received. There were 54 Civil Guard units that assisted battered women and 43 similar units in the National Police. There were 53 offices that provided legal assistance to victims of domestic violence and approximately 225 shelters for battered women. A 24-hour free national hotline that advised women or where to find local assistance or shelter operated during the year. The Ministry of Labor and Social Affairs also operates the Women's Institute, dedicated to women's issues.

The Government of Catalonia and the Chief Public Prosecutor signed an agreement providing that a doctor should examine female immigrants in Catalonia in danger of suffering from female genital mutilation (FGM) "ablation" when traveling to their countries of origin and again upon return. If they were victims of FGM, the parents could lose custody of the child. Also, in the province of Girona, a protocol prohibiting FGM prevented six such cases from being performed on young girls during the year.

Prostitution is not itself illegal, but forcing others into involuntary prostitution and organizing prostitution rings are illegal. Trafficking in women and minors for the purpose of prostitution was a problem (see Section 6.f.). An NGO, Proyecto Esperanza (Project Hope), was contracted by the Government to provide protection, housing, and counseling support to women who were the victims of trafficking or other abuse.

The law prohibits sexual harassment in the workplace; however, as of November, the Women's Institute reported 283 complaints of sexual harassment. Although prohibited by law, discrimination in the workplace and in hiring practices persisted.

Discriminatory wage differentials continued to exist. A report during the year by the General Workers' Union showed that the average hourly income of women was 86 percent of the average hourly income of men. In addition, the Minister of Social Affairs reported that while as of June 30, women constituted 38.33 percent of the work force, they held only 16.13 percent of senior management positions. By June 30, the female unemployment rate was 15.79 percent, almost twice the 7.95 percent rate for males on the same date. Women outnumbered men in the legal, journalism and health care professions, but still played minor roles in many other fields. In June, the Ministry of Labor presented the National Action Plan to eradicate wage discrimination. Any accusation of salary discrimination must be investigated within 24 hours, and the final report from the Labor Inspection Office must be completed within 2 months (down from 9 months, previously).

Employers were exempted from paying social security benefits to temporary workers who substituted for workers on leave for maternity, child adoption, or similar circumstances. A ministerial order to increase women's presence in sectors in which they are underrepresented provided a 2-year reprieve from paying social security taxes to employers who hired women in these sectors.

Children.—The Government was strongly committed to children's rights and welfare; it amply funded a system of public education and health care. Education was compulsory until age 16 and free until age 18. However, many Romani children did not attend school on a regular basis and some complained of harassment in schools.

The Constitution obligates both the State and parents to protect children. In March, the Council of Ministers authorized the signing of the Hague Agreement of 1996 regarding competences, applicable law, and cooperation for parental protection of children. The Ministries of Health and Social Affairs were responsible for the welfare of children and have created numerous programs to aid needy children. Numerous NGOs promoted children's rights and welfare, often through government-funded projects. Several of the Autonomous Communities had an office of the Defender of Children, an independent, nonpartisan agency charged with defending children's rights. Under the Penal Code, children under the age of 18 are not considered responsible for their actions and cannot be sent to prison.

Access to the national health care system was equal for girls and boys.

There were isolated reports of violence against children, although there appeared to be no societal pattern of abuse of children.

Trafficking in teenage girls for prostitution was a problem (see Section 6.f.).

Law enforcement and social service agencies reported an increasing number of undocumented immigrant children living on the streets.

Persons with Disabilities.—The Constitution calls for the State to provide for the adequate treatment and care of persons with disabilities, ensuring that they are not deprived of the basic rights that apply to all citizens. The law aims to ensure fair access to public employment, prevent discrimination, and facilitate access to public facilities and transportation. The national law serves as a guide for regional laws; however, levels of assistance and accessibility differed from region to region. According to documentation from the Spanish Center for Disability Documentation, regional regulations on access for persons with disabilities were most lacking in Murcia, Ceuta and Melilla. Nevertheless there were no reports of discrimination against persons with disabilities in employment, education, or the provision of other state services.

The law continued to permit parents or legal representatives of a person with mental disabilities to petition a judge to obtain permission for the sterilization of that person. The Constitutional Court has held that sterilization of persons with mental disabilities did not constitute a violation of the Constitution, and many courts in the past have authorized such surgery. This applies equally to both sexes. There were no reports of such sterilizations being performed in during the year.

The Government subsidized companies that employed persons with disabilities, mandating that all businesses that employed more than 50 persons either hire persons with disabilities for at least 2 percent of their workforce, or subcontract a portion of their work to special centers that employed persons with disabilities. According to an NGO that advocates on behalf of persons with disabilities, not all companies complied with this regulation, primarily because they did not know the law. New regulatory legislation for companies that want to have access to public contracts is expected to make companies aware of their obligations under this law.

National/Racial/Ethnic Minorities.—Public opinion surveys indicated the continued presence of racism and xenophobia, which resulted in discrimination and, at times, violence against minorities. The NGO "SOS Racism" has denounced the growing number of Neo-Nazi groups in Catalonia.

In July, Barcelona police arrested the owner of a bookstore that was selling books that fomented racism and condoned genocide. The police seized more than 10,000 books, videotapes, magazines and swastikas on sale to young people with a Nazi ethos.

The growth of the country's immigrant population at times led to social friction, which in isolated instances had a religious component. Muslim community representatives stated that there were significant anti-Moroccan immigrant feelings. In May, a group of skinheads attacked some members of the Moroccan community in the Catalonian town of Terrassa, but this attack was apparently more racially motivated than religious. Authorities have not taken action against the unidentified perpetrators.

Roma continued to face marginalization and discrimination in access to employment, housing, and education. The Romani community, whose size was estimated

by NGOs at several hundred thousand, suffered from substantially higher rates of poverty and illiteracy than the population as a whole. Roma also had higher rates of unemployment and underemployment. According to the national NGO Secretariado General Gitano, approximately 46 percent of Roma adults were unemployed. Roma occupied the majority of the country's sub-standard housing units. Several NGOs dedicated to improving the condition of Roma received federal, regional, and local government funding.

According to a 2000 study of primary education by the Gypsy General Secretariat Association (ASGG), an NGO, Roma children lagged significantly behind the general population in several areas, including integration into school routines and social interaction with other children, and lacked family support for education. Roma truancy and dropout rates remained significantly above average. However, the study showed improvements over the results of a similar study done in 1994, especially in early school access (94 percent entered school at age 6) and academic achievement (44 percent finished secondary level).

Languages or dialects other than Castilian Spanish are used in 6 of the 17 autonomous communities. The Constitution stipulates that citizens have "the duty to know" Castilian, which is the "official language of the state;" however, it also provides that other languages also may be official under regional statutes and that the "different language variations of Spain are a cultural heritage which shall . . . be protected." Laws in the Autonomous Communities of the Basque Country, Galicia, and Valencia require the community governments to promote their respective regional languages in schools and at official functions.

The Law of the Catalan Language stipulated 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 had the right to be addressed in Spanish by public officials. The legislation also established minimum quotas for Catalan-language radio and television programming.

During the year, the Catalan regional government signed an agreement with various socio-economic institutions to increase the use of the Catalan language in public places. The Catalan Government also rejected the Government's decree mandating a specific number of Castilian Spanish language classes in all autonomous regions, calling it an "invasion" of autonomous responsibilities. Critics contended that efforts to promote the use of non-Castilian languages made it more difficult for Castilian speakers to live and work in those areas.

Section 6. Worker Rights

a. The Right of Association.—The Constitution and laws ensure that all workers, except those in the military services, judges, magistrates, and prosecutors, are entitled to form or join unions of their own choosing, and workers exercised this right in practice. Approximately 15 to 20 percent of the workforce was unionized. Under the Constitution, trade unions are free to choose their representatives, determine their policies, and represent their members' interests. Unions were not restricted or harassed by the Government and were independent of political parties. The two main labor federations were the Workers' Committees (Comisiones Obreras) and the General Union of Workers (Union General de Trabajadores).

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 contended that employers practiced discrimination in many cases by refusing to renew the temporary contracts of workers engaging in union organizing. As of June 30, approximately 31 percent of all employees were under temporary contracts.

Unions are free to form or join federations and affiliate with international bodies and did so without hindrance.

b. The Right to Organize and Bargain Collectively.—The law provides for the right to organize and bargain collectively, including for all workers in the public sector except military personnel, and unions exercised this right in practice. Public sector collective bargaining includes salaries and employment levels, but the Government retained the right to set these if negotiations failed. Collective bargaining agreements were widespread in both the public and private sectors; in the latter they covered 85 to 90 percent of workers, even though only approximately 15 to 20 percent of workers were union members.

The Constitution provides for the right to strike and workers exercised this right. A strike in non-essential services was legal if its sponsors gave 5 days' notice. Any striking union must respect minimum service requirements negotiated with the respective employer. The Constitutional Court has interpreted the right to strike to

include general strikes called to protest government policy. According to the National Business Association, as of June 30, there had been 275 strikes, with approximately 381,000 participants and 1 million lost workdays. The law prohibits retaliation against strikers, and there were no general strikes during the year.

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 reportedly is higher than the average throughout the country.

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

d. Status of Child Labor Practices and Minimum Age for Employment.—Child labor was generally not a problem. The statutory minimum age for the employment of children is 16 years old. The law also prohibits the employment of persons under the age of 18 at night, for overtime work, or in sectors considered hazardous. The Ministry of Labor and Social Affairs primarily was responsible for enforcement, and the minimum age was enforced effectively in major industries and in the service sector. It was more difficult to enforce the law on small farms and in family-owned businesses, where some child labor persisted. Legislation prohibiting child labor was enforced effectively in the special economic zones.

Law enforcement and social service agencies reported an increasing number of undocumented immigrant children living on the streets. These children cannot legally work; as a result, many survived through petty crime.

There were reports that persons were trafficked for forced and bonded labor (see Section 6.f.).

e. Acceptable Conditions of Work.—Each year the Government revises its minimum wage for workers over age 18, in line with the consumer price index. The Government raised the minimum wage for this year by 2 percent, to \$564 (451.20 euros) monthly or \$19 (15.04 euros) daily. The national minimum wage generally provided a decent standard of living for a worker and family; however, this was not the case in all areas of the country. The Ministry of Labor effectively enforced the minimum wage. The law set a 40-hour workweek with an unbroken rest period of 36 hours after each 40 hours worked. Workers received 12 paid holidays a year and 1 month's paid vacation.

The National Institute of Safety and Health in the Ministry of Labor and Social Security had technical responsibility for developing labor standards, but the Inspectorate of Labor had responsibility for enforcing the legislation through judicial action when infractions were found. Unions have criticized the Government for devoting insufficient resources to inspection and enforcement. Workers have firm legal protection for filing complaints about hazardous conditions.

Unions and NGOs concerned with immigrant rights reported that illegal immigrants often worked for sub-standard pay and in sub-standard conditions, mainly in agriculture. Illegal aliens, estimated by the Government at between 500,000 and 700,000, do not have the right to join unions or to strike.

f. Trafficking in Persons.—The law prohibits trafficking in persons; however, trafficking in women and teenage girls remained a problem. There were a few reports of trafficking of younger minors.

The law defines trafficking as a criminal offense. The penalty for trafficking is 2 to 4 years' imprisonment and a fine, or 6 to 12 years if a public official commits the crime. The exploitation of prostitutes through coercion or fraud and the exploitation of workers in general also are illegal, although prostitution itself is not illegal. Trafficking in workers was punishable by 2 to 5 years' imprisonment and a fine. During the year, law enforcement agencies arrested 242 individuals for labor exploitation and 761 individuals for sexual exploitation.

The Government specifically targets trafficking as part of its broader plan to control immigration; for example, the police actively pursued and prosecuted organized crime groups who used false identity documentation for immigrant smuggling of all kinds, including trafficking. Within the Interior Ministry, the National Police Corps had primary responsibility for all matters pertaining to immigration, including trafficking. Regional authorities also participated in fighting organized criminal activity, including trafficking. In addition, the Interior Ministry chaired an interagency committee on all immigration issues, including trafficking. The Ministries of Foreign Affairs, Health, Education, Treasury, and Labor also were members of the committee. The main police school gave courses on trafficking issues, such as the recognition of fake documents and the best ways to identify traffickers.

In July, the Government signed an agreement with Mauritania to return illegal immigrants to that country even if they were citizens of another country. This is

not limited to victims of trafficking, but applies to all illegal immigrants in the country.

The country was both a destination and transit country for trafficked persons for the purpose of sexual exploitation, and to a lesser degree forced labor (see Section 6.d.). Women were trafficked primarily from Latin America (Colombia and Ecuador), East European countries (Romania and Bulgaria), sub-Saharan Africa (Nigeria, Guinea, Sierra Leone), and, to a lesser extent, North Africa. Asians, including Chinese, were trafficked to a much lesser degree, and more often for work other than prostitution. Trafficking involved almost exclusively the importation of women for prostitution, although there were reports of occasional cases in which victims were employed in other work, including agriculture and sweatshops. Trafficked women were usually 18 to 30 years of age, but some girls were as young as age 16.

Traffickers used coercion, including confiscation of documents, violence, and threats against family members to keep victims working in prostitution. As a group, women from Eastern Europe reportedly were subjected to more severe violence and threats by traffickers. Traffickers lured some victims from other regions with false promises of employment in service industries and agriculture and then forced them into prostitution upon their arrival in the country.

The law allows for trafficked persons to remain in the country if they agree to testify against the perpetrators. After legal proceedings conclude, the individual is given the option of remaining in the country or returning to the country of origin. Victims were encouraged to help police investigate trafficking cases and to testify against traffickers. The Government worked with and funded NGOs that provided assistance to trafficking victims. In addition, regional and local governments provided assistance either directly or through NGOs.

Project Hope, a program backed by the Catholic NGO Las Adoratrices and government agencies, specifically was designed to assist trafficking victims. The project operated shelters in Madrid and provided assistance with medical and legal services and acted as liaison with law enforcement for victims who chose to testify against traffickers. Project Hope received many of its referrals directly from police.

SWEDEN

Sweden is a constitutional monarchy with a multiparty parliamentary form of government. The King is head of state, and the Prime Minister, who heads the Cabinet, exercises executive authority. The judiciary is independent.

The Government maintained effective control of the security forces and armed forces. Police provided internal security and the military provided external security. There were no reports that security forces committed human rights abuses.

The country had an advanced industrial economy, mainly market based, with a total population of approximately 8.96 million. Citizens enjoyed 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 provided effective means of dealing with individual instances of abuse. Societal violence against women was a problem. Anti-Semitic crimes and threats against the Muslim community were problems, which the Government took steps to address. Trafficking in women and children was a problem. The Government actively took steps to address these problems.

RESPECT FOR HUMAN RIGHTS

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

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

The Chief Prosecutor's investigation into the 2000 death of Peter Andersson, who died after his arrest in Orebro, was closed; no one was charged in connection with the death.

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

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

Following an investigation of the 2001 police shooting and wounding of three protesters at the European Union (EU) summit in Gothenburg, the police officer in charge of the police authority in Gothenburg was charged with breach of duty and unlawful deprivation of freedom. The case remained pending at year's end.

Prison conditions generally met international standards. Men and women prisoners were held separately. Juveniles were held separately from adults, and convicted criminals and pretrial detainees were held separately.

The Government permitted visits by independent human rights observers, although there were no such visits during the year. In January, the Council of Europe's Committee for the Prevention of Torture made a regular visit as prescribed by the European Convention Against Torture.

d. Arbitrary Arrest, Detention, or Exile.—The Constitution prohibits arbitrary arrest and detention, and the Government generally observed these prohibitions. The law requires warrants for arrests. 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. Police may hold a person for questioning for 6 hours, although the period may be extended to 12 hours if necessary for the investigation. If the person is a suspect, police must decide whether to arrest or release the person; if the suspect is arrested, the prosecutor has 24 hours (or 3 days in exceptional circumstances) to request detention, and the suspect must then be arraigned within 48 hours. Prosecution begins within 2 weeks, unless extenuating circumstances exist. Detainees routinely were released pending trial unless they were considered dangerous.

The Constitution prohibits forced exile, and the Government did not employ it.

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

The judicial system is composed of three levels of judicial examination: 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. For some areas there are specialized courts, such as labor, water, real estate, and market courts. These courts usually are the second and last instance for trial after the district court.

The Constitution provides for the right to a fair trial, and an independent judiciary generally enforced this right. Trials are public. Defendants have the right to appeal and are presumed innocent until proven guilty.

There were no reports of political prisoners.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence.—The Constitution prohibits such actions, and the Government generally respected these prohibitions in practice. The law limits home searches to investigations of major crimes punishable by at least 2 years' imprisonment. In general, the police must obtain court approval for a wiretap and a prosecutor's permission for a search; however, a senior police official may approve a search if time is a critical factor or the case involves a threat to life. The national police and the Prosecutor General's Office submit a report to Parliament each year detailing all of the electronic monitoring done during the previous year.

A proposal for closer regulation of existing methods of investigation and an expansion of those methods was submitted to the Ministry of Justice in August. The proposal aims to facilitate police investigations of more serious crimes and would be used to conduct sting operations, undercover operations, and more extensive searches.

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Speech and Press.—The Constitution provides for freedom of speech and of the press, and the Government generally respected these rights in practice. However, there is a law against hate speech that makes "agitation against ethnic groups" a crime. Under this law, neo-Nazi groups were not permitted to display signs and banners with provocative symbols at their rallies (see Section 5).

An independent press, an effective judiciary, and a functioning democratic political system combined to ensure freedom of speech and of the press, including academic freedom.

The independent media were active and expressed a wide variety of views without government restriction. A quasi-governmental body excised extremely graphic violence from films, television programs, and videos.

The law prohibits the possession and handling of child pornography. It also is illegal to publish or distribute such material.

Internet access was available widely and unrestricted.

b. Freedom of Peaceful Assembly and Association.—The Constitution provides for freedom of assembly and association, and the Government generally respected these rights in practice. Police require a permit for public demonstrations, but the authorities routinely granted such permits. In the rare instances when permits were de-

nied, the decision was made either to prevent clashes between antagonistic groups or because there were insufficient police resources to patrol an event adequately.

c. Freedom of Religion.—The Constitution provides for freedom of religion, and the Government generally respected this right in practice. The Government did not prohibit the practice or teaching of any faith. There is no state church.

Citizens are tolerant of diverse religions practiced in the country; however, the numbers of reported anti-Semitic crimes and tendencies have increased over the past several years. There is also a very small, but sporadically active, fascist and neo-Nazi movement. In April, there was an attempted arson at the purification room of the Jewish cemetery in Malmo. The Government continued to take steps to combat anti-Semitism by increasing awareness of Nazi crimes and the Holocaust.

Since 2001, threats against the Muslim community have increased. In April, the Islamic school and large parts of the Islamic Center in Malmo were destroyed in a fire that police later determined was arson; the police investigation continued at year's end.

In June, the Ombudsman against Ethnic Discrimination brought a case to court of the denial of employment to a woman because she wore a head covering for religious reasons. The case was pending at year's end.

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

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

The law provides for the granting of refugee status or asylum to persons who meet the definition in the 1951 U.N. Convention Relating to the Status of Refugees and its 1967 Protocol. In practice, the Government provided protection against refoulement and granted refugee status or asylum. The Government cooperated with the U.N. High Commissioner for Refugees (UNHCR) and other humanitarian organizations in assisting refugees. The Government also provides temporary protection to some persons who do not qualify as asylees or refugees. The number of asylum seekers decreased slightly: 31,355 persons sought asylum, compared with 33,016 in 2002. Of the total number of asylum seekers, 5,305 were from Serbia and Montenegro, 3,069 from Somalia, and 2,700 from Iraq. The Government approved 5,518 applications during the year. Applications could remain under consideration for long periods of time with applicants in uncertain status. The appeals process in the courts may extend cases for several years, although there were few such cases.

The U.N. Committee Against Torture received 11 new cases against the Government during the year, all of which concerned denial of entry to the country. During the year, the Committee ruled on five cases and found that, in each case, the country had not violated the rights of the petitioners.

The Government expeditiously returned asylum seekers from EU countries or from countries with which there were reciprocal return agreements. In most cases, persons who were returned expeditiously had passed through or had asylum determinations pending in other EU countries. In many cases, asylum seekers were deported within 72 hours of arrival. The Government experimented with pilot programs at selected border crossings to provide expeditious legal assistance, a concern raised by some NGOs.

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

The Constitution provides citizens with the right to change their government peacefully, and citizens exercised this right in practice through periodic, free, and fair elections held on the basis of universal suffrage. Elections to the 349-member unicameral Parliament are held every 4 years; the last elections were held in September 2002.

Women participated actively in the political process and Government. Women constituted 45 percent of the Parliament and 41 percent of the Cabinet. The Parliament included representatives of the principal religious, ethnic, and immigrant groups.

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

A number of domestic and international human rights groups generally operated without government restrictions, investigating and publishing their findings. Government officials were very cooperative and responsive to their views. Several private organizations actively monitored issues such as the effect of social legislation, anti-immigrant or racist activities, and the condition of the indigenous Sami population. Government agencies maintained close contact with a variety of local and

international groups working in the country and abroad to improve human rights observance.

The official government ombudsmen may publicize abuses of state authority and initiate actions to rectify such abuses.

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

The Constitution provides for equal rights for all citizens. In July, a law entered into force prohibiting discrimination based on disability, ethnicity, religion, or sexual preference.

Women.—Violence against women remained a problem. During the year, 16,758 cases of assault against women (excluding rape) were reported, compared with 21,420 in 2002. Most involved spousal abuse. An average of 30 murders of women and girls are reported each year, half of them by men closely related to the victim. Rape is illegal, and the law does not differentiate between spousal and non-spousal rape. The number of reported rapes of persons over age 14 was 1,851, compared with 1,791 in 2002. The law provides that rape may be prosecuted as sexual assault instead of the more serious crime of rape, based on a determination of the level of resistance offered by the victim. At year's end, the Government was working on legislation that would expand the criminal definition of rape.

The law provides complainants with protection from contact with their abusers. In some cases, authorities helped women obtain new identities and homes. The Government provided electronic alarms or bodyguards for women in extreme danger of assault. Both national and local governments helped fund volunteer groups that provided shelter and other assistance to abused women, and both private and public organizations ran shelters. There was a hot line for victims of crime, and police were trained to deal with violence against women. Authorities apprehended and prosecuted abusers. The typical sentence for abuse is a prison term—14 months on average—or psychiatric treatment. However, women's organizations complained about short sentences and early release of offenders.

In June, the Government allocated approximately \$16 million (128 million SEK) over a 3-year period to provide protected housing for young women vulnerable to honor-related violence from family members. This action was part of the Government's increased focus on honor killings after the 2002 killing of Fadime Sahindal by her father because she refused an arranged marriage. The killing received international attention because Sahindal had publicly charged her father and brother with threatening her life in a 1998 court case in which her father ultimately received a suspended sentence and her brother received probation.

The law specifically prohibits the purchase or attempted purchase of sexual services. Trafficking in women for purposes of sexual exploitation was a problem (see Section 6.f.).

The law prohibits sexual harassment and specifies clearly employers' responsibilities to prevent and, if applicable, to investigate sexual harassment in the workplace and to formulate and post a specific policy and guidelines for the workplace. Employers who do not investigate and intervene against harassment at work may be obliged to pay damages to the victim. As with other forms of discrimination, women and men may file complaints with the courts or their unions.

The law requires employers to treat men and women alike in hiring, promotion, and pay, including equal pay for comparable work. Some sectors of the labor market showed significant gender disparities, many with a strong preponderance of either men or women. In 2001, women's salaries averaged 90 percent of men's salaries, adjusting for age, education, and occupational differences. To combat gender discrimination in the long term, the Equal Opportunities Act requires employers, in both public and private sectors, actively to promote equal opportunities for women and men in the workplace. The Equal Opportunity Ombudsman, a public official, investigates complaints of gender discrimination in the labor market. Complaints may also be filed with the courts or with the employer, with mediation by the employee's labor union. During the year, 146 cases were registered: Women filed approximately 90 percent, and 50 percent concerned salary issues. The number of discrimination complaints related to pregnancy rose to 30, compared with 10 in 2002.

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. The law requires from every employer a survey made with a union representative analyzing wage differences. If gender is found to be the cause for a difference in salary, pay must be equalized within 3 years.

Children.—The Government was strongly committed to children's rights and welfare; it amply funded systems of public education and medical care. An official children's Ombudsman monitored the Government's programs. The Government pro-

vided compulsory, free, and universal primary school education for children 9 to 16 years of age. It also provided free medical and dental care for all children up to the age of 16 (19 for dental care). Parents received approximately \$1,300 (10,400 SEK) per year for each child under 16 years of age; the per-child amount increases when there are three children or more.

Public and authorities remained concerned by data indicating an increase in cases of abuse of children over the past several years, although the physical abuse of children appeared relatively uncommon. During the year, there were 7,355 reported cases of abuse of children under the age of 15. In addition to 332 reported cases of rape, there were 1,043 reported cases of sexual abuse of children, compared with 2,700 reported cases of child sexual abuse and 374 reported cases of rape in 2002.

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 usual sentence for such an offense is a fine combined with counseling and monitoring by social workers. However, authorities may remove children from their homes and place them in foster care. Foster parents virtually never received permission to adopt long-term foster children, even in cases where the biological parents were seen as unfit or sought no contact with the child. Critics charged that this policy placed the rights of biological parents over the needs of children for security in permanent family situations.

The Government allocated funds to private organizations concerned with children's rights. An NGO, Children's Rights in Society, offered counseling to troubled youngsters. The Government continued to be active internationally in efforts to prevent child abuse.

Persons with Disabilities.—The law prohibits discrimination by employers against persons with disabilities in hiring decisions and prohibits universities from discriminating against students with disabilities in making admission decisions. No other specific laws prohibit discrimination against persons with disabilities, although considerable efforts were made to ensure that persons with disabilities enjoyed equal opportunities. There was an Ombudsman for Disability Issues.

The Government provides for freedom of access and social support as basic rights for citizens with disabilities. At government direction, a parliamentary committee studied means to improve legal protection against discrimination for persons with disabilities; its report is due in 2004. Regulations for new buildings require full accessibility, but there is no such requirement for existing public buildings, except for certain public entities that are obliged to make their facilities accessible. Many buildings and some public transportation remained inaccessible. Deaf children have the right to education in sign language. The parents of children with disabilities and workers with disabilities under the age of 65 received financial assistance every 7 years to buy a car adapted to the person's disability.

Indigenous People.—There were at least 17,000 Sami (formerly known as Lapps and officially recognized in 2000 as a national minority) in the country; Sami organizations placed that number at 25,000 to 30,000. The Sametinget (Sami Parliament) acts as an advisory body to the Government. The Government allocated funding to the Sametinget for the establishment of a national information center for Sami issues to be completed by 2004.

Some Sami stated that they continued to face societal discrimination, especially in the areas of housing and employment and particularly in the southern mountain regions.

National/Racial/Ethnic Minorities.—Approximately 11 percent of the population is foreign born, with the largest groups from Finland, Iraq, Iran, and the former Yugoslavia. In 2002, there were 2,260 reports of xenophobic crimes, of which 300 were related to neo-Nazism; more recent statistics were unavailable.

Most estimates placed the number of active neo-Nazis, or white supremacists, at fewer than 3,000, and there appeared to be little popular support for their activities or sentiments. The Government investigated and prosecuted race-related crimes, although in many clashes between Swedish and immigrant youth gangs, authorities judged both sides to be at fault. Neo-Nazi groups operated legally, but courts have held that it is illegal to wear xenophobic symbols or racist paraphernalia or to display signs and banners with provocative symbols at rallies.

During the year, several demonstrations against violence and racism were organized throughout the country. The Government supported volunteer groups that opposed racism and xenophobia and allocated funding for projects supporting those who have left neo-Nazi organizations.

The Ombudsman for ethnic discrimination reported 349 complaints of ethnic discrimination in the labor market, compared with 305 such complaints in 2002.

The law recognizes the Sami people, Swedish Finns, Tornedal-Finns, Roma, and Jews as national minorities. The Government supported and protected minority languages. The Council of Europe issued a report during the year that criticized the Government's efforts to protect minority languages. The report expressed particular concern about insufficient education, as well as inadequate translation of laws and other public information.

On June 1, the Living History Forum was established, with a commission from the Government to promote democracy, tolerance, and human rights, with the Holocaust as a starting point. The activity had a budget of \$3.75 million (30 million SEK) for the year.

Section 6. Worker Rights

a. The Right of Association.—The law entitles workers to form and join unions of their choice, and workers exercised this right. The work force consisted of approximately 4.3 million persons, of which approximately 80 percent were unionized. Unions and employer organizations operated 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 union officials and members from dismissal or reprisals for official union activities.

Unions have the right to affiliate with international bodies. Most unions were affiliated with the International Confederation of Free Trade Unions and the European Trade Union Confederation.

b. The Right to Organize and Bargain Collectively.—The law provides for collective bargaining, and workers exercised this right. Framework negotiations between management and labor tend to be productive and nonconfrontational and occur every 2 to 3 years. Framework agreements are signed every year between the parties on the labor market to regulate the wage increase. Most agreements with labor unions provided for a degree of individualized pay, including merit bonuses. A government agency, the National Mediation office, mediated labor disputes to promote an efficient wage formation process.

The law provides both workers and employers with effective mechanisms for resolving complaints. The vast majority of complaints were resolved informally.

The law provides for the right to strike, as well as for employers to organize and to conduct lockouts. During the year, 9 legal and no illegal strikes were reported, involving 80,333 employees and 626,397 workdays. Within limits protecting the public's immediate health and security, public employees also enjoy the right to strike.

There are no export processing zones.

c. Prohibition of Forced or Bonded Labor.—The law prohibits forced or bonded labor, including by children; however, there were reports that such practices occurred (see Section 6.f.).

d. Status of Child Labor Practices and Minimum Age for Employment.—The law permits full-time employment at age 16 under the supervision of local authorities. Employees under age 18 may work only during the daytime and under supervision. Children as young as 13 years may work parttime or in "light" work with parental permission. Union representatives, police, and public prosecutors effectively enforced these restrictions.

e. Acceptable Conditions of Work.—There is no national minimum wage law. Wages were set by collective bargaining contracts every year, which nonunion establishments usually observed as well. Even the lowest-paid workers were able to maintain a decent standard of living for themselves and their families through substantial benefits (such as housing or daycare support) provided by social welfare entitlement programs.

The legal standard workweek is 40 hours or less. Both the law and collective bargaining agreements regulate overtime and rest periods. The law also requires a minimum period of 36 consecutive hours of rest, preferably on weekends, during a period of 7 days. The law also provides employees with a minimum 5 weeks' paid annual leave; labor contracts often provided more, particularly for higher-ranking private sector employees and older public service workers.

Occupational health and safety rules were set by a government-appointed board, the Work Environment Authority, and monitored by trained union stewards, safety ombudsmen, and, occasionally government inspectors. These standards were very high, making workplaces both safe and healthy in general. Safety ombudsmen have the authority to stop unsafe activity immediately and to call in an inspector. An individual also has the right to halt work in dangerous situations to consult a supervisor or safety representative without endangering continued employment.

Unions played an important role in preventing discrimination in the labor market. The same minimum terms of employment apply to foreign and domestic workers.

f. Trafficking in Persons.—A 2002 law prohibits the trafficking of persons for sexual purposes, provides for sentences of 2 to 10 years in prison for persons convicted of trafficking, and criminalizes attempting to traffic, conspiracy to traffic, and the failure to report such crimes; however, trafficking in women and children continued to be a problem.

To prosecute traffickers, law enforcement primarily continued to use laws against procurement and an offense called “placing in distress,” which can be used in cases where traffickers lure women from other countries under false pretenses. There were 48 cases of procurement prosecuted during the year, many involving trafficking victims. Traffickers sentenced for procurement faced up to 6 years in prison, but most sentences were for 2 to 3 years.

In October, a court in Gothenborg announced the first convictions under the 2002 law: A woman and her accomplice were sentenced to respective prison terms of 4 years and 2 years for luring two girls, ages 17 and 19, to Copenhagen with promises of work but then forcing them into prostitution.

According to the police, the country remained primarily a trafficking destination, although it also served increasingly as a transit point for women and children. Trafficked women, numbering 200 to 500 per year, came principally from the Baltic countries, Central and Eastern Europe, and Russia; those transiting came primarily from the Baltic region, and the principal destination countries were Spain, Germany, Denmark, and Norway. There have been occasional cases of trafficked women from South America. There were anecdotal police reports that trafficking in children increased during the year.

Women typically were recruited in their own countries to work as cleaners, babysitters, or in similar employment. Once in the country, victims were isolated and intimidated by traffickers and forced to work as prostitutes in hotels, restaurants, massage parlors, or private apartments. Some reportedly were “purchased” from other traffickers and brought into the country. There were reports that traffickers locked women up and confiscated their passports. National Criminal Investigation Department reports indicated that younger women, many of them minors, were subjected to trafficking.

Trafficking victims in general did not receive temporary residence permits; in most cases, they were deported immediately. Victims of trafficking rarely were detained. The Government allocated funds to NGOs for providing shelter to victims and rehabilitation; the police and social services also provided funding. A new legislative proposal will enable trafficking victims to receive temporary residence permits to allow better care for victims and to facilitate police investigations.

The Government did not have a specific program to assist victims. However, the police often worked with private organizations like The Young Women’s Shelter to provide housing and treatment to victims. The Government also provided funding to two domestic NGOs, Women’s Forum and Women to Women.

The Government has allocated \$3.75 million (30 million SEK) during a 3-year period to enhance anti-trafficking efforts and provided funding to NGOs and international organizations that combat trafficking worldwide. In April, a new strategy was launched within country’s international development cooperation programs to combat trafficking. The goal was to address the causes of trafficking by combating poverty and lack of equality in countries that often served as points of origin for trafficking victims.

SWITZERLAND

Switzerland is a constitutional democracy with a federal structure. The bicameral Parliament elects the seven members of the “Federal Council” (Swiss cabinet), the highest executive body, whose presidency rotates annually. Due to the nation’s linguistic and religious diversity, the political system emphasizes local and national political consensus and grants considerable autonomy to the 26 individual cantons (states). The Parliament was elected on October 19, allowing the Government to remain a grand coalition of the four major parties. A new Constitution took effect in 2000. The judiciary is independent.

The armed forces were a civilian-controlled militia based on universal military service for able-bodied males. There was virtually no standing army apart from training cadres and a few essential headquarters staff. Police duties were primarily a responsibility of the individual cantons, which had their own police forces that

were under effective civilian control. There were allegations that a few members of the police forces committed human rights abuses.

A highly developed free enterprise, industrial, and service economy strongly dependent on international trade allowed for a high standard of living for the country's 7.3 million residents.

The Government generally respected the human rights of its citizens; although there were some problems, the law and judiciary provide effective means of dealing with individual instances of abuse. Cantonal police were involved in at least one death during the year. Police occasionally used excessive force, particularly against foreigners and asylum seekers. There continued to be reports of discrimination against foreigners. Trafficking of women and children for prostitution continued to be a problem, which the Government took steps to address.

RESPECT FOR HUMAN RIGHTS

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

a. Arbitrary or Unlawful Deprivation of Life.—There were no political killings. In October, a 30-year-old citizen with mental disabilities died in the Canton of Lucerne after a fight with police who were taking him into preventive custody. He allegedly became unconscious after a physician gave him a tranquilizer shot. Local authorities continued the investigation at year's end.

On May 30, a Bern criminal court judge acquitted four Bernese police officials, two charged with negligent manslaughter and two charged with attempted grievous bodily harm, for their role in the violent death of Cemal Gomec in 2001. The judge ruled that at the moment of his apprehension by police, Gomec constituted a threat to both himself and others and that police action was circumspect and proportionate. The Bern cantonal prosecutor-general has decided to appeal the acquittal of the two officials charged with negligent manslaughter but dropped charges against the other two.

In June, a Zurich policeman was sentenced to a 3-month suspended prison sentence for negligent manslaughter for killing a 72-year-old pedestrian in 2002 while maneuvering a police car.

Authorities have concluded their investigation into two police officers from Basel who shot and killed Michael Hercouet in 2001 just over the border in France. One officer was scheduled to appear in court in early 2004.

On July 2, a Geneva court sentenced a Geneva policeman who fired at two French men driving a stolen car in 2000 to an 8-month suspended jail sentence. The court said that the use of the weapon was disproportionate and that the life of the policeman had not been put at risk.

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, nongovernmental organizations (NGOs) reported that police occasionally used excessive force, particularly against foreigners. During the year, the NGO Eyes Open (Augen auf) filed a complaint against police officers in Glarus canton over alleged police brutality during nighttime raids in July on asylum seekers in their homes. The group alleged that heavily armed police stormed the buildings, bound the residents' hands and feet, and made them wait for hours before photographing them naked. In response to Amnesty International (AI) and the Swiss Red Cross's requests for an investigation, Glarus police filed a self-accusation for alleged misconduct. In December, an out-of-canton prosecutor-general, contracted by Glarus judicial authorities, concluded that some police action was disproportionate, but the criminal investigation against the head of the Glarus criminal police for alleged brutality was discontinued.

In 1999, the Canton of Geneva stated there were 715 reported cases of the use of force by police, 33 of which resulted in formal complaints. A 2001 U.N. Human Rights Committee report cited concern and called for effective responses to reported instances of police brutality during arrests and detentions, particularly of foreigners.

In June, a Zurich district attorney dropped the charges of deliberate physical injury against a Zurich police officer who trapped Kurt von Allmen with his car, causing injuries and the amputation of his leg in 2002, but allowed his prosecution for acting negligently. Von Allmen appealed the district attorney's decision; a court ruling remained pending at year's end.

The investigation into a 2002 incident where Zurich police shot and seriously wounded an unarmed passerby while pursuing a burglar remained ongoing at year's end.

AI has called for a probe into suspected human rights violations by police during the violent anti-G8 protests in June (see Section 2.b.). The organization said it was concerned about reports of alleged police brutality against demonstrators.

Prison conditions generally met international standards. In response to past claims by NGOs that prisons were overcrowded, the Government has taken measures to improve prison conditions and addressed overcrowding by expanding the number of detention facilities. However, prison overcrowding in some areas remained a concern. Male and female prisoners were held separately and juveniles were held separately from adults. Pretrial detainees also were held separately from convicted criminals.

The Government permits prison visits by independent human rights observers and human rights groups regularly monitored prison conditions.

d. Arbitrary Arrest, Detention, or Exile.—The Constitution prohibits arbitrary arrest and detention, and the Government generally observed these prohibitions; however, some NGOs alleged that the authorities arbitrarily detained asylum seekers (see Section 2.d.).

The cantons are responsible for handling most criminal matters, and procedures vary from canton to canton. The Swiss Federal Police Office has a coordinating role and relies on the cantons for actual law enforcement. The Federal Attorney General in Bern oversees inter-cantonal and international crimes.

In major cities such as Zurich, Bern, and Basel as well as in some cantons, an ombudsman heard citizen's complaints about wrongful government action. Not every ombudsman could proactively investigate alleged abuses of government authority, but all accepted complaints from third parties. No ombudsman existed at the federal level. On July 9, the Zurich city council took note of a parliamentary commission report reviewing certain cases of alleged abuse of human rights by local police. The report concluded that the vast majority of law enforcement agents surveyed acted correctly, but that in five cases an excessive use of force occurred. The report included a list of approximately 40 recommendations to political authorities and local police.

In May, 24 cantonal police officers attended a 1-week special training program in Zurich designed to prevent suffocation accidents while deporting immigrants who resist deportation. The training program involved legal, psychological, and practical tools when undertaking a forceful deportation.

In general, a suspect may not be held longer than 48 hours without a warrant of arrest issued by an investigative magistrate; however, asylum seekers and foreigners without valid documents may be held for up to 96 hours without an arrest warrant. A suspect may be denied legal counsel at the time of detention but has the right to choose and contact an attorney by the time an arrest warrant is issued. The State provides free legal assistance for indigents who may be jailed pending trial.

Investigations generally were prompt; however, in some cases investigative detention may exceed the length of sentence. Release on personal recognizance or bail is granted unless the magistrate believes the person is dangerous or will not appear for trial. Any lengthy detention is subject to review by higher judicial authorities. During the year, approximately one-third of all prisoners were in pretrial detention, and the average length of such detention was 50 days.

The Constitution prohibits forced exile, and the Government did not employ it.

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

All courts of first instance are local or cantonal courts. Citizens have the right to appeal, ultimately to the Supreme Court. Trials involving minor offenses are heard by a single judge, more serious or complex cases by a panel of judges, and the most serious cases (including murder) by a jury.

The Military Penal Code (MPC) requires that all war crimes or violations of the Geneva Convention be prosecuted and tried in the country, regardless of where a crime was committed and whether the defendant was a member of an army or a civilian. Normal civilian rules of evidence and procedure apply in military trials. The MPC allows the appeal of any case. The highest level of appeal is to the Military Supreme Court. In most cases, the accused used defense attorneys assigned by the courts. Any licensed attorney may serve as a military defense counselor. Under military law, the Government pays for defense costs.

The Constitution provides for the right to a fair trial, and an independent judiciary generally enforced this right. Trials usually were expeditious. The Constitution provides for public trials, including the right to challenge and to present witnesses or evidence.

There were no reports of political prisoners.

f. Arbitrary Interference with Privacy, Family, Home or Correspondence.—Cantonal laws regulate police entry into private premises. These regulations differ wide-

ly from canton to canton, but all prohibit such practices without a warrant, and all government authorities generally respected these provisions in practice.

The law on telecommunication surveillance restricts wiretapping and the monitoring of emails to persons suspected of serious crimes. The legislation includes a list of offenses deemed serious enough to permit wiretapping, including money laundering, terrorism, and corporate crime. In the past, wiretapping could be used to monitor relatively minor crimes.

Instances of forced sterilization of women continued to be the subject of public debate during the year. There is no comprehensive law against forced sterilization of women at the federal level because medical treatment is a cantonal matter. A draft bill was discussed in Parliament during the year; if passed, the law would allow sterilization only under strict conditions. The Government rejected proposals that it should pay financial compensation to victims of forced sterilizations and castrations. Such practices were used up to the 1970s primarily on young women of low social standing or with mental illnesses.

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 this right in practice; however, some municipalities restricted the public distribution of pamphlets, particularly by Scientologists (see Section 2.c.). An independent press, an effective judiciary, and a functioning democratic political system combined 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, the Penal Code criminalizes racist or anti-Semitic expression, whether in public speech or in printed material.

The press operated independently and was free from government intervention. The Federal Government subsidized the press indirectly by paying \$74 million (100 million Swiss francs) yearly to lower the postal rates for newspaper distribution.

The nationwide broadcast media were government-funded but had editorial autonomy. Private and foreign broadcast media operated freely.

On September 1, the Zurich prosecutor's office charged Frank Lubke, president of the David Centre Against Anti-Semitism in Zurich, with violating the anti-racism law. Lubke wrote an open letter to government officials and the press in November 2002 following the terrorist attacks in Mombasa, Kenya, which contained harsh words against the Islamic religion. The trial originally scheduled for December was postponed.

The Zurich public prosecutor closed a 2002 investigation initiated by the Swiss Federal Police against the Kosovo-Albanian newspaper Bota Sot for an alleged violation of the anti-racism law without bringing charges.

Internet access was available and unrestricted. In January, the Federal Office for Police set up a Coordination Unit for Cybercrime Control (Cycos) in an effort to combat child pornography on the Internet (see Section 5).

On February 5, the Geneva Cantonal Government confirmed its decision to dismiss public school teacher Hani Ramadan, a Muslim cleric, after a closed hearing. Ramadan had already been suspended from teaching since October 2002 after he expressed support for the stoning of adulterers as set out in Shari'a law in an interview with a French newspaper. The president of the Geneva canton publicly stated that the justification of stoning was against the values of the Geneva canton, adding that Ramadan had already been warned twice in writing during the previous years.

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

In April, the police commander in Geneva was forced to resign after a paint ball injured a demonstrator during a violent protest against the World Trade Organization. The Geneva cantonal authorities, which later banned the use of paint bullets, said the commander's position had become untenable after it took police days to address the incident. A set of administrative inquiries cleared two policemen implicated in the incident from blame, but the cantonal government in November called for additional investigations. Geneva prosecuting authorities have launched a parallel criminal investigation of the case and were pressing charges for negligent bodily harm against one police officer.

AI has called for a probe into suspected human rights violations by police during the violent anti-G8 protests in June. The organization said it was concerned about reports of alleged police brutality against demonstrators. AI also alleged that several protesters have been denied basic rights while in detention.

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

There is no official state church; however, all of the cantons financially support at least one of three traditional denominations—Roman Catholic, Old Catholic, or Protestant—with funds collected through taxation. Each canton has its own regulations regarding the relationship between church and state. In November, voters in Zurich rejected an amendment to the cantonal constitution that would have provided for the recognition of nontraditional religious communities and allowed them to levy a tax on their members and to receive public funds.

On April 28, the Swiss Federal Court (Supreme Court) ruled that it was constitutional to refuse a license to run a private school to a body affiliated with the Church of Scientology, because of the latter's controversial nature, a stance the Court had already taken previously in 1993 and 1996. The Federal Court thus upheld a decision of the Lucerne cantonal government to close a private primary school run by a woman formally associated with the Church of Scientology.

Groups of foreign origin are free to proselytize. Foreign missionaries must obtain a religious worker visa to work in the country. Such permits were granted routinely and without any bias against any particular religion. In May, the Valais cantonal government upheld the 2002 rejection of a residency permit for Macedonian Imam Sevgani Asanoski, on the grounds that his religious education was too radical and potentially endangered the religious peace among different Muslim communities in the country.

According to the 2001 Swiss National Security Report, as of December 2001, there had been 183 cases brought to court under the 1995 anti-racism law, with 83 convictions. Of those, 43 persons were convicted for racist oral or written slurs, 19 for anti-Semitism, 17 for revisionism, and 4 for other reasons. Government officials have spoken frequently and publicly against anti-Semitism.

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

d. Freedom of Movement within the Country, Foreign Travel, Emigration, and Repatriation.—The Constitution provides for these rights for citizens, and the Government generally respected them in practice. However, non-citizens convicted of crimes may receive sentences that include denial of reentry for a specific period following the completion of a prison sentence.

The law contains provisions for the granting of refugee and asylum status to persons who meet the definition in the 1951 U.N. Convention Relating to the Status of Refugees and its 1967 Protocol. In practice, the Government provided some protection against refoulement and granted refugee status and asylum. The Federal Office for Refugees estimated the total number of asylum applicants and temporary residents living in the country during the year to be 90,468, a decrease of 3.5 percent from 93,741 in 2002. This number included recognized refugees and persons granted temporary asylum, as well as persons who had an asylum application pending, had appealed a rejection, or were awaiting repatriation. New applications for asylum dropped by 20.4 percent, from 26,125 in 2002 to 20,806 during the year. The Government cooperated with the office of the U.N. High Commissioner for Refugees and other humanitarian organizations in assisting refugees.

The Federal Office for Refugees reported 5,110 cases of forced repatriations during the year, while 3,436 refugees left on a voluntary basis. The Government denied having forced persons to return to countries where they had a well-founded fear of persecution and insisted that each case be examined carefully; however, NGOs accused the Government of expelling rejected asylum seekers in some cases when conditions in their native countries remained unfavorable. Refugees whose applications were rejected were allowed to stay temporarily if their lives were likely to be exposed to political repression, or because of a war situation in their country or origin.

The 1999 asylum law provides for the collective admission of victims of violence and authorizes the Swiss Cabinet to grant them temporary protective status. It also simplifies and accelerates the process of applying for asylum. At the same time, the law is designed to curtail the misuse of asylum regulations and enable the more rapid repatriation of uncooperative refugees or those who enter the country without identity papers. The Government may refuse to process the application of an asylum seeker who is unable to credibly justify a lack of identity papers. In such a case, the applicant must submit an appeal to reactivate consideration of the application within 24 hours. NGOs contended that such a short time period did not constitute an effective remedy and therefore violated the European Convention on Human Rights.

In June, the Federal Refugee Office published a list of approximately 40 “safe countries” of origin, which will serve as a basis to limit increasing asylum requests. Beginning August 1, asylum applicants from countries now deemed “safe” in terms of human rights no longer enjoyed refugee status. The Federal Refugee Office said that the list, which is expected to be updated regularly, is aimed at shortening the

time to process asylum requests, and that a decision would then be possible within a matter of days. In 2002, nationals from these “safe countries” filed 11 percent of all recorded asylum requests. The authorities have stated they hope this will prevent more influx of groups like Roma, who illegally entered Switzerland from France during the second half of 2002 before being sent back to Romania. The Refugee Office responded to NGOs’ concerns that the “safe country” criteria was arbitrary by publicly stating that some applicants from the “safe countries” would be allowed to remain in the country if they are “threatened by the mafia, if their home country cannot protect them, or if a woman was the victim of rape.”

The Government agreed to slow the flow of repatriations during the winter of 2000–2001 after former U.N. Special Representative to Kosovo Bernard Kouchner claimed that some areas of Kosovo were then unsafe. Approximately 740 Kosovars nevertheless were repatriated during the year. In 2002, the Federal Department for Refugees initiated voluntary repatriations for Macedonians.

After the Federal Office of Refugees declared the situation in the southern part of Sri Lanka safe, they initiated repatriation of 130,000 Sri Lankan refugees. The NGO Swiss Association for Refugees stated that it regretted the decision and feared some refugees would be sent back to areas in which war was ongoing. During the year, there were 51 forced repatriations, while 104 refugees left voluntarily. In total, there were 7,019 asylum seekers from Sri Lanka living in the country during the year.

In October 2002, federal authorities rejected the asylum applications of dozens of Roma from Romania who arrived in the country during the year. On October 9 and 10, 2002, the authorities deported 211 Roma to Romania. Roma asylum applications increased from 33 in 2001, to 968 in 2002.

Some human rights NGOs 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 (see Section 1.c.).

NGOs also alleged that police officers used 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. NGOs also acknowledged that asylum seekers had better access to legal counseling at the airport, but not to legal representation. Without legal representation, would-be asylum seekers often were unable to appeal a rejection of their asylum request within the 24-hour time limit.

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

The Constitution provides citizens with the right to change their government peacefully, and citizens exercised this right in practice through periodic, free, and fair elections held on the basis of universal suffrage. Initiative and referendum procedures provide unusually intense popular involvement in the legislative process. A new Constitution took effect in January 2000. In October, the electorate chose a new federal parliament. Elections were free and fair, and parties and candidates could nominate themselves freely.

In the run up to the October elections, UNHCR expressed concern about anti-asylum advertisements by a major political party; the Swiss People’s Party, campaigning on a right-populist, law and order platform, received nearly 27 percent of the vote.

In the October federal elections, women won 61 seats in the 246-seat Federal Parliament, a slight increase over the 55 seats in 1999. Two ministers in the 7-seat Swiss cabinet were women. However, in new cabinet elections held on December 10, the Federal Parliament did not re-elect the Justice Minister, whose party had shrunk in size, leaving the executive with only one woman, the Foreign Minister. At the cantonal level, the proportion of women representatives in legislatures has been steady at around 24 percent in recent years. Women held approximately one-fifth of the seats in cantonal executive bodies. In April, voters in Zurich elected a majority of women into the cantonal executive. Quotas existed at the Federal level and ensured that males or females were not underrepresented in extra-parliamentary commissions; the minimum level of representation for women was 30 percent.

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

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

In 2002, the European Court for Human Rights (ECHR) handed down four rulings involving the Government. In two cases, the ECHR established a violation of the European Convention for Human Rights: One concerned an excessively long judicial procedure before the Federal Court, the other the right of a defendant to obtain a record of all depositions made before court.

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

The Constitution and laws prohibit discrimination on the basis of race, sex, language, or social status, and the Government generally enforced these prohibitions effectively, although some laws tend to discriminate against women. The Constitution includes provisions for equal rights for persons with disabilities and for minorities.

Women.—Violence against women was a problem. The law prohibits domestic violence but does not differentiate between acts of violence committed against men and women. According to a 1997 government-funded study on domestic violence, one-fifth of all women suffered at least once in their lifetimes from physical or sexual violence, and approximately 40 percent suffered from psychological or verbal abuse. A 1998 study estimated that over 100,000 cases of domestic violence occurred each year.

A 2002 report of the U.N. Committee on the Elimination of Discrimination against Women welcomed a series of legal amendments over the previous years, but urged the Swiss cabinet to take steps against the rigid perceptions of men and women, and to increase the awareness of the U.N. convention among jurists, judges, and members of parliament so that they can better serve women's interests in court. The Committee then recommended that the Government intensify its efforts to address the issue of violence against women, including domestic violence, as an infringement of their human rights. In particular, it urged the Government to adopt laws and implement policies in order to prevent violence against women, provide protection, support and services to the victims, and punish and rehabilitate the offenders.

Spousal rape is a crime. The difficulty in gathering information about the number of persons prosecuted, convicted, or otherwise punished for spousal abuse stems in part from the fact that legal cases were handled by each canton, and data often were not up-to-date. However, some cantonal or district police forces have specially trained units to deal with violence against women. A total of 372 men were prosecuted for 484 rape offenses involving 471 victims during 2002.

Victims of domestic violence may obtain help, counseling, and legal assistance from specialized government and NGO agencies or from nearly a dozen hotlines sponsored privately or by local, cantonal, and national authorities. There were 989 women in 17 women's shelters across the country during 2002. Those in charge of the shelters estimated that nearly as many women were denied access due to a lack of space and limited funding. The Federation of Women's Organizations and numerous other women's NGOs continued their activities to heighten public awareness of the problem of violence against women.

In October, Parliament adopted a revision of the Penal Code making grievous forms of domestic violence, including sexual assault and rape, a statutory offense. Experts welcomed this revision since battered women were often unlikely to pursue a case through the courts because of the emotional and psychological ties they have to an abusive partner, and the fear of reprisals. The revision is scheduled to take effect in 2004. Police said they deal with approximately 10,000 incidents of domestic violence each year, but only 10 percent of cases ever reach the courts. In May, a new special unit dealing with violence against women started operating within the Interior Ministry's Federal Office for Equality Between Women and Men.

In two cantons, Sankt Gallen and Appenzell, police have the authority to temporarily ban abusive men from reentering the family premises. In April, authorities launched a zero-tolerance campaign to encourage more victims and witnesses of abuse to seek help more quickly. The Crime Prevention Center, which brings together all of the countries' cantonal police forces, also aims to teach officers the best ways of intervening in cases of domestic violence. The project has already provided a domestic violence "checklist" for cantonal police, which sets out a list of best practice guidelines.

Prostitution is legal for citizens if the practitioners are registered with police and comply with taxation and other cantonal requirements. However, street prostitution

remains illegal, except in certain areas specifically designated by local authorities. Every major city has such designated areas. In 2002, 467 new prostitutes were registered in Zurich, an increase of more than a third on the previous year, bringing the total number of legal prostitutes up to approximately 3,000. Prostitution by foreigners is illegal. The number of unregistered prostitutes is difficult to estimate, but police arrested more than 300 women in 2002.

The Penal Code criminalizes sexual exploitation and trafficking in women; however, trafficking in women remained a problem (see Section 6.f.).

Instances of forced sterilization of women continued to be the subject of public debate during the year (see Section 1.f.).

Sexual harassment in the workplace occurred, but was limited. The law includes provisions aimed at eliminating sexual harassment and facilitating access to legal remedies for those who claim discrimination or harassment in the workplace.

Although the Constitution prohibits all types of discrimination, and the law provides for equal rights, equal treatment, and equivalent wages for men and women, some laws continued to discriminate against women. A federal marriage law provides that in the event of a divorce, assets accumulated during the marriage will be divided equally; however, the Supreme Court ruled that the primary wage earner must be left with sufficient income to remain above the poverty level. Since the man was the primary wage earner in most marriages, when the income was too low to support both parties, it was usually the wife (and children) who was forced to survive on public assistance. Statistics from 1999 showed 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.

The U.N. Committee on the Elimination of Discrimination against Women expressed concern in a 2002 report that there is no definition in domestic law of discrimination against women and that differentiated treatment of women and men is permissible in cases where equality of treatment is ruled out by biological or "functional" differences. As a result, the Swiss cabinet has mandated the Interior Ministry to translate these recommendations into facts.

Immigrant women who marry Swiss husbands, but live in the country for less than 5 years risk deportation if they divorce their spouse. The 5-year residency requirement may be reduced to 3 years under exceptional circumstances. NGOs argued that this prevented women with marital problems from being able to seek help or leave their husbands without serious consequences. Varying police practices in different cantons sometimes took into consideration such factors as the country of origin, education, and income levels of the immigrant women. Their registered purpose for being in the country was to stay with spouse until they received their own long-term residency permits.

The law includes a general prohibition on gender-based discrimination and incorporates the principle of equal wages for equal work; however, professional differences between men and women were evident. Women less often occupied jobs with significant responsibilities, and women's professional stature overall was lower than men's. Women also were promoted less than men. According to a government study, women's gross salaries were 20.7 percent lower than men's in 2002.

The labor law prohibits women from working in the first 8 weeks after giving birth, but no federal provision for maternity leave exists. The law does not provide for compensation; however, between 70 and 80 percent of working women have negotiated maternity benefits with their employers. Many private sector and most public sector employers voluntarily grant new mothers a paid leave of absence, commonly between 3 and 16 weeks. In October, Parliament adopted new legislation granting working mothers a 14-week maternity leave at 80 percent of their salaries. In November, a group of fiscally conservative parliamentarians launched a referendum campaign against the law, which must be approved in a national vote scheduled for 2004.

The Federal Office for Equality Between Women and Men and the Federal Commission on Women work to eliminate all forms of direct and indirect discrimination. A federal-level interdepartmental working group continues to implement a 1999 action plan to improve the situation of women that includes measures that address poverty, decision-making, education, health, violence against women, the economy, human rights, the media, and the environment. To achieve its mission, the Federal Office for Equality Between Men and Women allocated \$2.5 million (3.4 million Swiss francs) to 25 different projects. The office now employs about 20 persons. The Federal Office for Equality Between Women and Men started advertising campaigns this year to increase the representation of women in companies (known as "Fairplay-at-Work"), and promote better understanding between men and women in the family circle (known as "Fairplay-at-Home"). According to government statistics,

women represent 53 percent of voters, but their political representation in both cantonal and federal governments and parliaments lagged behind at 25 percent.

Many cantons and some large cities have equality services mandated to handle gender issues. More than half of the cantons have an office in charge of promoting equality, but funding and personnel levels remained uneven. The majority of the cantons had commissions that reported to the cantonal government.

Children.—The Government has no special programs for children, and there is no special governmental office for children's matters; however, the Government was strongly committed to children's rights and welfare. It amply funded a system of public education and need-based subsidies of health insurance. Education was free and compulsory for 9 years, from age 6 or 7 through age 16 or 17, depending on the canton. Some cantons offered a 10th school year. Almost all children attended school. The Government subsidized the health insurance premiums of low-income families.

There was some abuse of children, although there was no societal pattern of such abuse. The federal and cantonal governments, as well as approximately 80 NGOs that defend children's rights, have devoted considerable attention in the last few years to child abuse, particularly sexual abuse. For convicted child sexual abusers, the law provides for imprisonment of up to 15 years. In 2002, new regulations of the statute of limitations for all crimes went into effect. For cases of child abuse, the statute of limitations has been extended to 15 years. In cases of severe sexual abuse, the statute does not take effect before the victim turns 25. If a court of first instance hands down a sentence before the stipulated time, the statute of limitations is suspended indefinitely.

With respect to the prosecution of child sexual abuse abroad, the law provides for prosecution in Switzerland only if the act is considered a crime in the country in which it took place. However, as part of the ongoing revision of the Penal Code, Parliament adopted a clause in December 2002 making such acts punishable regardless of where the crime took place. The revision is scheduled to take effect in 2004.

Under the law, the production, possession, distribution, or downloading of hardcore pornography from the Internet carries heavy fines or a maximum sentence of 1 year in prison. Any pornography involving children falls into this category; however, viewing child pornography on the Internet is not a criminal offense. During 2002, the police participated in large anti-pedophile operations called Operation Genesis, which involved the law enforcement agencies of several countries. Police authorities from all over the country investigated more than 1,000 allegations, questioned as many individuals, and confiscated many personal computers. By the end of July, Operation Genesis had produced over 600 first-instance court cases, resulting in 63 suspended prison sentences and 163 fines; over 400 cases remained pending. With tips from foreign law enforcement agencies, federal and cantonal police in September launched another coordinated campaign, searching the premises of 15 persons suspected of the possession and distribution of child pornography on the Internet.

In an effort to more effectively combat child pornography on the Internet, the Federal Police in January established the Cycos. Individuals who found pornographic material involving children were asked to contact the Federal Office via e-mail and, starting in April, Cycos began actively searching the Internet for suspicious content. According to police, Cycos handles approximately 500 complaints per month; by the end of July, 41 cases had been forwarded to cantonal prosecuting authorities. Half of the complaints related to pornographic content, mostly hardcore pornography involving children, animals, or violence. The police were able to take off certain content from some sites, but nevertheless failed to shut down any offending website.

In 2002, the Government signed a mutual legal assistance treaty in criminal matters with the Philippines that allows Philippine victims of Swiss pedophiles to give anonymous tips to Swiss authorities. The MLAT provides for the voluntary exchange of information short of a legal assistance request as well as the questioning of witnesses and experts by videoconference. Children of migrant seasonal workers were not permitted automatically to join their parents. Children of foreigners who worked as migrant laborers only were permitted to visit on tourist visas for a period of 3 months at a time. After 3 months, they must return to their home country for 1 month.

Persons with Disabilities.—The law prohibits discrimination directed at persons with disabilities in employment, education, and the provision of other state services. The total number of persons with disabilities was estimated to be 700,000 (10 percent of the population). Most cantons already had implemented some provisions for persons with disabilities, but there was no countrywide standard. Advocates for persons with disabilities have called for new measures to ensure greater protection for

their rights. The Constitution provides for equal opportunities for persons with disabilities. However, experts estimated that only approximately 20 to 30 percent of public buildings were wheelchair accessible.

In Basel, cantonal authorities have established an office promoting the independence and integration of people with disabilities, the first of its kind in the country. A new Equal Rights for People with Disabilities law is scheduled to take effect in 2004 that would also establish a new federal office to promote equal opportunities. A popular initiative calling for even greater access to public buildings and transport for the 700,000 handicapped was defeated by 62 percent of votes in a referendum on May 18.

National/Racial/Ethnic Minorities.—According to statistics gathered by the Foundation Against Racism and Anti-Semitism, the total number of reported incidents directed against foreigners or minorities was 110 in 2002, 9 fewer than in either of the previous 2 years. These figures include instances of verbal and written attacks, which were much more common than physical assaults. Investigations of such attacks generally were conducted effectively and led, in most cases, to the arrest of the persons responsible. Persons convicted of racist crimes commonly were sentenced to between 3 days' and 3 years' imprisonment and a fine of up to \$30,000 (40,000 Swiss francs). In 2001, 37 persons were convicted of racial discrimination.

Neo-Nazi, skinhead, and other extremist organizations attracted greater police and government attention during the year because of such groups' increasing organization at international levels, the violence they commit, and the youth of the group members. In June 2001, the Swiss Cabinet granted \$3 million (4 million Swiss francs) to the National Science Foundation to undertake research on right-wing extremist groups. The country's central location makes it a convenient meeting place for groups from around the continent, and police frequently monitored large gatherings of neo-Nazis and skinheads. During the year, the Federal Police estimated that the number of members involved in right-wing extremist groups was approximately 1,000, an increase from 900 in 2000. Police estimated there were approximately 1,000 skinheads living in the country.

The number of incidents involving skin-heads increased slightly from approximately 100 incidents in 2001 to 120 in 2002. These incidents involved more violence and were more frequently directed against foreigners rather than property.

There were a few reported cases during the year of violent confrontations between skinheads and young foreigners. In October, a center for asylum seekers in the Aargau canton was damaged as a result of racist violence against asylum seekers but nobody was physically hurt in the incident.

According to the Director of the Federal Commission against Racism, many extremist groups strive to create political parties to have more political influence. One such party, the Party of Nationality-Oriented Swiss (PNOS), was founded in canton Basel Country. Under the Constitution, such political parties have a legal right to voice their opinions as long as they are not linked to criminal activity. The Government and private organizations have invested considerable resources to combat such groups and stem their growth. In November, a Basel court sentenced the 25-year-old founder and ex-president of PNOS to a 16-month suspended prison sentence for a series of violent attacks.

The neo-Nazis accused of killing 19-year-old Marcel von Allmen in 2001 were scheduled to be prosecuted for homicide in a Bern court in March 2004. The trial was delayed because of the psychiatric evaluations the three adult defendants had to undergo. The fourth defendant involved in the killing has already been tried and sentenced as a juvenile.

Federal penal law prohibits racial discrimination, and police have used this law to monitor and close racist web sites. Cynos tracked down extremist or racist content, as well as hackers, copyright violators, and child pornography on the Internet.

The Federal Service for the Combating of Racism of the Department of the Interior, established in 2001, began operation in January 2002. It manages the Federal Government's "Fund Projects against Racism and for Human Rights" with a budget of \$11.2 million (15 million Swiss francs) for the 2001–2005 period. The amount of \$372,000 (500,000 Swiss francs) per year has been earmarked for the establishment of new local consultation centers where victims of racial or religious discrimination may seek assistance. Approximately 130 consultation centers or contact points existed in the country. In addition, the Federal Service for the Combating of Racism sponsored a variety of educational and awareness-building projects to combat racism, xenophobia, and anti-Semitism. Over \$743,000 (1 million Swiss francs) was spent to support youth projects.

In March, Parliament approved a government proposal to allow victims of racial discrimination to file individual complaints before the U.N. Committee on the Elimination of Racial Discrimination (CERD). Cases first must be litigated before na-

tional courts. Victims of racial discrimination may already appeal a national court ruling to the ECHR. Citizens will have the choice of appealing a national court ruling to either the CERD or the ECHR but may not appeal a U.N. decision to the ECHR or vice versa.

Swiss Roma groups who claimed they were victims of racial prejudice received assistance during the year from the Department of the Interior. Roma complaints included their exclusion from camping sites, which do not allow or limit the number of Roma allowed on the site. The Department continued its \$111,000 (150,000 Swiss francs) annual endowment program to Future for Swiss Itinerants, a foundation that worked to improve living conditions for the Roma.

On July 9, the Federal Court ruled that cantonal practices of holding secret ballots to decide individual applications for citizenship were unconstitutional. In two separate unanimous rulings, the court decided that naturalization decisions must neither be arbitrary nor discriminatory, which precluded secret balloting. The two rulings triggered a national debate. As a consequence, the six cantons concerned have discontinued the practice of secret balloting, and examining bodies of citizenship applications across the country are now obligated to justify a rejection. The rulings produced some confusion, as the Federal Court did not pronounce on the constitutionality of town hall meetings deciding citizenship applications by a show of hands, a common practice. In October, Parliament approved a constitutional amendment to facilitate the naturalization of second-generation immigrants and automatically grant citizenship to the third-generation. The amendment was scheduled to be submitted to the mandatory national referendum in May 2004. The number of Swiss naturalizations rose from 26,860 in 2001 to 35,754 in 2002.

Section 6. Worker Rights

a. The Right of Association.—All workers, including foreigners, have the freedom to associate freely, to join unions of their choice, and to select their own representatives, and workers exercised these rights in practice. Approximately one-quarter of the work force was unionized.

Unions were independent of the Government and political parties. The law protects workers from acts of antiunion discrimination, and the Government generally respected this provision in practice.

Unions associated freely with international organizations.

b. The Right to Organize and Bargain Collectively.—The Constitution provides for the right to organize and bargain collectively, and unions exercised this right. Periodic negotiations between employer and worker organizations determine wages and settle other labor issues at the local, or infrequently, at the industry sector level.

Nonunion firms generally adopt the terms and conditions fixed in the unions' collective bargaining. However, the Swiss Federation of Trade Unions reported that employers were increasingly trying to avoid collective bargaining. Some employers left their Federation to avoid the collective agreement for their industry. For example, only 37 of the 270 Swiss textile employers adhered to the collective agreement in 2000.

Labor appeal courts existed at both the cantonal and district levels.

The Federal Act on Public Servants permits the Government to curtail or suspend the right to strike for certain categories of government employees only for reasons of national security, safeguarding national foreign policy interests, or providing the population with essential goods and services. The Federal Act on Public Servants only applies at the federal level. In some cantons and many communes, public servants were still denied the right to strike.

The Constitution provides specific protection for the right to strike; however, effective and informal agreement between unions and employers in the past have resulted in fewer than 10 strikes per year since 1975. The law prohibits retribution against strikers or their leaders. However, the number of strikes increased during the year, as uncertainties over job security and under-funded pension funds became more apparent. In March, Orange employees went on strike for approximately 1 week to protest against 225 job cuts, a plan which was later abandoned. Other strikes hit Swiss manufacturing industries, consumer goods such as Coca-Cola, the Swiss Post and the new Swiss Airline. As a result, trade union membership increased, most notably in the services sector.

There are no export processing zones.

c. Prohibition of Forced or Bonded Labor.—The Constitution implicitly prohibits forced or bonded labor; Article 27 provides for economic freedom and explicitly guarantees the right to choose freely one's profession as well as unrestrained access to and unencumbered exercise of a gainful occupation, and there were no reports that such practices occurred. Article 30 of the 1964 Labor Act prohibits forced or bonded labor by children, and there were no reports that such practices occurred.

d. Status of Child Labor Practices and Minimum Age for Employment.—The minimum age for the full-time employment of children is 15 years, and children generally remained 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 was regulated strictly; they were not allowed to work at night, on Sundays, or in hazardous or dangerous conditions. The State Secretariat for Economic Affairs effectively enforced the law on working conditions. Government officials inspected companies that allegedly employed children illegally. During the year, no employers were fined or received conditional sentences for violations of the law.

e. Acceptable Conditions of Work.—Government regulations cover maximum work hours, minimum length of holidays, sick leave, and compulsory military service, contract termination, and other requirements. However, there was no national minimum wage, which resulted in low wage structures for unskilled and service industry workers. Employees in the retail sectors, in cooperation with other interests, have been successful in slowing reform of the restrictive federal and cantonal laws governing opening hours; however, these restrictions were easing at year's end.

The law sets a maximum 45-hour workweek for blue- and white-collar workers in industry, services, and retail trades, and a 50-hour workweek for all other workers. The law prescribes a rest period of 35 consecutive hours plus an additional half-day per week. Annual overtime is limited by law to 170 hours for those working 45 hours per week and to 140 hours for those working 50 hours per week. On July 1, the Government reduced the unemployment benefit period from 520 to 400 days for workers under 55 years of age.

The Labor Act and the Federal Code of Obligations contain extensive regulations to protect worker health and safety. There were no reports of lapses in the enforcement of these regulations, but the degree to which enforcement is effective was unclear. Workers have the right to remove themselves from work situations that endanger health or safety without jeopardy to their continued employment.

The law generally protects legal and illegal foreign workers; however, some employers did not always respect the rights of illegal foreign workers in practice. Illegal foreign workers are not covered by mandatory health insurance because health insurance contracts are a private matter under the law. Although legal workers are required by law to subscribe to a private insurance scheme, there is no obligation for employers to ensure that their employees are adequately covered. The insurance covering accidents at work is paid in full by the employer, and as a result applies to both legal and illegal workers; however, illegal workers were not entitled to unemployment benefits.

Wage discrimination against foreign workers was not permitted, but according to a 2000 study by a domestic think tank, foreign worker's salaries were on average 16 percent lower than citizens. According to an NGO, 100,000 to 300,000 foreign workers were vulnerable to abuse of their rights during their participation in the underground economy for long periods. Late in 2002, many of these workers demonstrated for legal status and more worker rights by occupying churches in major cities for several days in cooperation with religious and human rights groups. According to the Swiss statistical office, 10.9 percent of foreign workers were considered working poor and earned less than \$22,000 (30,000 Swiss francs) per year. The percentage of citizens working poor was estimated at 5.2 percent of the citizen working population.

On May 1, the Federal Department for Home Affairs organized a workshop with employers, federations, and trade unions to discuss racial discrimination at work, and at the same time initiated a public invitation to tender for projects aimed at identifying racism at work, increasing control and training, and providing assistance and counseling to the victims.

These programs were part of a wider strategy already undertaken by the Swiss cabinet in 2001, which provides \$11.2 million (15 million Swiss francs) over 4 years to promote the Government's efforts against racial discrimination.

f. Trafficking in Persons.—The Penal Code criminalizes sexual exploitation and trafficking in persons; however, trafficking in women for prostitution increased.

The Penal Code has two articles specifically prohibiting trafficking in persons, both of which focus on sexual exploitation and prostitution, but not labor trafficking. Trafficking in persons may result in prison sentences of up to 20 years; coercing a person into prostitution or restricting a prostitute's personal freedom can carry a sentence of up to 10 years in prison.

A 2002 Federal Court decision held that hiring young women from abroad to engage in prostitution generally constitutes human trafficking. In particular, the Federal Court ruled that a woman's consent to prostitute herself was invalid, if it was

obtained in a situation of distress. The charge of human trafficking only applies if the victims engage in prostitution against their will. Under the new ruling, the charge still applies even if on the face of it the women were prostituting themselves voluntarily but their traffickers exploited a situation of distress or dependency.

The prosecution of illegal prostitution and trafficking of persons normally falls under the jurisdiction of cantonal police authorities. However, since 2001, more complex cases that involve several cantons or are linked to organized crime are under the authority of the federal agencies to investigate and prosecute. The conviction rate for traffickers remained low. Of an estimated 1,500 to 3,000 potential victims of human trafficking in the country, between 20 and 40 cases of human trafficking and between 50 and 80 cases of forced prostitution are reported to police annually, leading to approximately 5 and 25 convictions respectively. However, considering that each case involves several instances of trafficking, the number of victims whose tormentors were brought to justice was much higher.

In December 2002, the Parliament amended the Penal Code to allow jurisdiction in domestic courts over perpetrators of crimes such as trafficking regardless of the location of the crime. Under the Swiss Victim's Assistance Law, individuals identified as trafficking victims may seek help from centers providing counseling and material and legal aid to abuse victims. This law also safeguards victims' rights in criminal prosecutions with special rules for trial procedures and for compensation and redress.

The Swiss Cabinet mandated the Federal Department of Justice and Police in 2000 with setting up an interdepartmental working group to assess the need for additional government action, namely new legal provisions, to combat human trafficking. According to the working group, immigration legislation, which criminalizes the victims of human trafficking (because they reside or work illegally in the country) and normally leads to their rapid deportation upon detection, served as a disincentive for victims to turn against their traffickers. The working group made several recommendations on how to combat human trafficking: Broaden the definition of human trafficking in the Penal Code to include exploitation of labor force and organ snatching; run awareness campaigns both in Switzerland and the countries of origin, grant (temporary) residency to victims of human trafficking, and improve local cooperation among the police, judicial authorities and victim assistance centers. The Swiss Cabinet tasked the departments concerned to assess these proposals and to make recommendations as to their implementation.

The Government has an office to combat the trafficking of young women for the purpose of commercial sexual exploitation. The human trafficking office existed as part of the Federal Office of Police (BAP) until the latter's reorganization in 2000. Since then, two separate BAP divisions handle trafficking problems in the broader context of organized crime: The Federal Criminal Police handles international cooperation and investigations of organized crime, including human trafficking, and the Service for Analysis and Prevention (DAP) does strategic analyses of information.

During the year, the Federal Department of Police's Central Coordination Office for Human Trade and Human Smuggling began operations. The Government was particularly active in international cooperation and investigations including: In 2002 it worked jointly with foreign law enforcement agents to dismantle an Asian crime ring trafficking Chinese women into prostitution abroad and signed a legal assistance treaty in criminal matters with the Philippines.

Switzerland is primarily a country of destination, and secondarily transit, for mostly women trafficked for the purposes of sexual exploitation and domestic servitude. Federal police estimated that between 1,500 and 3,000 potential victims of human trafficking were in the country. However, since Swiss federalism dictates that alien registration and enforcement be handled at the cantonal level, there were few reliable statistics on the extent of the trafficking problem. According to authorities, most persons trafficked originated in Thailand, parts of Africa, or South America. An increasing number of trafficked women arrived from Eastern Europe, particularly Hungary, Russia, Ukraine, or other states of the former Soviet Union. Police figures indicated that approximately 14,000 prostitutes worked in the country both legally and illegally. More than half worked in Basel, Bern, Zurich, Lucerne, Geneva, and Ticino.

Since the late 1990s, a growing number of salons and clubs have appeared in which women registered as artists engaged in illegal prostitution. Authorities suspected that traffickers were bringing some of these "artists" into the country. Police monitoring was difficult because the artist visas (also called the "L" residency permits, which is only valid 8 months) include an allowance for a short work period during which individuals may engage in some form of self-employed activity. During the month of April, approximately 1,340 women stayed in the country on "L" resi-

gency permits spread across about 400 cabarets, of which 244 came from Romania, 348 from Ukraine, 143 from Russia, and 177 from the Dominican Republic. In the past, L Permits issued to Ukrainian women increased from 88 in 1995 to 407 in May 2001, an increase of 360 percent in 6 years. Permits to Romanian and Moldavian women increased by 650 percent and 800 percent, respectively, over the same period. According to the Chief of the Geneva vice squad, the police had no legal means of preventing cabaret dancers from prostituting themselves after work hours but tried to prevent physical abuses against prostitutes. Smaller prostitution networks also existed and often involved relatives of foreign families established in the country, or members of the same ethnic groups.

Traffickers often forced victims into prostitution and in many cases subjected them to physical and sexual violence, threatened them or their families, encouraged drug addiction, withheld their documents, and incarcerated them. Many victims were forced to work in salons or clubs to pay for the cost of their travel and forged documents and found themselves dependent on the traffickers. Generally the victims were unable to read, write, or speak the country's languages, and were afraid to seek help from the authorities.

Under the Victim's Assistance Law, trafficking victims may seek help from centers providing assistance to abuse victims. These centers/shelters typically provided counseling as well as material and legal aid but in some cases may also provide travel vouchers and emergency lodging. In penal proceedings, trafficking victims who are testifying enjoy special protection of their identity and may request the trial to take place behind closed doors and a confrontation with the defendant to be avoided. Women's shelters and NGOs that provided services to victims received federal and cantonal government funding.

In some regions, NGOs complained of working at odds with cantonal police authorities that tended to favor rapid deportation of possible trafficking victims and were inclined to treat the latter as criminals. NGOs particularly criticized the lack of a designated person of contact within cantonal police authorities. To address the problem, the Zurich-based Women's Information Center (FIZ) initiated working groups to improve cooperation between NGOs and cantonal justice and police authorities. In Zurich representatives of the police, the immigration office, the prosecutor's office, the Government's Equal Opportunity Office, and FIZ regularly convened to improve cooperation between the different parties to provide better assistance to victims of trafficking.

Federal and cantonal governments provide funding to NGOs and women's shelters that provide services to victims, and cantonal authorities may grant temporary residency permits on a case-by-case basis to victims willing to assist in investigations and testify in court. In cases of serious hardship, a federal ordinance allows cantonal police to grant a residency permit to victims of sexual exploitation or forced labor, and while practice in this area was reportedly spotty, such permits were provided in several dozens of cases. Despite the range of protections, some victims were summarily deported to their country of origin. With regard to expedited deportation, the foreign ministry was encouraging cantons to increase cooperation with local NGOs that work with trafficking victims to identify victims who might be able to qualify for exceptional treatment (and to finger traffickers).

The Department of Foreign Affairs (DFA) helps fund programs intended to combat trafficking from Eastern Europe, having spent approximately \$89,000 (120,000 Swiss francs) in 2002 on anti-human trafficking programs. In addition, DFA's Development Cooperation Office (DEZA) funded half a dozen programs intended to combat human trafficking mainly from Eastern Europe and the former Soviet Union with approximately \$223,000 (300,000 Swiss francs) in 2002. An information campaign launched in 2002 by the Swiss Embassy in Moscow to prevent women from being drawn into Switzerland's sex industry has led to a dramatic decrease in fraudulent visa applications during the year. The Swiss Embassy, in cooperation with a local NGO, held awareness raising seminars for its staff and tightened visa regulations for applicants aged between 18 and 25. Staff at Swiss missions in Ukraine and Colombia were undergoing similar trafficking awareness raising programs. The Department of Foreign Affairs has established a set of guidelines on effective international measures to prevent human trafficking and protect victims, which was forwarded to all Swiss Embassies and Development Coordination Offices.

The Interior Ministry's Office for Equality between Women and Men initiated a program to train Swiss consular officials to educate visa applicants in their home countries on the risks of falling victim to human traffickers and methods used to lure women into vulnerable situations. The Government provided funding to the Stability Pact for South Eastern Europe's Anti-Trafficking Task Force and sup-

ported the OSCE's Office for Democratic Institutions and Human Rights Anti-Trafficking Project Fund.

TAJIKISTAN

Tajikistan is ruled by an authoritarian regime that has established some nominally democratic institutions, including a Constitution adopted in 1994. President Emomali Rahmonov and an inner circle of fellow natives of the Kulyab region continued to dominate the Government. Rahmonov won reelection in a 1999 election that was seriously flawed and was neither free nor fair. Some opposition figures held seats in the Parliament and positions in the Government. Rahmonov's supporters overwhelmingly won the February 2000 parliamentary elections that were neither free nor fair but in which several opposition parties participated. A June referendum allowed voters the opportunity to approve 56 amendments to the Constitution by voting on only 1 overall question. In addition to widespread proxy voting and other irregularities, the most significant amendment permits the President to serve two more 7-year terms. The Constitution provides for an independent judiciary; however, it was subject to political and paramilitary pressure.

Stability throughout the country has increased significantly since the 1992–97 civil war, but regional divisions within the security forces themselves persisted. The Ministries of Interior, Security, and Defense share responsibility for internal security, although in practice the Government relied on a handful of commanders who used their forces for internal security. In a few regions, local commanders exercised a degree of autonomy from the Government. Members of government security forces and government-aligned militias committed serious human rights abuses.

The economy was a state-controlled system in the process of a transition to a market-based system. The country had a population of approximately 6.5 million. Most of the work force was engaged in agriculture, which remained partly collectivized. Per capita gross national product was approximately \$180, and gross domestic product grew approximately 7 percent during the year. Official unemployment was estimated at 10 percent; however, employment in the informal sector was approximately 40 percent. The continued influence of narcotics trafficking and other forms of corruption led to clear disparities of income between the vast majority of the population and a small number of former pro-government and opposition warlords, who controlled many of the legal and most of the criminal sectors of the economy.

The Government's human rights record remained poor and worsened in a few areas, although there were improvements in a few areas, it continued to commit numerous, serious abuses. The citizens' right to change their government remained restricted. The Government made progress in investigating some political killings that occurred in previous years. Security forces tortured, beat, and abused detainees and other persons, and they were responsible for threats, extortion, and abuse of civilians. Prison conditions remained harsh and life threatening, but the Government agreed to permit the International Red Cross (ICRC) to make prison visits. The Government continued to use arbitrary arrest and detention and arrested persons for political reasons, including two top officials of the main opposition party. Impunity and lengthy pretrial detention remained problems. Law enforcement officers used torture to obtain confessions, which were used in trial without qualification. Authorities infringed on citizens' right to privacy. The Government further restricted freedom of speech and reinstated restrictions on the press after it had initially relaxed such restrictions. Journalists practiced self-censorship. The Government restricted freedom of assembly and association by exercising strict control over political organizations and by intimidating demonstrators. The Government imposed some restrictions on freedom of religion and freedom of movement within the country. Violence against women and discrimination against women, persons with disabilities, and religious minorities were problems. Child labor was a problem, and there were some instances of forced labor, including by children. Trafficking in women and children was a serious problem, which the Government took some steps to address.

RESPECT FOR HUMAN RIGHTS

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

a. Arbitrary or Unlawful Deprivation of Life.—There were no reports of the arbitrary or unlawful deprivation of life committed by the Government or its agents; however, in May, a family reported that they found their son's body hanging in their

barn with signs of torture after police had detained him. There was no confirmation of the details or further information on the case.

Government officials claimed progress in investigating a number of political killings in recent years. The murderers of British Broadcasting Company correspondent Muhiddin Olimpur in 1995, Viktor Nikulin, correspondent of the Russian TV ORT in 1996, and Sayf Rahimov, Chairman of the State Television and Radio Committee in 2000 were convicted and sentenced in July. The Government formed a special investigative unit to look into crimes committed against journalists during the civil war and announced that a number of arrests had been made and charges filed by year's end; however, the Government indicated that some of those under investigation were being detained without formal charges. Some of these individuals were held incommunicado (see Section 1.d.). Local and international observers questioned the objectivity of the investigations. These included investigations of the killings of: Former Chairman of the Gharm District, Sirojiddin Davlatov, in 2000; former Deputy Prime Minister Moyonsho Nazarshoyev, in 1998; and former Chairman of the Parliamentary Committee on Legislation and Human Rights, Safarali Kenjayev, in 1998. Suspects were arrested for the killings of the brother of the head of a collective farm in Isfara, and the trial began in November; however, there was a mistrial because of divergent evidence presented, and a new trial was pending at year's end.

The Government routinely sentenced criminal defendants to death in trials that violated norms of due process and human rights. During pretrial detention, the police often beat and otherwise coerced suspects into making confessions, which were introduced into trial without qualification (see Sections 1.c., 1.d., and 1.e.). Amnesty International reported that 33 persons were sentenced to death in the first 6 months of the year, that none of them received a fair trial, and that executions often were conducted in secrecy.

Both the Government and the opposition used landmines during the civil war. Landmine explosions in some unmarked mine fields in the Karetegin Valley reportedly killed civilians during the year. Landmines were laid along the northern segment of the border with Uzbekistan, which included some populated areas, and were not demarcated clearly in most places. The State Border Protection Committee reported that landmine explosions killed 16 persons along the Uzbek border during the year. The media estimated that there were 57 landmine deaths and that over 16,000 mines remained spread over 770 square miles.

The Government Drug Control Agency reported instances in which Tajik border guards were killed on the Afghanistan border in gun battles with narcotics traffickers. International observers and Russian and Tajik border forces also alleged that Tajik and Afghan criminal groups that were engaged in narcotics smuggling killed members of the border area populations.

In 2002, the Government filed charges against a "criminal group" of 35 persons for killings dating back to 1994, including the 2001 killings of two Baha'i residents of Dushanbe (see Section 2.c.), and, during the year, a closed trial found this "criminal group" guilty of the crimes.

b. Disappearance.—There were no reports of politically motivated disappearances, and, unlike in the previous year, there were no reports of kidnappings. Political pressures and a lack of professional resources hampered police efforts to investigate disappearances from previous years.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.—The law prohibits torture; however, there were reports that security officials, particularly those in the Ministry of Interior, used systematic beatings to extort confessions and used sexual abuse and electric shock during interrogations. Beatings and mistreatment were common in pretrial detention facilities. Impunity remained a serious problem, and the Government prosecuted few of the persons who committed these abuses (see Section 1.d.). Several alleged Hizb ut-Tahir members claimed that they were tortured while in police custody (see Section 1.e.).

Law enforcement officers allegedly used electric shock and beat Shamsiddin Shamsiddinov, the deputy chair of the opposition Islamic Revival Party, after detaining him on May 30 (see Section 1.d.).

In the southern regions of the country, many border guards were involved in the drug trade, and the local population made numerous complaints of harassment and abuses committed by them. There were also complaints of Border Protection officers confiscating the passports of citizens in airports and railway stations and returning the passports only after the citizens paid "fines" directly to the officers.

Law enforcement authorities mistreated members of the country's diminishing Afghan refugee population. There were widespread claims of petty harassment of Afghan refugees: Although in some ways, their treatment improved, they were fre-

quently harassed by illegal registration fines, intimidation to coerce paying bribes, and police summons on unsubstantiated accusations of having Taliban affiliations.

Investigations continued into several 2001 cases of shootings, bombings, and terrorist attacks that resulted in injuries, serious property damage, and deaths (see Section 1.a.).

According to credible counternarcotics law enforcement authorities, Tajik and Afghan criminal groups that were engaged in narcotics smuggling across the country's border with Afghanistan threatened, harassed, and committed abuses against the border area populations (see Section 1.a.).

Conditions in the country's seven prisons remained harsh and life threatening. Prisons generally were overcrowded, unsanitary, and disease-ridden. Some prisoners died of hunger. Family members were allowed access to prisoners only after a guilty verdict, in accordance with the law. However, family members of prisoners sentenced to capital punishment were not informed of the date of the execution and were not allowed access to the prisoner's effects or remains after the sentence was carried out. There was one prison specifically for members of "power ministries" (police, KGB, military personnel). Men and women were held separately; there was one women's prison. Separate juvenile reform facilities held juveniles. Pretrial detainees were held separately from those convicted.

The Government permitted some prison visits by international human rights observers. In December, the Government agreed to permit ICRC prison visits in a manner consistent with the ICRC's standard modalities, and the ICRC was granted such access.

d. Arbitrary Arrest, Detention, or Exile.—The Criminal Code inherited from Soviet times allows for lengthy pretrial detention and provides few checks on the power of procurators and police to arrest persons, and the Government continued to arrest and detain citizens arbitrarily.

The Ministries of Interior, Security, and Defense share responsibility for internal security, although, in practice, the Government relied on a handful of commanders who used their forces for internal security.

Impunity remained a serious problem, and the Government prosecuted few of the persons who committed these abuses. The Government acknowledged that the security forces were corrupt and that most citizens choose to keep silent when subjected to mistreatment rather than risk retaliation by the police.

The soldiers of some commanders were involved in crime and corruption. Reports indicated that low-level government authorities working in customs, border control, immigration, police, and tourism received bribes from traffickers. In a few regions, local commanders exercised a degree of autonomy from the Government, although the Government's 2001 military operations against Rahmon Sanginov discouraged many former local opposition commanders from attempting to assert independence from government authority.

Police legally may detain persons without a warrant for a period of 72 hours, and the procurator's office may do so for a period of 10 days, after which the accused must be charged officially. At that point, the Criminal Code permits pretrial detention for up to 15 months. The first 3 months of detention are at the discretion of the local procurator, the second 3 months must be approved at the regional level, and the Procurator General must sanction any remaining detention time. The Criminal Code specifies that all investigations must be completed 1 month before the 15-month maximum 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. Officials regularly refused detainees access to counsel and family members. Many of those arrested were held incommunicado for long periods of time and were still in police custody without being formally charged at year's end. There is no provision for bail, and lengthy pretrial detention was a problem, with detention reaching, in some cases, 15 months.

In most cases, the security officers, principally personnel from the Ministry of Internal Affairs or the Ministry of Security, did not obtain arrest warrants and did not bring charges. Those released often claimed that they were mistreated and beaten during detention (see Section 1.c.).

The Government made politically motivated arrests, and there were credible allegations of illegal government detention of members of rival political factions. Since the law precludes visits to persons in pretrial detention, and, until December, the Government had denied the ICRC or other observers access to these persons, the number of political detainees was unknown.

On May 30, authorities arrested Shamsiddin Shamsiddinov, the deputy chair of the opposition Islamic Renaissance Party (IRPT), on charges of murder and other "grave crimes" and allegedly abused him and denied him access to counsel (see Sec-

tion 1.c.). In December, Shamsiddinov was sentenced in a completely closed trial to 16 years in prison for organizing an armed group and illegally crossing the border, both crimes that were covered under the post-war amnesties. The IRPT maintained that the trial and sentencing were politically motivated, rather than a campaign against religion.

On July 13, authorities arrested another top IRPT official, Qosim Rakhimov, on charges of statutory rape, which some observers considered politically motivated. At year's end, the trial remained ongoing at the Dushanbe City Court.

According to media reports, 160 members of Hizb ut-Tahrir, an extremist Islamic organization, were arrested, and, during the year, 34 of them were sentenced in connection with various crimes related to their party membership (see Section 2.c.).

The Constitution states that no one can be exiled without a legal basis, and no laws establish a legal basis for exile. There were no reports of forced exile; however, some opponents of the Government remained in self-imposed exile.

e. Denial of Fair Public Trial.—The Constitution provides for an independent judiciary; however, in practice, the judicial system was subject to the influence of executive authorities. Criminal groups directly influenced judicial officials at all levels. Public order improved during the year; however, the erosion of judicial integrity that took place during the civil war, largely as a result of the virtual immunity from prosecution of armed militia groups, has yet to be overcome. Bribery of prosecutors and judges was a common practice.

Under the Constitution, the President has the right, with confirmation by the Parliament, both to appoint and to dismiss judges and prosecutors. Judges at the local, regional, and national level for the most part were poorly trained and lacked understanding of the concept of an independent judiciary. The Government made some progress in this respect by using regular examinations to screen unqualified candidates for judgeships. Judges at all levels had extremely poor access to legal reference materials.

The court system 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. The law provides for the right to appeal, but the populace generally did not trust the court system, and there were few reports of appeals.

According to the law, trials are public, except in cases involving national security or the protection of minors. In December, Shamsiddin Shamsiddinov, the deputy chair of the IRPT, was sentenced in a completely closed trial (see Section 1.d.). The law provides that a case must be brought before a judge within 28 days after it is entered for trial; however, it was common for cases to be delayed for many months before trial began (see Section 1.d.). The court appoints an attorney for those who do not have one. Defendants may choose their own attorney but may not necessarily choose among court-appointed defenders. In practice, arrested persons often were denied prompt, sometimes 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. Ministry of Justice officials maintained that defendants benefit from the presumption of innocence, despite the unmodified Soviet legal statute that presumes the guilt of all persons brought to trial. However, in practice, bringing charges tended to suggest guilt, and Government officials routinely made public pretrial statements proclaiming a suspect's guilt.

Law enforcement officials often used torture and beatings to coerce evidence, including confessions (see Section 1.c.). Such evidence routinely was used in trial without qualification. Several alleged Hizb ut-Tahrir members claimed that they were tortured while in police custody and that a man using the pseudonym Arobidin died while in the custody of the Ministry of Interior.

Military courts try civilians only in extremely rare circumstances. A military judge and two officers drawn from the service ranks hear such cases.

Some factions of the Government allegedly used the investigations of high profile cases to carry out political attacks on other factions of the Government. In November, the Prosecutor General opened a criminal case against the Chairman of Tajikgas and Chairman of the Democratic Party of Tajikistan, Mahmadrusi Iskandarov. Iskandarov was dismissed from his position and was in self-exile in Rasht Valley at year's end. Given the low level of available information regarding the pretrial, investigation, and trial phases of the criminal process, the number of such political prisoners was unknown. In December, the Government approved ICRC prison visits, agreeing to regular access to all types of prisons and pretrial detention centers, with no time limits or restrictions on access.

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 special circumstances, the law prohibits police from entering and searching a private home without the approval of the procurator. When police do enter and search without prior approval, they 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 may enter and search homes without permission if they have compelling reason to believe that a delay in obtaining a warrant would impair national security.

Police and Ministry of Interior officials often harassed the families of suspects in pretrial detention or threatened to do so in order to elicit confessions (see Section 1.c.).

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Speech and Press.—The Constitution provides for freedom of speech and of the press; however, the Government restricted these rights in practice. Journalists, broadcasters, and individual citizens who disagreed with government policies on occasion were discouraged from speaking freely or critically. By using its monopolistic power over the printing industry, delivering “warnings” via the telephone, inviting persons to the prosecutor’s office, visiting editorial offices to talk with editors, restrictive licensing, selective tax inspections, increasing scrutiny of the relatively independent press and regulations of the television stations, the Government was able to place restrictions on nongovernmental media in favor of government-controlled outlets.

The law affirms the right to free speech and criminalizes interference with journalists’ work; however, journalists reported that government officials improperly limited their access to information or provided “friendly advice” on what news should not be covered. Editors and journalists, fearful of reprisals, often exercised self-censorship; however, a number of publications published articles highly critical of the Government.

The Government controlled the printing presses and the supply of newsprint and broadcasting facilities and subsidized the large majority of publications and productions. The number of independent and local newspapers continued to increase during the year. Although only a small number of newspapers attempted to cover serious news, several focused on news and analysis. Several newspapers were organs of political parties or blocs.

After some initial progress, the Government reversed moves to develop a free press. Two independent political and social newspapers, Nerui Sukhan (Power of the Word) and Ruzi Nav (New Day) began publishing during the year; however, in November, a state-controlled printing house refused to continue publishing Ruzi Nav, which international observers believed was, at least in part, politically motivated. Nerui Sukhan also faced difficulties in finding a publishing house willing to print the paper, and, in December, representatives of the Ministry of Revenues and Duties confiscated 4,000 copies of Nerui Sukhan.

Compulsory subscriptions were reported from all areas of the country and, particularly, in the Sugd region where the regional government urged local enterprises and farms to subscribe to government newspapers. In one instance, the Khujand city government attempted to force the OSCE to subscribe to the government paper.

There was one government-run television network; its several local stations covered regional and local issues from an official point of view. Opposition politicians had little access to it; however, it continued to broadcast a series of political party debates organized by the International Foundation for Electoral Systems. There were 17 nongovernmental television stations—not all of which operated at any one time and only a handful of which were genuinely independent. Some of these independent stations had independent studio facilities and broadcast equipment but most depended on government-owned transmission equipment.

Independent radio and television stations continued to experience administrative and legal harassment. To obtain licenses, independent television stations must apply to the Ministry of Communications and the State Television and Radio Committee. At every stage of the bureaucratic process, there were high official and unofficial fees. The process of obtaining licenses was lengthy, sometimes taking years, and was made more lengthy during the year with the creation of a new licensing body within the State Television and Radio Committee and by granting the re-established Tajikistan National Association of Independent Mass Media (TajANESMI) review and recommendation authority over all license applications. There was signifi-

cant overlap between the directors of TajANESMI and the State Television and Radio Committee. Those who were denied licenses were allowed to reapply; however, there was no formal appeals process. During the year, the Government granted one new license to radio station Vatan, which began broadcasting in May, but denied a radio license to Jakhon and a television license to Asia Plus, which already operated a radio station.

Journalists on occasion were subject to harassment and intimidation, sometimes perpetrated by government authorities. At the beginning of the year, Safargul Olimova, head of the governmental Dushanbe city radio Sadoi Voice (Voice of Dushanbe) and one station correspondent were fired for an interview in which they criticized government officials, including the President.

There were five Internet service providers—one completely state-owned and four privately owned. High fees and limited capacity put access to the Internet out of reach for most citizens. On May 27, the Government began blocking access to the only opposition website, which journalist Dodojoni Atovullo organized from abroad, after it sharply criticized government policy and accused the President of nepotism and regionalism. The site was briefly unblocked then blocked again.

The Government did not restrict academic freedom.

b. Freedom of Peaceful Assembly and Association.—The Constitution provides for freedom of assembly; however, the Government restricted this right in practice. Registered organizations must apply for a permit from the local executive committee to organize legally any public assembly or demonstration. At times, permits were granted; however, on occasion, the Government took reprisals against organizers. Fear of reprisal was so widespread that public assemblies or demonstrations of a political nature were rare. At the beginning of the year and again in June, teachers in the Panjakent district went on strike because they had not been paid. In August, approximately 300 dissatisfied business investors carried out a protest demonstration near the Prosecutor General's Office and in front of the President's house.

The Constitution provides for freedom of association; however, the Government restricted this right in practice by exercising strict control over organizations and activities of a political nature. Although freedom of association is permitted for non-political associations, including trade unions, this right is circumscribed by the requirement in the Law on Nongovernmental Associations that all organizations first must register with the Ministry of Justice—a process often slowed by the requirement to submit documents in both Russian and Tajik. The Ministry of Justice's verification of the text inevitably delayed the granting of registration. There were reports of delays in the process if organizations failed to pay bribes to working-level officials.

There were six political parties and five “movements” registered with the Government. The Adolatkoh Party, the Party of Popular Unity, the Agrarian Party, and the Tehran platform faction of the Democratic Party continued to be banned. The Unity Party, whose application initially was denied for “membership irregularities,” re-applied but had not received approval by year's end; they were told to “wait for a better time.” A new party, the Progress Party of Tajikistan, submitted registration documents in December but had no response by year's end. The law prohibits political parties from receiving support from religious institutions. Parties of religious character are permitted to register; one such party—the IRPT—has done so.

c. Freedom of Religion.—The Constitution provides for freedom of religion, and the Government generally respected this right in practice; however, there were some restrictions. There is no state religion. The Government monitored the activities of religious institutions to control their political activity. Hizb ut-Tahrir members were subject to arrest and imprisonment for subversion and faced long prison sentences. President Rahmonov defended secularism aggressively and described Islamic extremists as a threat to national security.

The Law on Religion and Religious Organizations requires religious communities to be registered by the State Committee on Religious Affairs (SCRA). Officially, registration was justified as a means to ensure that religious groups act in accordance with the law; however, a practical purpose was to control their political activity. The Government did not explicitly ban, prohibit, or discourage specific religions; however, local authorities in some cases used the registration requirement in attempts to prevent the activity of some groups. In April, local authorities prosecuted and fined two members of the community of Jehovah's Witnesses in Tursunzoda for teaching religion without a license and for meeting in an unlicensed location. Although the Jehovah's Witnesses were registered with the State Committee on Religious Affairs, the court ruled that they were also required to register at the local level as a religious community.

In July, the SCRA and Sughd government officials carried out “training” for all imams of the region. Two imams were removed, compared with 15 in 2002, and 2 mosques were closed for improper registration. Local observers alleged that the Government used the testing process as a means to silence certain politically outspoken religious figures. In May, two mosques and two houses of imams of these mosques were burnt in Chorkuh village of the Isfara district, an area that has thousands of Islamic Party members. Local authorities reportedly instructed one of the imams to tell any inquiring journalists that the fire in his house was due to an electrical short circuit. Investigators had not found the arsonists by year’s end.

Government policies reflect a pervasive fear of Islamic fundamentalism among the Muslim population. The Government banned specifically the activity of Hizb ut-Tahrir, which had a significant following among the ethnic Uzbek population in the north. The Government continued arrests and trials of Hizb ut-Tahrir members on charges of subversion. A Ministry of Security official said that 50 activists of Hizb ut-Tahrir had been arrested in the first half of the year, with 20 of them sentenced to varying terms in jail. Media reports indicated that, over the course of the year, 160 were arrested, and 34 were convicted. In October, a court in Isfara sentenced three Hizb ut-Tahrir activists to prison terms ranging from 8½ to 10 years, for distributing Hizb ut-Tahrir leaflets in the market. During the year, the Government arrested two top officials of the opposition IRPT (see Sections 1.c. and 1.d.).

The Government did not impose restrictions on the number of pilgrims allowed to undertake the hajj; however, regional quotas were imposed, which led to corruption in selling quota allotments.

Government officials at times restricted other religious activities by Muslims as well. Government printing houses reportedly were prohibited from publishing texts in Arabic and as a rule did not publish religious literature. There were no restrictions on private Arabic language schools; however, restrictions on home-based Islamic instruction remained in place. These restrictions reportedly were based on political concerns, but affected religious instruction. Missionaries were not restricted legally and proselytized openly; however, the Government’s fear of Islamic terrorists prompted it to restrict visas for Muslim missionaries.

Baha’i groups experienced some harassment at local levels. The Government arrested approximately 40 persons in connection with the 2001 killings of 2 Baha’i residents of Dushanbe; in November, the Government formally charged 3 of these individuals with the murders, and, in December, they were found guilty.

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

d. Freedom of Movement within the Country, Foreign Travel, Emigration, and Repatriation.—The Constitution provides for these rights; however, the Government imposed some restrictions on them. 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 was not always enforced along the western part of the border with Afghanistan, but a special visa was required for travelers—including international workers and diplomats—to Gorno-Badakhshan. Travel to border areas near Uzbekistan in the southwest was not restricted significantly, except occasionally at the border, which was closed intermittently by Uzbekistan during the year. Diplomats and international aid workers could travel to the Afghanistan border region without prior authorization, although 48-hour prior notice to the Ministry of Security was required; personnel from the Russian Border Forces guarding the Tajik-Afghan border occasionally restricted border crossings.

There were reports that border guards in the northern regions routinely subjected travelers to degrading searches for narcotics, particularly in the case of women (see Section 1.c.).

Foreign travelers wishing to remain in the country longer than 3 days were required to register with central authorities, and regulations required registration at the local Ministry of Interior office upon arrival and departure from a city. However, these regulations largely were ignored in practice.

There is no law on emigration. Persons who wish to emigrate to the former Soviet Union must notify the Ministry of Interior prior to their departure. Persons who wish to emigrate beyond the borders of the former Soviet Union must receive an immigrant visa from the relevant country’s embassy 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. Labor migration was an important economic factor, and a local research organization reported that, during the year, more than 600,000 persons left the country looking for a job.

There was no indication that persons who left the country, other than those who fled the country for political reasons after the civil war, were not permitted to re-

turn freely. Some persons active with the Tajik opposition with expired travel documents occasionally had difficulty obtaining new documents permitting them to return. The Government provided protection and modest assistance and cooperated with international organizations to resettle them voluntarily.

Following the signing of the 1997 peace accords, all Tajik refugees from northern Afghanistan who wished to return home, as well as thousands from the former Soviet Union, returned to the country. Nearly all occupied houses were returned to their original UTO-fighter owners (approximately 15,000 to 16,000 persons), although a small number of disputes remained to be settled.

The Constitution provides for the granting of asylum or refugee status to persons who meet the definition in the 1951 U.N. Convention Relating to the Status of Refugees and its 1967 Protocol. In practice, the Government provided some protection against refoulement and granted refugee status or asylum. Under the law, a person granted refugee status has the right to work and to move freely throughout the country. The Government cooperated with the U.N. High Commission for Refugees (UNHCR) and other humanitarian organizations in assisting refugees.

According to the UNHCR, 109 asylum seekers were granted refugee status, and 32 cases representing approximately 56 persons were denied status. Court challenges to these denials were ongoing at year's end.

The Government did not provide temporary protection to those persons who did not qualify as refugees or asylees, as there is no provision in the law for providing such protection. During the year, 89 refugees were resettled to third countries, and the UNHCR repatriated approximately 143 Afghans. The State Migration Service estimated that 3,195 Afghan refugees remained in the country, not including Afghans who had permanently resettled in the country.

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

The Constitution provides citizens with the right to change their Government peacefully and freely through elections of the President and members of Parliament; however, the Government restricted this right in practice. The country made little progress in its transition from a Soviet-model system to a more open and competitive one, and President Rahmonov and his inner circle from the Kulyab region continued to dominate the Government.

An opposition party won a district-level by-election in November, the results of which were appealed by the President's party. The court upheld the appeal and annulled the result in a decision that local legal experts considered incorrect and politically manipulated.

The President's control was further consolidated in a June 22 referendum that was criticized by the international community as neither free nor fair. Voters, many of whom never received their voting registration and thus were unable to cast ballots, were given the sole option of answering yes or no to a single question: Did they want 56 amendments added to the Constitution? The most significant amendment was to Article 67 and permits the President to have two more 7-year terms beyond 2006. As a result, President Rahmonov could serve until 2020.

The 1999 presidential election was seriously flawed. A cumbersome registration process required candidates to obtain large numbers of signatures during a short period of time. Only President Rahmonov, who used his political apparatus throughout the country for this purpose, obtained the signatures by the deadline. Prospective opposition candidates complained that local pro-government administrators prevented them from gathering signatures. Only President Rahmonov qualified as a candidate until a Supreme Court decision days before the election permitted a single opposition candidate to register. President Rahmonov exercised a virtual monopoly over mass media access, and there were obvious irregularities in the operation of polling places, such as multiple voting by pro-Rahmonov supporters. The Government claimed that 98 percent of the electorate voted and that 96 percent of those voting supported Rahmonov; however, most observers agreed that these claims lacked credibility.

President Rahmonov's highly centralized PDPT controlled an overwhelming majority of seats in both houses of Parliament. This control, combined with a lack of democratic culture, resulted in a legislative branch that was not genuinely independent of the executive branch.

A joint U.N. and OSCE mission that observed the February 2000 parliamentary elections to the Lower House of the new bicameral national Parliament noted improvements in the process compared with previous elections. Six parties, including two former segments of the disbanded UTO, were allowed to participate in the electoral process, and voters elected two members of an openly Islamic political party. However, the joint observation mission concluded that the elections failed to meet

the minimum standards for equal, fair, free, secret, transparent, and accountable elections. State organs, particularly regional and local administration officials, interfered in the preparations for and conduct of the elections. At least one prospective independent candidate for the Lower House of Parliament was prevented from registering for apparently political reasons. While state television provided free broadcast time to parties competing in the election, it failed to provide balanced news and editorial coverage of the campaign. The independence of election observers and counting and tabulation of results were also particular problems.

Opposition parties, including unregistered parties, generally were free to operate but faced difficulty in obtaining access to the mass media. Two new parties were unable to achieve registration (see Section 2.b.). Two prominent members of the IRPT were arrested, one of whom was convicted of crimes in December (see Section 1.d.).

There were 12 women in the 97-seat legislature and 1 woman deputy chairperson in each of the 2 houses of Parliament. A woman served as Minister of Labor and Social Issues.

Ethnic Uzbeks were represented in the Government, although not in direct policy-making roles, and there were four ethnic Uzbek members of Parliament.

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

A number of domestic and international human rights groups generally operated without government restriction, investigating and publishing their findings on human rights abuses; however, fear of harassment and abuse by government or paramilitary elements tended to discourage citizens from forming their own human rights organizations, although the Government did not block the registration of local NGOs addressing human rights. Several such domestic organizations existed. NGO taxation and registration problems remained (see Section 2.b.). The Government prevented some citizens, particularly government officials, from participating in international and local seminars sponsored by the OSCE, the ICRC, U.N. agencies, NGOs, and foreign governments on such topics as the rule of law, an independent judiciary, and international humanitarian law. Discussion at such seminars, including those held in the country, frequently was critical of the Government. Government officials were somewhat responsive to the views of human rights groups.

The Government permitted international NGOs to operate in the country on a regular basis. The OSCE mission in Dushanbe continued to monitor human rights issues with the help of its five field offices, which experienced varying levels of cooperation with local authorities. The ICRC also maintained an office in the country under its delegation in Uzbekistan.

The Government's Office for Constitutional Guarantees of Citizens' Rights under the President continued its work of investigating and answering citizens' complaints; however, the office was understaffed and received uneven cooperation from other government institutions.

In 2002, the Government established a Commission on Fulfillment of International Human Rights Commitments chaired by the Deputy Prime Minister with responsibility for security and law enforcement affairs. The Commission was charged with preparing reports mandated by the Government's ratification of international human rights treaties, although its Chairman indicated that the Commission would accept complaints from private citizens and planned to work with the international community to address human rights concerns. The Commission served as the primary collection point for citizen complaints by citizens and forwarded the complaints to the responsible ministries.

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 was not independent in practice. During the year, the Committee was not very active and issued no reports.

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

The Constitution provides for the rights and freedoms of every person regardless of nationality, race, sex, language, political persuasion, or social status and also explicitly states that men and women have the same rights; however, in practice there was some discrimination against women.

Women.—Violence against women, including spousal abuse, was a widespread problem. In both urban and rural areas, many cases of wife beating went unreported, and many reported cases were not investigated. Unofficial figures compiled by four NGOs, reported at least 71 discrete cases of wife beating in a small sample of 21 villages, which indicated a much larger problem throughout the country. There was widespread reluctance to discuss the issue or provide assistance to women in

abusive situations. In addition, there were widespread reports of the abduction of young women who were raped or forced to marry their abductors.

Many domestic and international NGOs sponsored women's resource centers that address the concerns of victims of rape and domestic abuse; however, the Government's funding for such centers was extremely limited.

The Criminal Code prohibits rape (although not specifically spousal rape), which is punishable by up to 20 years in prison or, in certain circumstances, the death penalty; however, it was widely believed that most cases were unreported and that the problem was growing, particularly in urban areas. The threat of rape often was used to intimidate women. There were no special police units for handling rape cases. There were no statistics on the number of rapists prosecuted, convicted, or punished each year.

Prostitution is illegal; however, in practice, prostitutes were not tried in court but instead were given a cursory fine and released. Procurers and madams were prosecuted regularly. The law prohibits keeping brothels, procuring, making, or selling pornography, infecting another person with a venereal disease, and the sexual exploitation of women; however, prostitutes operated openly at night in some urban areas.

Trafficking of women for the purposes of sexual exploitation and forced labor was a serious problem (see Section 6.f.).

The law accords women equal rights with men; however, discrimination against women remained a problem. Traditionally there has been a high level of female participation in the work force and in institutes of higher learning. There was no formal discrimination against women in employment, education, or housing; in urban areas, women were employed throughout government, academic institutes, and enterprises. However, women faced diminishing educational opportunities and increasing poverty. Women legally are entitled to receive equal pay for equal work; however, this regulation was not always enforced in practice.

The Criminal Code protects women's rights in marriage and family matters; however, girls often were pressured to marry men that they did not choose themselves, and polygyny, although illegal, was increasingly common. Women are provided 3 years of maternity leave and monthly subsidies for each child. In rural areas, women tended to marry younger, have larger families, and receive less university education than women in cities. In rural and traditional areas, women received less education in general, often leaving school after the eighth year. Due to the prevalence of large families, women in rural areas also were much less likely to work outside the home. Inheritance laws do not discriminate against women; however, in practice some inheritances passed disproportionately to sons.

There were many local women's groups and NGOs headed by women that worked to improve the status of women. Many international organizations also focused their programs on women. The Government has a specific committee for women's and family affairs.

Children.—The Government was committed to children's rights and welfare; however, it did not devote adequate financial resources to maintain the social security network for child welfare. Education is compulsory until age 16; however, the law was not enforced. Public education is intended to be free and universal; however, due to a lack of resources, the public school system has deteriorated to the point where it barely functioned. Parents who could afford to do so sent their children to private schools or joined together and hired teachers to give their children lessons. While most children were enrolled in school up to the completion of the secondary level, actual attendance was estimated to be lower because children supplemented family income by working in the home or in informal activities (see Section 6.d.). A significant number of school-age children—as many as one in eight, according to World Bank data—worked instead of attending school. The illegal Soviet practice of closing high schools at cotton harvest time and putting the students to work in the field continued in some areas (see Section 6.c.).

As a result of a new amendment to the Constitution, health care is no longer free. However, the first visit or initial assistance remained free, but the quality and quantity of medical services remain limited. The Action Against Hunger's national nutrition survey estimated that one child in three was malnourished. UNICEF reported that the under 5 mortality rate was 72 per 1,000 and that 15 percent of infants had low birthweight. The Government acknowledged that malnutrition was a severe problem and worked with international humanitarian organizations and foreign governments to support school feeding programs.

The press reported a very few, unconfirmed instances of violence against children, although there was no societal pattern of abuse of children.

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

Persons with Disabilities.—The law stipulates the right of persons with disabilities to employment and adequate medical care; however, in practice, the Government did not require employers to provide physical access for persons with disabilities. Persons with disabilities suffered from high unemployment and widespread discrimination as a result of financial constraints and the absence of basic technology to assist them.

There is no law mandating accessibility for persons with disabilities. There were facilities for persons with disabilities; however, funding was limited and the facilities were in poor condition. Several international NGOs provided limited assistance to persons with disabilities.

Section 6. Worker Rights

a. The Right of Association.—The law provides all citizens with the right of association, including the right to form and join associations without prior authorization, to organize territorially, and to form and join federations. According to official figures, approximately 90 percent of the labor force was organized. The Federation of Trade Unions remained the dominant labor organization. The Federation consisted of 19 professional trade unions and claimed 1.5 million members—virtually all non-agricultural workers. The separate, independent Trade Union of Non-State Enterprises had registered unions in more than 3,000 small and medium-sized enterprises, with approximately 40,000 employees. Many of the enterprises in which these two organizations nominally were present were not functioning because of the general economic crisis, and the membership of both declined as a result. The Council of Ministers formally consulted both organizations during the drafting of social welfare and worker rights legislation.

The law prohibits anti-union 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 were 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.

The law provides citizens, but not unions, with the right to affiliate freely with international organizations, including international labor organizations. Unions may affiliate with international bodies; however, no unions had international affiliations.

b. The Right to Organize and Bargain Collectively.—Various laws provide for the right to organize and bargain collectively. Employees, members of the trade unions, and management participated in collective bargaining at the company level. Negotiations involving an industrial sector included officials from the relevant ministry and members of the union's steering committee for that particular sector. As the economic situation worsened, it became more difficult for enterprises to engage in effective collective bargaining.

The law mandates arbitration before a union legally may call a strike. Depending on the scale of the labor disagreement, arbitration may take place at the company, sectoral, or governmental level. In the event that arbitration fails, unions have the right to strike, but both labor unions disavowed publicly the utility of strikes in the current economic crisis and advocated compromises between management and workers. In May and September, teachers in the northwest city of Panjakent went on a union-declared strike, claiming that they had not been paid; although they returned to work, they had not been paid at year's end.

There are no export processing zones.

c. Prohibition of Forced or Bonded Labor.—The Constitution prohibits forced or bonded labor, including by children, except in cases defined in the law; however, forced or bonded labor occurred in some cases (see Sections 6.d. and 6.f.). University and secondary school students regularly were compelled to participate in the cotton harvest, which was justified in terms of "helping the family" and was permitted under the law. Persons who formerly had worked on state or collective farms could be required to pick cotton, although wages usually were not paid, and the farms did not provide the services they once did.

d. Status of Child Labor Practices and Minimum Age for Employment.—Child labor was a problem; the Government did not effectively regulate acceptable working conditions for children, and there were no governmental or judicial initiatives to strengthen or enforce child labor legislation or regulations.

Labor laws establish the minimum age for the employment of children at 16, the age at which children also may leave school legally (see Section 5). With the concurrence of the local trade union, employment may begin at the age of 15. By law, workers under the age of 18 may work no more than 6 hours a day and 36 hours

per week. However, children as young as 7 years of age may perform household-based labor and participate in agricultural work, which is classified as family assistance. Many children under 10 years of age worked in the bazaars or sold goods on the street. Trade unions were responsible for reporting any violations in the employment of minors. Cases not resolved between the union and the employer may be brought before the Procurator General, who may investigate and charge the manager of the enterprise with violations of the Labor Code.

The Government does not have a comprehensive policy for the elimination of the worst forms of child labor. The Government has signed the International Labor Organization (ILO) Convention 182 on the worst forms of child labor, but the ratification instrument has not been deposited with the ILO.

e. Acceptable Conditions of Work.—The President, on the advice of the Ministry of Labor and in consultation with trade unions, sets the minimum monthly wage, which officially was \$1.20 (4 Somoni). The minimum wage did not provide a decent standard of living for a worker and family. The Government recognized this problem and provided certain subsidies for workers and their families at the minimum wage. Some establishments, both governmental and private, compensated their employees in kind with food commodities or with the products produced by the enterprise, which the employee could sell or barter in local private markets.

The legal workweek for adults (over age 18) is 40 hours. Overtime payment is mandated by law, with the first 2 hours of overtime to be paid at 1.5 times the normal rate and the rest of the overtime hours paid at double the rate. Payment of overtime was inconsistent in all sectors. The Ministry of Finance enforces financial aspects of the labor law, and the Agency of the Financial Control of the Presidential Administration oversees other aspects of the law.

The Government has established occupational health and safety standards, but these fall far below accepted international norms, and the Government did not enforce them in practice. The enforcement of work standards is the responsibility of the State Technical Supervision Committee under the Council of Ministers. Statistics in 1993 (the latest available) indicated that over one-fifth of the population worked under substandard conditions—an estimate that most observers considered much too low. The law permits workers to leave their jobs with 2 months' notice and to remove themselves from hazardous conditions without risking loss of employment; however, due to the poor employment situation, few did so.

Foreign workers are protected under the labor laws.

f. Trafficking in Persons.—The law prohibits trafficking in persons; however, trafficking primarily from and, to a lesser extent, through the country was a significant problem.

In August, Parliament approved amendments to the Criminal Code that make trafficking in persons punishable by a term of imprisonment of 5 to 15 years and the confiscation of one's property. The more general amendment defines trafficking in persons broadly, while a second amendment specifically criminalizes trafficking in teenagers, defined as "the buying or selling of a minor with or without means and forms of coercion." A working group prepared a draft of a new anti-trafficking law, which was under review by the relevant government agencies at year's end.

Traffickers may also be prosecuted under other laws prohibiting exploitation of prostitution, rape, kidnapping, buying and selling of minors, illegal limitations on arrival and departure in and out of the country, document fraud, and immigration violations. The penalties for these offenses are in most cases fines or imprisonment of 5 to 15 years, although certain immigration violations carry a sentence of up to 10 years, and rape is punishable by up to 20 years in prison or, in certain circumstances, a death sentence.

In November, law enforcement officials arrested six persons associated with a criminal ring engaged in trafficking women to the Gulf states and elsewhere; the trial was pending at year's end. In October, a husband and wife were apprehended in the Sogh region for trafficking: The wife allegedly recruited the victims (girls and women), and the husband organized the documents; the investigation continued at year's end. In August, two women were detained at Dushanbe airport after attempting to transport underage girls to the United Arab Emirates using counterfeit documents. The investigation uncovered evidence that the women were engaged in trafficking, and, at year's end, they were being held pending trial.

In December, the Dushanbe City Court completed the hearings in Sabohat Shukurova's case. She was sentenced to 14 years in prison and property confiscation in accordance with the new amendments to the criminal code. The Supreme Court started a hearing on an 11-person criminal ring accused of trafficking in persons, including minors; the case was pending at year's end. A member of the IRPT was

implicated for recruiting children and trafficking them to the Gulf countries and to Turkey.

The Government set up a commission to fight trafficking, headed by a deputy prime minister. The Commission took several steps towards increasing the severity of punishment for trafficking. The Commission also set up a Working Group to prepare a new anti-trafficking law, which was under review at year's end.

The Ministry of the Interior formed a unit under the Criminal Investigation Department to deal with cases of trafficking, particularly, to focus on fact-finding and investigation in cases of sexual exploitation. The unit reported that there were at least a dozen criminal rings in the country involved in trafficking young girls to Gulf countries.

The country was a source and, to a lesser extent, a transit point for trafficked persons, primarily women. Trafficking within the country was also a problem. Media reports estimated that over 1,000 persons were victims of trafficking during the year. During the year, intermediaries trafficked 10 Tajik women. The Ministry of the Interior's Criminal Investigation Unit, as well as calls to hotlines, indicated that victims came primarily from Khojand or Dushanbe and most commonly were trafficked to Russia, Central Asia, and the Persian Gulf states, including the United Arab Emirates, Yemen, Iran, and Saudi Arabia. Other trafficking destinations were Russia, other former Soviet Union countries, Turkey, Syria, and Pakistan. There also were reports of the sale of infants. The majority of victims were female, ethnically Tajik, single, aged 20 to 26, usually with at least one child (the children typically came under the care of extended family), and were new arrivals to Dushanbe or Khojand from a rural upbringing with little education. Ethnic minorities were over-represented among victims, particularly those of Slavic origin.

Victims commonly were recruited through false promises of employment. "Advertising" often was done through social contacts, because traffickers employed their local status and prestige to help recruit victims. There also were cases of false weddings and, more rarely, kidnappings (usually in rural areas). Traffickers generally transported victims by air to the Middle East and by train to Russia and other former Soviet Union countries. Traffickers tightly controlled arrangements for travel and lodging and employed contacts among tourism agencies. They sometimes employed document falsification services to evade entry restrictions in destination countries. Victims commonly were not separated from their travel documents until arrival in the destination country. Debt bondage was a common form of control. There were also reports of Tajik medical professionals—both male and female—trafficked to Yemen to work at medical clinics for substandard wages; traffickers reportedly seized their travel documents and forced female medical personnel into prostitution.

Traffickers included individuals who rose to positions of power and wealth as field commanders—so-called "warlords"—during the civil war. Others, including women, were powerful local figures who used their wealth to cultivate patron-client relationships throughout their community; this created a network that communicated supply and demand for trafficking victims.

Corruption was endemic in the country, and reports indicated that low-level government authorities working in customs, border control, immigration, police, and tourism received bribes from traffickers. Further, there was reason to believe that certain figures in the Government acted as patrons or protectors of individuals who were involved directly in trafficking. However, there was no indication of widespread institutional involvement in trafficking by the Government.

The Government did not prosecute any reported victims of trafficking. There were few resources available to victims of trafficking and none from the Government. Blackmail was employed commonly in the country's conservative society—nearly half of the trafficked women in the International Organization of Migration's survey reported extortion by local officials upon return to the country. Victims usually did not pursue legal recourse against traffickers due to the social stigma attached to the problem. However, the Government endorsed efforts by international and domestic NGOs to prevent trafficking and provide services to victims.

Several NGOs provided a number of services to victims of trafficking and carried out a wide range of informational programs in conjunction with local authorities throughout the country. The NGO Modar in the Sughd region provided a number of services to victims of trafficking and carried out a wide range of informational programs in conjunction with local authorities in Sughd. Modar also worked to direct trafficking victims to other NGOs providing social services that could be of benefit, such as those targeted at abused women. The NGO Women Scientists ran a crisis center for abused women, which also provided services to trafficked women. In September, the NGO Gamkhori in the southern city of Kurgan-Teppe began operating a crisis center and hotline for victims of trafficking and other abused women.

Some NGO programs intended to increase awareness of the existence of trafficking, with support from international organizations. The NGO Gamkhori in the southern city of Kurgan-Teppe worked with local government officials throughout Khatlon oblast to conduct training and awareness seminars for officials and the public. The Khujand-based NGO Chashmai Hayot (Spring of Life) conducted a seminar on trafficking along with representatives from two other NGOs. The Government did not directly fund any public service announcements but did promote such announcements as well as informational materials that national and international organizations produced and distributed. There were 20 NGOs involved in anti-trafficking activities operating throughout the country.

TURKEY

Turkey is a constitutional republic with a multiparty parliamentary system and a president with limited powers elected by the single-chamber parliament, the Turkish Grand National Assembly. In the November 2002 parliamentary elections, the Justice and Development (AK) Party won the majority of seats in a free and fair election and formed a one-party government. In March, AK Chairman Recep Tayyip Erdogan was named Prime Minister. In 2000, Parliament elected Ahmet Necdet Sezer as President for a 7-year term. The military exercised indirect influence over government policy and actions in the belief that it was the constitutional protector of the State. The Constitution provides for an independent judiciary, and the general law courts acted under a declared policy of independence; however, the judiciary was sometimes subject to outside influences.

The Turkish National Police (TNP), under Interior Ministry control, has primary responsibility for security in urban areas, while the Jandarma, paramilitary forces under joint Interior Ministry and military control, carries out this function in the countryside. Although the Government completed the phased lifting of the state of emergency in the southeast in November 2002, it continued to maintain a heavy security presence in the region. There was a civil defense force known as the village guards, mostly concentrated in the southeast, which were regarded as less professional and disciplined than other security forces. Civilian and military authorities generally maintained effective control of the security forces. Some members of the security forces committed serious human rights abuses.

The country had a market economy and a population of approximately 67.8 million. Industry and services dominated the economy, but agriculture remained important. During the year, the economy grew by an estimated 5 percent and inflation fell to around 20 percent. Unemployment remained above 10 percent and there was significant underemployment. Wages and benefits did not keep pace with inflation, particularly in the public sector. There were major disparities in income, particularly between the relatively developed west and the less developed east.

The Government generally respected the human rights of its citizens; although there were improvements in a number of areas, several serious problems remained. Security forces reportedly killed 43 persons during the year; torture, beatings, and other abuses by security forces remained widespread. Prison conditions remained poor. Security forces continued to use arbitrary arrest and detention, although the number of such incidents declined. Lengthy trials remained a problem. 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. Prosecutions brought by the Government in State Security Courts (SSCs) reflected a legal structure that favored government interests over individual rights. The Government continued to limit freedom of speech and press; harassment of journalists and others for controversial speech remained a serious problem. At times, the Government restricted freedom of assembly and association. Police beat, abused, detained, and harassed some demonstrators.

The Government maintained some restrictions on religious minorities and on some forms of religious expression. At times, the Government restricted freedom of movement. The Government restricted the activities of some political parties and leaders, closed the pro-Kurdish People's Democracy Party (HADEP), and sought to close the closely related Democratic People's Party (DEHAP). The Government continued to harass, indict, and imprison human rights monitors, journalists, and lawyers for the views they expressed in public. Violence against women remained a serious problem, and discrimination against women persisted. Child labor was widespread. Trafficking in persons, particularly women, remained a problem.

In January and July, Parliament passed extensive human rights-related reforms intended to meet the Government's democratization goals and requirements for Eu-

ropean Union (EU) membership. The reforms applied to areas such as torture, religious freedom, free expression, the role of the military in government, and freedom of association and included: prohibiting courts from suspending sentences or converting prison sentences to fines in torture cases; prohibiting trials in torture cases from recessing for the summer; providing all detainees the right to immediate attorney access; permitting private media outlets to broadcast in Kurdish and other traditional non-Turkish languages; and allowing for a civilian to serve as head of the National Security Council. However, many of the reforms were not implemented by year's end, and some reforms adopted in 2002 were still not implemented.

RESPECT FOR HUMAN RIGHTS

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

a. Arbitrary or Unlawful Deprivation of Life.—There were no known political killings; however, there were credible reports that security forces committed a number of unlawful killings. Police, Jandarma, and soldiers killed a number of people, particularly in the southeast, for allegedly failing to obey stop warnings. The Human Rights Foundation (HRF) estimated that there were 43 killings by security forces during the year, including shootings by village guards and border patrols. In July, for example, soldiers in Mardin shot and killed Kazim Ozgan, allegedly for failing to heed a stop warning. HRF estimated there were 33 killings by security forces in 2002.

The courts investigated most alleged unlawful killings by security forces; however, the number of arrests and prosecutions in such cases remained low compared with the number of incidents, and convictions remained rare (see Section 1.d.).

According to the Interior Ministry, three persons died in police custody during the year; two died of heart attacks and the other committed suicide.

According to the HRF and press reports, 6 ongoing trials in cases of past alleged killings by security officials ended during the year, resulting in 36 acquittals and 13 convictions.

In April, an Istanbul court issued a verdict in the death in detention case of trade unionist Suleyman Yeter. The court sentenced one policeman to 4 years and 2 months imprisonment, acquitted another, and separated the case of a third defendant, who was being tried in absentia. The verdict was under appeal at year's end.

A Diyarbakir court continued to try the case of 10 village guards arrested in connection with the September 2002 killing of 3 internally displaced persons (IDPs) returning to their homes in Ugrak village with official permission.

During the year, the European Court of Human Rights (ECHR) ruled against the country in one case involving the unlawful deprivation of life.

As of October, landmine explosions in the southeast killed two civilians. In addition, another civilian was killed by an unattended hand grenade. Both security forces and the Kurdistan Workers Party (PKK), a terrorist organization that changed its name to the Kurdistan Freedom and Democracy Congress (KADEK) and, in November, changed its name to the Kurdistan Peoples Congress (KHK), used landmines; it was not possible to verify which side was responsible for the mines involved in the incidents.

The Government, as well as the PKK/KADEK/KHK, continued to commit human rights abuses against noncombatants in the southeast. According to the military, 12 civilians, 19 members of the security forces, and 71 terrorists died during the year as a result of armed clashes. In September, the PKK/KADEK announced an end to its unilateral ceasefire.

In November, in two separate suicide car bomb attacks, 50 persons were killed and 750 wounded in Istanbul. The attacks targeted two synagogues, the British Consulate, and the HSBC Bank Istanbul headquarters. The Government stated that the perpetrators were linked to al-Qa'ida.

In July, the PKK/KADEK attacked a convoy in Tunceli Province that included the provincial governor, killing two soldiers.

b. Disappearance.—There were no reports of politically motivated disappearances. There were no developments in the 2002 disappearance of Coskun Dogan or the 2001 disappearance of HADEP officials Serdar Tanis and Ebubekir Deniz.

The Government continued to make efforts to investigate and explain some reported disappearances. The Ministry of Interior operated the Bureau for the Investigation of Missing Persons, which was open 24 hours a day. According to the Government, eight persons were reported missing during the year due to suspected terrorist activities. Four missing persons were located during the year; three were found alive, and one dead.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.—The Constitution prohibits such practices; however, some members of the security

forces continued to torture, beat, and otherwise abuse persons regularly. Leftists and Kurdish rights activists were more likely than others to suffer torture. Despite the Government's cooperation with unscheduled foreign inspection teams, public pledges by successive governments to end the practice, and initiatives to address the problem, widespread reports of torture continued, particularly in the southeast.

HRF estimated there were approximately 920 credible applications by torture victims at its 5 national treatment centers during the year, compared with 965 in 2002. These figures did not necessarily reflect trends in the use of torture. The reports included complaints stemming from previous years' incidents. Human rights advocates claimed that hundreds of detainees were tortured during the year in the southeast, where the problem was particularly serious, but that only 5 to 20 percent reported torture because they feared retaliation or believed that complaining was futile.

In June, Gulbahar Gunduz, member of the DEHAP Women's Wing in Istanbul, said she was tortured and raped by four men identifying themselves as police officers. The case was under investigation at year's end. In April, Ruhisel Demirbas, Ugur Atilgan and Senol Budak held a press conference in Istanbul in which they claimed police beat them, deprived them of sleep, and repeatedly threatened to kill them after arresting them for hanging anti-war placards.

Human rights observers said that, because of reduced detention periods, security officials mostly used torture methods that did not leave physical traces, including repeated slapping; exposure to cold; stripping and blindfolding; food and sleep deprivation; threats to detainees or family members; dripping water on the head; squeezing of the testicles; and mock executions. They reported a significant reduction over past years in methods such as electric shocks, high-pressure cold water hoses, beatings on the soles of the feet (falaka) and genitalia, hanging by the arms, and burns. The Human Rights Association (HRA) reported that women detainees were sometimes subject to rape, including vaginal and anal rape with truncheons, and sexual harassment.

Female detainees sometimes faced sexual humiliation and, less frequently, more severe forms of sexual torture. After being forced to strip in front of male officers, female detainees were sometimes touched, insulted, and threatened with rape.

Human rights attorneys and physicians who treated torture victims said torture generally occurred during police or Jandarma detention before detainees appeared in court. Because the arresting officer was responsible for interrogating a suspect, officers sometimes resorted to torture to obtain a confession that would justify the arrest. In one example, the European Roma Rights Center reported that, in February, police in Edirne beat and tortured with electric shocks a 14-year-old Romani boy suspected of stealing a wallet (see Section 5).

Although the law prohibits evidence obtained under torture from being used in court, in practice prosecutors rarely followed up on detainees' allegations of torture. When prosecutors did follow up on such allegations, the detainee's trial often proceeded, and was sometimes completed, before the start of the torture trial. Treatment of those arrested for ordinary crimes (who were sometimes beaten until they gave a confession) and those arrested for "political" crimes reportedly differed. Observers said that security officials often tortured political detainees to intimidate them and send a warning to people with certain political views.

State-employed doctors administered all medical examinations of detainees. Examinations occurred once during detention and a second time before either arraignment or release; however, the examinations generally were brief and informal. According to the Society of Forensic Medicine Specialists, only approximately 250 of 80,000 doctors in the country were forensic specialists, and most detainees were examined by general practitioners and specialists not qualified to detect signs of torture. Some former detainees asserted that doctors did not conduct proper examinations and that authorities denied their requests for a second examination.

Unlike in past years, the Turkish Medical Association recorded no cases of doctors being harassed, charged with a crime, or reassigned for reporting torture. However, in June, Izmir police raided a Medical Association training seminar in which doctors were being trained in the detection of latent signs of torture. Police told participants they would be investigated, but the Governor canceled the case, according to the Association.

In September, the parliamentary Human Rights Committee reported that doctors in Izmir were signing reports indicating detainees had not been tortured without examining the detainees. The Committee stated that, in some cases, the same detainees were later taken to a hospital where doctors reported signs of torture.

A Justice Ministry regulation requires doctor-patient privacy during the examination of suspects, except in cases where the doctor or suspect requests police presence for security reasons. However, the Society of Forensic Medicine Specialists reported

that security officials often remained in the room despite objections, although this occurred less often than in past years. According to the Medical Association and human rights observers, the presence of a security officer could lead physicians to refrain from examining detainees, perform cursory examinations and not report findings, or to report physical findings but not draw reasonable medical inferences that torture occurred. In October, the Council of State annulled a provision requiring that copies of detainees' medical examinations be sent to police authorities.

The law mandates heavy jail sentences and fines for medical personnel who falsify reports to hide torture, those who knowingly used such reports, and those who coerce doctors into making them. The highest penalties are for doctors who supply false reports for money. In practice, there were few prosecutions for violation of these laws. The Medical Association had the authority to levy fines and suspend for up to 6 months the licenses of doctors who falsified reports. However, Association officials said they were unable to enforce these sanctions because most doctors worked at least partly for the Government, which protected the doctors from sanctions.

The investigation, prosecution, and punishment of members of the security forces for torture or other mistreatment was rare, and accused officers usually remained on duty pending a decision, which could take years (see Section 1.d.).

A Prime Ministry directive requires prosecutors to make unscheduled inspections of detention facilities to look for torture and other maltreatment and to report inspection results to the Prime Minister. Although the Ministry of Interior reported that thousands of such inspections took place, human rights advocates and some prosecutors termed the inspections cursory and unlikely to lead to criminal charges against the police.

By the end of October, authorities had initiated judicial proceedings in 8 cases involving torture allegations and 107 involving maltreatment allegations against police (see Section 1.d.). Of these, courts ruled for conviction in one case and for acquittal in two cases. Authorities dropped 64 cases and continued to try 48 cases.

During the year, 93 police officers received administrative punishments, such as short suspensions, for torture or maltreatment.

In September, an Interior Ministry commission dismissed Adil Serdar Sacan as chief of the Organized Crime Department of the Istanbul Security Directorate because of complaints filed against him by alleged torture victims.

In April, an appeals court unanimously upheld the October 2002 Manisa Penal Court conviction of 10 police officers for torture. By July, all of the officers had turned themselves in to authorities. The officers were sentenced to prison terms ranging from 60 to 130 months; according to the Prosecution Law, under which convicts serve a portion of their sentences, they were expected to spend from 24 months to 52 months in prison. The high-profile case involved 16 youths tortured in police detention in 1996.

During the year, the case of five police officers convicted in 2002 for the 1996 torture of nine detainees, including journalists from the leftist newspaper "Atilim," was closed without a verdict when the case, which was being appealed, expired under the statute of limitations.

The trial continued in the case of 10 police officers charged for the death in detention of Birtan Altinbas, who died in police custody in Ankara in 1991. The trial had been subject to repeated procedural delays, including due to the court's inability to locate some of the defendants. The statute of limitations for the charges is scheduled to expire in February 2006, at which time the case will be dropped if there is no verdict.

During the year, the ECHR ruled against the country in one case involving torture and eight cases involving inhuman or degrading treatment.

Police harassed, beat, and abused demonstrators (see section 2.b.).

Due to the conflict with the PKK/KADEK/KHK, the Government continued to organize, arm, and pay a civil defense force of about 60,000, mostly in the southeast region. This force, known as the village guards, was reputed to be the least disciplined of the security forces and continued to be accused repeatedly of drug trafficking, rape, corruption, theft, and human rights abuses. Inadequate oversight and compensation contributed to this problem, and in some cases Jandarma allegedly protected village guards from prosecution. In addition to the village guards, Jandarma and police "special teams" were viewed as those most responsible for abuses. DEHAP officials claimed that security forces in July publicly displayed the bodies of two slain PKK/KADEK militants in the town of Baskale in Van Province. However, the incidence of credible allegations of serious abuses by security forces in operations against the PKK/KADEK/KHK was low.

Prison conditions remained poor. Underfunding and poor administration of penal facilities remained problems. HRF maintained that the Government provided insuf-

ficient funding for prison food, resulting in poor-quality meals. According to HRF, food sold at prison shops was too expensive for most inmates, and there was a lack of potable water.

There were reports that prison guards beat children in detention. In September, the parliamentary Human Rights Committee reported that Committee members investigated conditions at the children's ward of Aydin Prison and found that all the children had visible injuries and many claimed to have been tortured. A child held in solitary confinement told the Committee he had requested an isolation cell because some of the children in the ward were raping others.

At year's end, a court decision had not been reached in the case of 38 employees of Bakirkoy Prison for Women and Children who were indicted in December 2002 for mistreating prisoners and official misconduct.

The Government maintained that prisons were staffed with doctors, dentists, psychologists, and teachers, although there were shortages in some areas. According to the Medical Association, there were insufficient doctors, and psychologists were only available at the largest prisons. Some inmates claimed they were denied appropriate medical treatment for serious illness.

Inmates in high-security F-type prisons were permitted to socialize in groups of 10 for up to 5 hours per week. In addition, they were able to participate in communal activities. According to HRF, as of October, one prisoner continued a hunger strike to protest F-type prisons. The Government reported that the President pardoned 172 hunger strikers during the year. Two prisoners on hunger strike died during the year, bringing total deaths to 107 since the start of the strikes in 2000, according to HRF. The Government alleged that terrorist groups forced weaker members to conduct the hunger strikes and threatened family members of those who wanted to quit.

Human rights activists and attorneys for jailed PKK leader Abdullah Ocalan called on the Government to transfer Ocalan from his cell on Imrali Island in the Sea of Marmara to a mainland prison. They claimed Ocalan was being held in isolation and also said he was suffering from health problems. Relatives and attorneys were unable to visit Ocalan for 15 weeks from November 2002 to March; the Government said stormy weather grounded the boat shuttling visitors to the island. The ECHR ruled in March that Ocalan's prison conditions were not unlawful.

The trial against 1,615 persons on duty at Bayrampasi prison during the December 2001 hunger strike was ongoing at year's end. The related trial of 167 prisoners was also ongoing at year's end.

Human rights observers estimated that, at any given time, at least one-quarter of those in prison were awaiting trial or the outcome of their trial. Men and women were held separately. Despite the existence of separate juvenile facilities, at times juveniles and adults were held in adjacent wards with mutual access. According to the Government, detainees and convicts were held either in separate facilities or in separate sections of the same facility.

The Ministry of Justice, the General Directorate of Prisons, and the parliamentary Human Rights Committee regularly inspected prisons and issued reports. Prison Monitoring Boards—five-person visiting committees composed of nongovernmental experts such as doctors and lawyers—also conducted inspections. The 130 boards conducted 522 visits, prepared 1,638 reports, and made 3,664 recommendations for improvements to the Ministry of Justice. The Government reported that it took action on some of these recommendations, but lacked the funding to respond to others, including those related to crowding and lack of resources for activities. During the year, the 140 special prison judges received 11,923 petitions relating to prison conditions and sentences; they admitted 3,659 petitions, partially admitted 319, and rejected 7,945.

Human rights groups criticized the Government's selection of Monitoring Board representatives. Medical Association officials said the Government did not consult them on Board membership and selected only government-employed doctors for the bodies. The Society of Forensic Medicine Specialists reported that only two forensic specialists served on the Boards. Some bar associations also said that their preferred candidates were not selected.

The Government permitted prison visits by representatives of some international organizations, such as the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT); the CPT visited in February and September, and conducted ongoing consultations with the Government. Requests by the CPT to visit prisons were routinely granted; however, domestic nongovernmental organizations (NGOs) did not have access to prisons.

d. Arbitrary Arrest, Detention, or Exile.—The law prohibits arbitrary arrest and detention; however, the Government did not always observe these prohibitions in practice. During the year, police routinely detained demonstrators, including those

protesting prison conditions (see Section 2.b.). Police detained dozens of members of the legal pro-Kurdish party DEHAP on several occasions (see Section 3). Police continued to detain and harass members of human rights organizations and monitors (see Section 4). The Government continued to detain persons, particularly in the southeast, on suspicion of links to Hizballah.

The Turkish National Police (TNP), under Interior Ministry control, is responsible for security in large urban areas. The Jandarma, paramilitary forces under joint Interior Ministry and military control, are responsible for policing rural areas. The Jandarma are also responsible for specific border sectors where smuggling was common, although the military has overall responsibility for border control. There were allegations of police corruption.

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. During the year, authorities opened investigations of 39 Jandarma personnel accused of torture. The investigations continued at year's end. Although the courts investigated most alleged unlawful killings by security forces, convictions and punishments remained rare. Punishment, when handed down, generally was minimal; monetary fines did not keep pace with the high rate of inflation, and sentences were sometimes suspended.

Legal, administrative, and bureaucratic barriers impeded prosecutions and contributed to the low number of torture convictions. In January, Parliament removed a legal barrier to such prosecutions by passing legislation allowing prosecutors to investigate police or Jandarma officers suspected of torture without receiving the permission of local government officials. However, such permission was still required to investigate other crimes, such as extra judicial killings and disappearances.

Parliament also passed legislation that prohibits judges from suspending sentences or converting prison sentences to fines in torture cases and extends the statute of limitations for torture cases. In July, Parliament adopted legislation requiring torture trials to continue during summer recess.

The TNP and Jandarma were effective and received specialized training in a number of areas, including counter-terrorism. Both police and Jandarma received human rights training.

The armed forces emphasized human rights in training for officers and non-commissioned officers throughout the year. Noncommissioned police officers received 2 years of training. Police and Jandarma also received human rights training. In April, the Government opened the Jandarma Human Rights Violations Investigation and Assessment branch to receive complaints about Jandarma.

The Government's Ten Year Human Rights Education Committee held regional seminars to educate civil servants and others on human rights problems. Regional bar associations and the EU held training seminars with police, judges and prosecutors in several provinces and in Ankara headquarters, focusing on EU human rights standards.

For a person to be taken into custody, a prosecutor must issue a detention order, except when police catch suspects in the commission of a crime. The maximum detention period for persons charged with individual common crimes was 24 hours. Persons charged with collective common crimes could be held for 48 hours.

Under the Criminal Code, detainees are entitled to immediate access to an attorney and to meet and confer with an attorney at any time. Under legal reforms adopted in January, these rights applied equally to defendants in state security cases. In practice, authorities did not always respect these provisions and most detainees did not exercise these rights, either because they were unaware of them or feared antagonizing authorities. 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 determined that he is likely to flee the jurisdiction or destroy evidence.

Private attorneys and human rights monitors reported uneven implementation of these regulations, particularly attorney access. In September, the parliamentary Human Rights Committee released the results of an investigation indicating that police in Izmir were undermining the right of detainees to consult an attorney. The Committee reported that police in three Izmir detention centers were not informing detainees of their right to an attorney at no cost, and that police did not even know the phone number for requesting an attorney. The Committee stated that all 126 recorded detainees at the centers had waived their right to an attorney. According to HRA and a number of local bar associations, only approximately 5 percent of detainees consulted with attorneys. HRA claimed police intimidated detainees who asked for attorneys, sometimes telling them a court would assume they were guilty

if they consulted an attorney during detention. There were no procedures for confirming whether police had informed detainees of their right to an attorney, and no penalty for failing to inform. Failure by police to inform detainees of their rights did not affect the trial process.

Regulations on detention and arrest procedures require authorities to notify relatives as soon as possible of an arrest, and authorities generally observed this requirement. Human rights observers reported a major decrease in incommunicado detention, and said the practice was no longer common.

According to the Government, police and Jandarma detained 223,000 persons between January and October.

Lengthy pretrial detention was a problem. Although the Constitution specifies the right of detainees to request speedy arraignment and trial, judges have ordered that some suspects be detained indefinitely, at times for years. Many such cases involved persons accused of violent crimes, but there were cases of those accused of non-violent political crimes being kept in custody until the conclusion of their trials, generally in SSC cases. According to HRF, Huseyin Yildirim remained in detention during his trial throughout the year, despite being paralyzed from a traffic accident. HRF reported that Yildirim was arrested in 2001 for speech-related activities and charged with “attempting to change the constitutional order.”

As of November 30, there were 63,000 persons held in prisons, including 31,756 detainees and 31,244 convicts. Detainees could be held for up to 6 months during the preliminary investigation period. If a case was opened, the pretrial detention period could be extended for up to 2 years. If the detainee was charged with a crime carrying a maximum punishment of more than 7 years, a court could further extend the detention period.

Persons detained for individual crimes under the Anti-Terror Law had to be brought before a judge within 48 hours. Those charged with crimes of a collective, political, or conspiratorial nature could be detained for an initial period of up to 4 days at a prosecutor’s discretion and for up to 7 days with a judge’s permission, which was almost always granted.

International humanitarian organizations were allowed access to “political” detainees, provided the organization could obtain permission from the Ministry of Justice. With the exception of the CPT, which had good access, few such permissions were granted in practice (see Section 1.c.).

During the year, the ECHR ruled against the country in nine cases involving unlawful arrest and detention.

The Constitution prohibits forced exile, and the Government did not employ it. There were no new cases of internal exile during the year.

e. Denial of Fair Public Trial.—The Constitution provides for an independent judiciary, and the general law courts acted under a declared policy of independence; however, the judiciary was sometimes subject to outside influences. There were allegations of corruption in the judiciary.

The Constitution prohibits the Government from issuing orders or recommendations concerning the exercise of judicial power; however, the Government and the National Security Council (NSC), a powerful advisory body to the Government composed of civilian government leaders and senior military officers, periodically issued announcements or directives about threats to the State, which could be interpreted as general directions to the judiciary. The seven-member High Council of Judges and Prosecutors, which was appointed by the President and included the Minister of Justice (as chairman) and a deputy, selected judges and prosecutors for the higher courts and was responsible for oversight of those in the lower courts. Its decisions were not subject to review. The composition of the High Council was widely criticized as restricting the independence of the judiciary, since the Minister of Justice was part of the executive branch of the Government. Although the Constitution provided for security of tenure, the High Council controlled the career paths of judges and prosecutors through appointments, transfers, promotions, reprimands, and other mechanisms.

The judicial system was composed of general law courts, military courts, the SSCs, and the Constitutional Court, the nation’s highest court. The Court of Cassation heard appeals for criminal cases, including appeals from the SSCs. The Council of State heard appeals of administrative cases or cases between government entities. Most cases were prosecuted in the general law courts, which include civil, administrative, and criminal courts. In July, Parliament adopted a law under which children younger than 18 must be tried in juvenile courts; previously, only children under 15 were tried in juvenile courts.

The Constitutional Court examined the constitutionality of laws, decrees, and parliamentary procedural rules and heard cases involving the prohibition of political parties. If impeached, ministers and prime ministers could be tried in the Constitu-

tional Court. However, the Court could not consider “decrees with the force of law” issued under a state of emergency, martial law, in time of war, or in other situations with the authorization of Parliament.

Military courts, with their own appeals system, heard cases involving military law for members of the armed forces. Under legal reforms adopted in July, military courts could no longer try civilians accused during peacetime of attacking the honor of the armed forces or undermining compliance with the draft.

SSCs were composed of panels with three judges and one chief prosecutor, plus a substitute judge and support prosecutors. SSCs sat in eight cities and tried defendants accused of crimes such as terrorism, 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 could hold closed hearings and admit testimony obtained during police interrogation in the absence of counsel. SSC verdicts could be appealed only to a specialized department of the Court of Cassation dealing with crimes against state security. During the year, the SSCs dealt mainly with cases under the Anti-Terror Law and sections of the criminal code relating to free expression. Human rights observers cited prosecutions of leaders of the political Islamic movement, political leaders associated with the Kurdish issue, and persons who criticized the military or the Government’s practices as evidence that the SSCs often served the primarily political purpose of silencing critics of the Government.

The law provides prosecutors far-reaching authority to supervise police during an investigation. Prosecutors complained that they had few resources to do so, and many called for “judicial police” to help investigate and gather evidence. Human rights observers and Justice Ministry officials noted that problems could arise from the police reporting to the Interior Ministry, not to the courts. Prosecutors also were charged with determining which law had been broken and objectively presenting facts to the court.

Defense lawyers did not have equal status with prosecutors. In SSCs and heavy penal courts, prosecutors sat alongside judges, while defense attorneys sat apart. In courts with computers, prosecutors were provided with computers and had access to the hearing transcript; defense attorneys were not provided computer access. Judges and prosecutors lived in the same government apartment complexes, and some defense attorneys claimed that the social bonds between judges and prosecutors disadvantaged the defense in court.

Defense attorneys were often subject to intrusive searches when visiting incarcerated clients. Prisoners also were searched before and after meeting their attorneys. Prison authorities and prosecutors suspected attorneys of acting as couriers for their clients, particularly those incarcerated for organized or terror crimes. Defense attorneys generally had access to the public prosecutor’s files only after arraignment and routinely were denied access to files that the Government asserted dealt with national intelligence or security matters, particularly in SSC cases.

Defense attorneys involved in politically sensitive cases sometimes faced harassment, though human rights organizations and bar associations said this has become less common than in the past. Attorneys could face criminal charges, threats, and other forms of harassment, particularly if they defended clients accused of terrorism or illegal political activity, pursued torture cases, or sought prompt access to their clients, which police often viewed as interference.

There is no jury system; a judge or a panel of judges decided all cases. The Constitution provides for the right to a speedy trial; however, at times trials lasted for years (see Section 1.d.). Trials for political crimes or torture frequently lasted for months or years, with one hearing usually scheduled each month. Proceedings against security officials often were delayed because officers did not submit statements promptly or attend trials. The law provides for exclusion of illegally gathered evidence. However, this rarely occurred and then only after a separate case determining the legality of the evidence was resolved. In practice, a trial based on a confession allegedly coerced under torture could proceed and even conclude before the court had established the merits of the torture allegations (see Section 1.c.).

By law, the Bar Association must provide free counsel to indigents who request it from the court. Bar associations across the country provided attorneys on call 24 hours a day; the Association covered the costs.

The legal system did not discriminate in law or in practice against ethnic, religious or linguistic minorities. However, legal proceedings were conducted solely in Turkish, with interpreting available sometimes, which seriously disadvantaged some defendants whose native language was not Turkish.

The Government recognized the jurisdiction of the ECHR. During the year, the ECHR ruled against the Government in 76 cases. Of these, 56 involved the right

to a fair trial. The Government accepted a friendly settlement in 45 cases, and the ECHR ruled in the Government's favor in 1 case.

The law allows ECHR rulings to be used as grounds for a re-trial in a Turkish court. The General Legal Council of the Court of Appeals must approve re-trial applications. In January, Parliament amended the law to make the right of re-trial retroactive to most cases prior to August 2002, the date of the original law's adoption.

On March 12, the ECHR ruled that jailed PKK leader Abdullah Ocalan did not receive a fair trial in his 1999 conviction in an Ankara SSC. The ECHR determined that the SSC was not an "independent and impartial tribunal," in part because a military judge sat on the three-judge panel at the start of the trial. However, the ECHR determined that Ocalan's prison conditions and the circumstances of his arrest were not unlawful. Both the Government and the defense appealed the ruling.

HRA estimated that there were approximately 8,000 political prisoners, including leftists, rightists and Islamists. Of these, approximately 1,500 were members of Hizballah or other radical Islamic organizations. The Government claimed that alleged political prisoners were in fact security detainees convicted of being members of, or assisting, terrorist organizations. According to the Government, there were 6,130 convicts and detainees held on terrorism charges at year's end.

International humanitarian organizations were allowed access to "political" prisoners, provided they could obtain permission from the Ministry of Justice. With the exception of the CPT, which generally had good access, such permission was seldom granted in practice.

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, officials may enter a private residence and intercept or monitor private correspondence with a judicial warrant. If delay might cause harm to a case, prosecutors could authorize a search without a warrant.

The law permits wiretaps with a court order. However, in an emergency situation, a prosecutor may grant permission. A wiretap may last 3 months and may be extended twice for additional periods of 3 months each. The Constitution requires written authorization on national security grounds for searches and wiretaps. These regulations were generally respected in practice.

Defense attorneys continued to face intrusive searches when visiting incarcerated clients (see Section 1.e.).

The Government prohibits the wearing of religious head coverings in government offices, other state-run facilities, and universities (see Sections 2.b. and 2.c.).

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Speech and Press.—The Constitution provides for freedom of speech and of the press; however, the Government continued to limit these freedoms in some cases. The Government, particularly the police and judiciary, limited freedom of expression through the use of constitutional restrictions and numerous laws including: 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 Ataturk; and over 150 articles of the Press Law (including a provision against commenting on ongoing trials).

During the year, Parliament amended several of these laws. In July, it revoked Article 8 of the Anti-Terror Law, which prohibited the dissemination of separatist propaganda. However, the updated laws still restrict non-violent expression, and court cases were still being brought against writers and publishers. Prosecutors in some cases based speech-related charges on laws not included in the scope of the reforms. According to HRF, in the first 6 months of the year, courts tried at least 139 persons on charges relating to spoken or written expression. During that period, HRF reported that authorities detained 82 news correspondents, distributors, and editors, and arrested 8 journalists.

Individuals could not criticize the Government publicly without fear of reprisal, and the Government continued to restrict expression by individuals sympathetic to some religious, political, and Kurdish nationalist or cultural viewpoints. Active debates on human rights and government policies continued, particularly on issues relating to the country's EU membership process, the role of the military, Islam, political Islam, and the question of Turks of Kurdish origin as "minorities"; however, persons who wrote or spoke out on such topics risked prosecution.

In May, a Van court sentenced DEHAP parliamentary candidate Ruknettin Hakan to 6 months imprisonment for “making propaganda speeches in a language other than Turkish.” The case was under appeal at year’s end.

In June, authorities arrested and indicted teacher Hulya Akpinar for comments she made during a conference in Kilis Province on the alleged genocide of Armenians under the Ottoman Empire. Prosecutors also charged six other teachers for following Akpinar out of the conference. Akpinar was temporarily dismissed from duty following her arrest. A Kilis court acquitted Akpinar and the other six teachers in December.

At year’s end, the trial of Sefika Gurbuz, head of the Social Support and Culture Association for Migrants, continued in an Istanbul SSC on speech charges related to the organization’s 1999–2001 report on forced displacement.

During the year, the ECHR ruled against the country in six cases involving freedom of expression.

Independent domestic and foreign periodicals that provided a broad spectrum of views and opinions, including intense criticism of the Government, were widely available, and the newspaper business was extremely competitive. However, news items reflected a pro-authority bias. For example, persons killed by security forces during operations in the southeast often were described as “terrorists” without proof of terrorist activities.

Broadcast media reached almost every adult, and their influence, particularly that of television, was great. The Government owned and operated the Turkish Radio and Television Corporation (TRT). According to the High Board of Radio and Television (RTUK), there were 226 local, 15 regional, and 16 national officially registered television stations, and 959 local, 104 regional, and 36 national radio stations. Other television and radio stations broadcast without an official license. The wide availability of satellite dishes and cable television allowed access to foreign broadcasts, including several Turkish-language private channels.

Most media were privately owned by large holding companies that had a wide range of outside business interests. The concentration of media ownership influenced the content of reporting and limited the scope of debate.

RTUK monitored broadcasters and sanctioned them if they were not in compliance with relevant laws. Parliament elected the RTUK Council members (divided between ruling and opposition parties) and provided its budget. One member of the nine-person Council was chosen from among candidates nominated by the NSC, and two were chosen from among candidates nominated by the Higher Education General Board. Although nominally independent, RTUK was subject to some political pressures. RTUK penalized private radio and television stations for the use of offensive language, libel, obscenity, instigating separatist propaganda, or broadcasting programs in Kurdish. RTUK decisions could be appealed to the Provincial Administrative Court and then to the Council of State (Danistay).

RTUK reported that, during the year, it closed eight television stations for a period of 30 days each and seven radio stations for a period of 30 days each.

Prosecutors harassed writers, journalists, and political figures by bringing dozens of cases to court each year under various laws that restrict media freedom. However, judges dismissed many charges brought under these laws. Authorities often closed periodicals temporarily, issued fines, or confiscated periodicals for violating speech codes. Despite government restrictions, the media criticized government leaders and policies daily and adopted an adversarial role vis-a-vis the Government.

In April, an Istanbul court convicted the owner and editor of the daily *Ozgur Gundem* in connection with an article about jailed PKK leader Abdullah Ocalan. The court fined the journalists and ordered the newspaper to close for 5 days.

In May, an Istanbul court convicted editor Baris Baksi and writer Zulfikar Yildirim in connection with an article on Kurdish issues. The court fined the journalists and ordered the 15-day closure of the journal in which the article appeared.

In May, an Ankara SSC opened two cases against writer and scholar Fikret Baskaya for works originally published 10 years before. In August, the court acquitted Baskaya in one case, involving the eighth edition of his book, “Collapse of the Paradigm: An Introduction to the Criticism of the Official Ideology.” Baskaya was convicted in 1993 for the original publication of the book, on charges of propaganda “aimed at damaging the indivisible unity of the State,” and served 15 months in prison. The ECHR later ruled his conviction a violation of the European Convention on Human Rights. At year’s end, Baskaya continued to face charges in the second case, involving the re-publishing of an article he wrote in 1993.

In December, an Adana court sentenced Sabri Ejder Ozic, former director of *Radyo Dunya*, to a 1-year jail sentence for “insulting and mocking Parliament.” The court convicted Ozic for statements he made on the air in February. The case was under appeal at year’s end.

In July, RTUK ordered the 30-day closure of 5 television stations owned by the family of Cem Uzan, leader of the Genc Party, for allegedly supporting the family's business interests on the air. The stations broadcast a speech by Uzan in which he criticized Prime Minister Erdogan as "Godless." Prosecutors opened a case against Uzan for his comments, charging him with "insulting" the Government (see Section 3).

According to Reporters Without Borders, four journalists were in jail at the end of 2002 for speech violations. The Committee to Protect Journalists claimed there were 13 journalists in prison at the end of 2002. According to the Government, there were no journalists held on speech violations in either 2002 or the reporting period, although at year's end, there were 34 prisoners claiming to be journalists who were charged with a variety of crimes. The different figures reflected disagreement over which prisoners were legitimate journalists, and which were jailed for carrying out their journalistic duties.

Authorities sometimes used forms of censorship against periodicals with pro-Kurdish or leftist content, particularly in the southeast. Nedim Oruc, distributor of the Kurdish language weekly *Azadiya Welat* in Diyarbakir, claimed in May that police had repeatedly threatened him for distributing the newspaper and seized his list of subscribers. In June, an Istanbul court ordered the confiscation of the journal *Iktidar* for containing separatist propaganda. Journalists practiced self-censorship.

The law makes it illegal for broadcasters to threaten the country's unity or national security. In principle, the law allows broadcasts in the traditional languages of the country, other than Turkish, including Kurdish. However, implementing regulations set strict time limits on such broadcasts: 45 minutes per day, 4 hours per week on radio and 30 minutes per day, 2 hours per week on television. The regulations also require that non-Turkish radio programs be followed by the same program in Turkish and that non-Turkish television programs have Turkish subtitles. Early in the year, regulations limited broadcasts in traditional non-Turkish languages to the government-owned TRT; however, TRT did not produce any such broadcasts and filed a legal challenge to the regulation directing it to do so. In July, Parliament adopted legislation allowing private media outlets to broadcast in traditional non-Turkish languages. However, the Government had not approved implementing regulations for such private broadcasts by year's end.

In July, Parliament passed legislation to facilitate the establishment of language courses teaching traditional non-Turkish languages. However, by year's end, local authorities had not given permission for any such courses to open (see Section 5).

Kurdish-language audio cassettes and publications were available commercially, although the periodic prohibition of particular audio cassettes or singers continued, particularly in the southeast.

SSC prosecutors ordered the confiscation of numerous issues of leftist, Kurdish nationalist, and pro-PKK periodicals and prohibited several books on a range of topics. Police frequently raided the offices of publications. At year's end, the trial continued in the case of activists who were charged with supporting illegal organizations and separatism after publishing a new "Freedom of Thought" booklet in 2001.

The Government showed some signs of greater tolerance for the use of the Kurdish language. Unlike in past years, police in most instances did not interfere during the year when HRA put up banners with the motto "Peace at Home, Peace in the World" in both Turkish and Kurdish, although, in December, authorities in Van province did seize the banners. Also for the first time, police did not detain HRA members making statements in Kurdish on World Peace Day in September. In October, Kurdish singer Ciwan Haco spoke and sang in Kurdish during an appearance on a popular Istanbul-based television program.

Several actions, including police harassment, were taken against the pro-Kurdish DEHAP party (see Section 3). In September, police detained DEHAP Chairman Tuncer Bakirhan, singer Haluk Levent, and six others in connection with a concert in Germany during a Kurdish cultural festival. Concert participants reportedly displayed KADEK-related pictures and banners; authorities charged the detainees with separatist propaganda.

The Government did not restrict access to the Internet. However, the law authorizes the RTUK to monitor Internet speech and to require Internet service providers to submit advance copies of pages to be posted online. The law also allows police to search and confiscate materials from Internet cafes to protect "national security, public order, health, and decency" or to prevent a crime. Police must obtain authorization from a judge or, in emergencies, the highest administrative authority before taking such action.

In October, an Ankara court ordered the closure of the websites of the weekly *Ekmek ve Adalet* and the daily *Ozgur Politika* on the grounds that they insulted

the armed services. In April, an Istanbul court acquitted journalist Coskun Ak, who was charged in connection with a message posted by an unknown participant in an Internet forum moderated by Ak.

The Government did not restrict academic freedom; however, there reportedly was some self-censorship on sensitive topics.

b. Freedom of Peaceful Assembly and Association.—The Constitution provided for freedom of assembly; however, the Government sometimes restricted this right in practice. Significant prior notification to authorities was required for a gathering, and authorities could restrict meetings to designated sites.

In July, Parliament relaxed restrictions on assemblies and demonstrations. Under the new measures, authorities may only prohibit assemblies and demonstrations when there is “clear and present danger that a criminal offense will be committed.” The measures also reduce the length of time authorities may postpone gatherings under various conditions.

Authorities prevented some demonstrations. In January, the Diyarbakir governor refused permission for an anti-war demonstration organized by the Diyarbakir Democracy Platform. In March, Bursa authorities prevented DEHAP members from holding a press conference on the grounds that they were planning a demonstration in support of jailed PKK leader Abdullah Ocalan.

Police beat, abused, detained, and harassed some demonstrators. In June, Istanbul police reportedly used tear gas and beatings to break up a demonstration by 300 women protesting the alleged rape and torture of HADEP member Gulbahar Gunduz (see Section 1.c.). In August, Ankara police detained seven persons while breaking up a demonstration organized by the Confederation of Public Sector Trade Unions (KESK). Prime Minister Erdogan publicly called the demonstration “anti-democratic.”

In June, an Ankara court reduced the charges against police defendants from torture to maltreatment in the November 2002 beating of Veli Kaya during a protest against the Higher Education Council. The court sentenced the defendants to 6 months imprisonment but postponed the sentence on the grounds of good behavior during trial. The case was under appeal at year’s end.

During the March 21 Kurdish Nevruz (“New Year”) celebrations, there were significantly fewer clashes than in past years, according to the HRF. However, local authorities prohibited celebrations in a number of towns, and police arrested scores of persons participating in the celebrations. Authorities in some municipalities prohibited the use of the traditional Kurdish spelling “Newroz.”

According to HRF, unlike in past years, police and local authorities did not interfere in May Day (May 1) celebrations. The Bitlis governor postponed some of the celebrations.

In December, Kayseri police searched participants attending a meeting on human rights organized by the Prime Ministry Human Rights Presidency and the EU.

At year’s end, the trial continued for Alp Ayan—a psychiatrist with the HRF Izmir Treatment and Rehabilitation Center—and 67 others charged with “holding an unauthorized demonstration” after they participated in the funeral procession of one of the prisoners killed in the 1999 Ulucanlar incident.

The Constitution provides for freedom of association; however, there were some restrictions on this right in practice. Associations and foundations were required to submit their charters for lengthy and cumbersome government approval. The Government closed the HADEP Party on charges of separatism and supporting terrorism (see Section 3). The Act on Associations gives the Interior Ministry and local government officials broad authority to inspect the premises and records of associations at any time. The law also gives governors broad powers to suspend associations to protect “public order.” According to the Third Sector Foundation of Turkey, an NGO advocacy organization, the criteria for NGOs to obtain public benefit status, entitling them to certain tax exemptions, were restrictive and complicated.

In January and July, Parliament adopted measures that loosened restrictions on the right to form and join associations, as well as on association activities. Specific measures included: Revoking laws prohibiting those convicted under Article 312 of the Penal Code (incitement to racial, ethnic, or religious enmity) from forming or joining associations for a period of time; expanding university students’ rights to form associations by allowing artistic, cultural, and scientific student associations; requiring the Ministry of Interior to process applications for new associations in 60 days (down from 90 days); allowing associations to use non-Turkish languages for all purposes other than official, written communication with the Government; allowing associations to issue statements without prior approval from local government officials; and allowing associations to establish multiple branches.

In March, an Ankara SSC dismissed the October 2002 separatism and espionage charges against the leaders of the branches of five German foundations.

c. Freedom of Religion.—The Constitution provides for freedom of religion, and the Government generally respected this right in practice; however, the Government imposed some restrictions on Muslim and other religious groups and on Muslim religious expression in government offices and state-run institutions, including universities. The Constitution establishes the country as a secular state and provides for freedom of belief, freedom of worship, and the private dissemination of religious ideas. However, these rights were restricted by other constitutional provisions regarding the integrity and existence of the secular state. The Constitution prohibits discrimination on religious grounds.

The Government oversaw Muslim religious facilities and education through its Directorate of Religious Affairs (Diyanet). The Diyanet had responsibility for regulating the operation of the country's 75,000 mosques and employing local and provincial imams, who were civil servants. Some groups, particularly Alevis, claimed that the Diyanet reflected mainstream Sunni Islamic beliefs to the exclusion of other beliefs; however, the Government asserted that the Diyanet treated equally all those who requested services.

A separate government agency, the General Directorate for Foundations (Vakiflar Genel Mudurlugu), regulated some activities of non-Muslim religious groups and their affiliated churches, monasteries, synagogues, and related religious property. The Vakiflar also regulated Muslim charitable religious foundations, including schools, hospitals, and orphanages.

Secularists in the military, judiciary, and other government branches, as well as in academia, continued to wage campaigns against those they labeled as proponents of Islamic fundamentalism. These groups viewed religious fundamentalism, which they did not define clearly, as a threat to the secular republic; they asserted it was an attempt to impose the rule of Shari'a law in all civil and criminal matters. According to the human rights organization Mazlum-Der, some government ministries have dismissed or barred from promotion civil servants based on unsubstantiated allegations of anti-state or Islamist activities. There were credible reports that the Education Ministry has deemed that observance of Ramazan (Ramadan), which includes daytime fasting, qualifies as such an activity; some teachers allegedly have experienced harassment or reassignment to more difficult posts as a consequence. Additionally, reports by Mazlum-Der, the media, and others alleged that the military regularly dismissed religiously observant Muslims from the service. Such dismissals were based on behavior that military officials believed identified these individuals as Islamic fundamentalists, which they feared indicated disloyalty to the secular state. According to Mazlum-Der, the military has charged individuals with "lack of discipline" for activities that included performing Muslim prayers or being married to women who wore headscarves.

In March, an Ankara SSC postponed a verdict in the trial in absentia of Fetullah Gulen, an Islamic philosopher and leader who resided abroad. Gulen faced 5 to 10 years in prison after being indicted in 2000 under the Anti-Terror Law on charges of "attempting to change the characteristics of the Republic" by trying to establish a theocratic Islamic state. The prosecutor also charged Gulen with trying to "infiltrate" the military. Under the postponement ruling, the case against Gulen will be formally closed if he does not commit the crimes alleged in the indictment within 5 years. Attorneys for Gulen appealed the ruling and sought an acquittal. The appeal continued at year's end.

At year's end, there was no decision in the appeal of the June acquittal by an Istanbul court of 13 Ahmadi Muslims, who had been arrested in April 2002 and charged under Article 7 of the Anti-Terror Law for involvement with an organization "with terrorist aims."

At year's end, no conclusion had been reached in the October 2002 court case demanding the closure of the AK Party for being a center of activities "contrary to the principle of a secular republic." The party was charged with failing to abide by a Court ruling requiring Prime Minister Erdogan to resign as party chairman.

The Government interpreted the 1923 Lausanne Treaty as conferring special minority legal status on three non-Muslim groups—Greek Orthodox Christians, Armenian Orthodox Christians, and Jews. However, this did not extend to the religious leadership organs. The Ecumenical and Armenian Patriarchates, for example, continued to seek recognition of their legal status. Non-Muslim groups not recognized as Lausanne minorities lacked legal status, and their activities were subject to legal challenges.

In principle, the 160 minority foundations recognized by the Vakiflar may acquire property. It is not clear whether the regulations apply to other foundations. A number of foundations criticized the application process for acquiring property as lengthy and burdensome. The Vakiflar approved few applications. As of November,

out of 2,234 applications, the Vakıflar had rejected 622 as inadmissible and returned 910 as incomplete, while approving 274.

There were no developments in the efforts of the Ecumenical Patriarchate in Istanbul to obtain permission to reopen its seminary, closed since 1971, on the island of Halki in the Sea of Marmara. Under existing restrictions, including a citizenship requirement, the religious community remained unable to train new clergy.

There were an estimated 5 to 12 million Alevi, followers of a belief system that incorporates aspects of both Shi'a and Sunni Islam and draws on the traditions of other religions found in Anatolia as well. The Government considered Alevism a heterodox Muslim sect; however, some Turkish Alevi and radical Sunnis maintained Alevi were not Muslims. Many Alevi alleged discrimination in the Government's failure to include any of their doctrines or beliefs in religious instruction classes. Alevi also charged that there was a Sunni bias in the Diyanet since the directorate viewed Alevi as a cultural rather than a religious group and did not fund their activities. During a September visit to Germany, Prime Minister Erdogan told reporters that "Alevism is not a religion" and said Alevi Cem houses are "culture houses" rather than "temples."

In May, an appeals court upheld a lower court decision overturning a February 2002 ruling to close the Union of Alevi-Bektasi Organizations (ABKB) on the grounds that it violated the Act on Associations.

There were legal restrictions against insulting any religion recognized by the State, interfering with that religion's services, or debasing its property. However, some Christian churches have been defaced, including in the Tur Abdin area of the southeast where many ancient Syriac churches are found, and communities often have been unable to make repairs due to lack of resources.

Religious affiliation was listed on national identity cards. Some members of non-Muslim religious groups claimed that they had limited career prospects in government or military service as a result of their affiliation. Some non-Muslims and atheists said their religious affiliations were not among the options available for selection.

By law, religious services may take place only in designated places of worship, although non-Muslim religious services often took place in non-designated places of worship. Police occasionally barred Christians from holding services in private apartments and from proselytizing by handing out literature. These activities also occasionally led to police detention and trials. In June, Parliament amended the Act on Construction to replace the word "mosques" with "houses of worship," in theory removing a legal obstacle to the building of non-Muslim religious facilities. However, representatives of some non-Muslim groups said provincial authorities did not designate zones where houses of worship could be established, making it impossible to comply with the law. In September, local authorities closed a Protestant church in Mersin for zoning violations, while a Protestant church in Diyarbakir was unable to resolve a longstanding zoning problem.

In March, an Istanbul court acquitted seven Christians charged with holding illegal church and Bible study meetings in an apartment.

In 2001, the Ministry of Interior sent a circular to all provincial governors encouraging them to use existing laws (such as those that regulated meetings, religious building zoning, and education) to regulate gatherings of "Protestants, Baha'is, Jehovah's Witnesses, Believers in Christ (Christians), etc." On April 20, Mersin police arrested 12 members of Jehovah's Witnesses for allegedly holding an illegal meeting in a private home after being notified in 2002 that they would no longer be allowed to use a rented Kingdom Hall due to zoning laws. When the group planned in May to hold services in an old Kingdom Hall, police reportedly threatened to close down the Hall if it was used, then attended the next 17 meetings at the Hall, taking notes. A court acquitted the 12 members of Jehovah's Witnesses on September 30. On several occasions during the year, members of Jehovah's Witnesses in Mersin and Istanbul were fined for conducting religious meetings without permission.

In November, two synagogues in Istanbul were bombed in a set of apparent terrorist-related attacks that also struck the British Consulate and a bank (see Section 1.a.).

Members of a Protestant church in Kecioren, Ankara said local residents opposed to their presence repeatedly vandalized the church and harassed and threatened them. They said police were generally dismissive of their complaints. In September, church members opened a case against the alleged organizer of the harassment.

In October, four assailants in Bursa Province associated with the Nationalist Movement Party reportedly severely beat Yakup Cindilli, a recent convert to Christianity, after accusing him of distributing Bibles and "doing missionary work." Cindilli reportedly fell into a coma for 2 months. The trial against the alleged assailants continued at year's end.

In December, local authorities in Edirne rescinded an order to expropriate a sacred site of the Baha'i community.

There is no law explicitly prohibiting proselytizing or religious conversions; however, religious groups that proselytized occasionally were subject to government restrictions or harassment. Many prosecutors regarded proselytizing and religious activism on the part of evangelical Christians, as well as Islamists, with suspicion, particularly when such activities were deemed to have political overtones. Police sometimes arrested proselytizers for disturbing the peace, "insulting Islam," conducting unauthorized educational courses, or distributing literature that had criminal or separatist elements; courts usually dismissed such charges. If the proselytizers were foreigners, they could be deported, but they usually were able to reenter the country. On December 31, 2002, the Erzurum State Security Court dropped charges brought in 2002 against 12 Baha'is for "openly inciting hatred and enmity" by distributing materials on the Baha'i Faith.

State-sponsored Islamic religious and moral instruction in all public primary and secondary schools was compulsory. Upon written verification of their non-Muslim background, "minorities" recognized by the Government under the Lausanne Treaty were exempted by law from Muslim religious instruction. Other small groups, such as Catholics, Protestants, and Syriac Christians, were not exempted. Students who completed the 8-year primary school could study in government-sponsored imamhatip (preacher) schools, which provided courses in the Koran and Islamic theology in addition to the standard high school curriculum. The Government did not permit private Koran courses, though many functioned unofficially. According to Mazlum-Der, police conducted approximately 20 raids of illegal Koran courses in the first 6 months of the year. Only children 12 and older could register legally for official Koran courses, and Mazlum-Der reports that many of the police raids targeted illegal courses for younger children.

Government authorities continued to enforce a long-term prohibition on the wearing of religious head coverings at universities and by civil servants in public buildings. In October, Istanbul University prevented a foreign professor it had invited to a conference from entering the campus because she was wearing a headscarf. In November, a judge in Ankara ordered a defendant out of the courtroom because she was wearing a headscarf. Women who wore head coverings and persons who actively showed support for those who defied the prohibition were disciplined or lost their jobs in the public sector as nurses and teachers. Students who wore head coverings were not permitted to register for classes. Many secular women accused Islamists of using the headscarf as a political tool and said they feared that efforts to remove the headscarf prohibition would lead to pressure against women who chose not to wear a head covering. In October, President Sezer excluded the covered wives of government ministers and Members of Parliament from the guest list for the traditional presidential Republic Day reception.

Citizens who converted from Islam often experienced some form of social harassment or pressure from family and neighbors. Proselytizing socially was unacceptable. A variety of newspapers and television shows published anti-Christian messages. Several Islamist newspapers regularly published anti-Semitic material.

During the year, Bulent Bozdogen, a member of Jehovah's Witnesses, was reportedly tried on two separate occasions and sentenced to a total of 3 months in military prison on charges related to his refusal to serve in the military. During the period, he was reportedly beaten and mistreated numerous times. At the end of the year, three additional members of Jehovah's Witnesses were reported to be awaiting trial on similar charges.

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

d. Freedom of Movement within the Country, Foreign Travel, Emigration, and Repatriation.—The law provides for these rights; however, at times the Government limited some of these rights. The Constitution provides that a citizen's freedom to leave the country could be restricted only in the case of a national emergency, civic obligations (military service, for example), or criminal investigation or prosecution.

During the height of the PKK conflict from 1984 to 1990, the Government forcibly displaced a large number of residents from villages in the southeast. Many others left the region on their own. The Government reported that 378,000 residents "migrated" from the southeast during the conflict, with many others departing before the fighting. Various NGOs estimated that there were from 1 to 3 million IDPs. Although the Government lifted the state of emergency in the southeast in 2002, it maintained a heavy security presence in the region, including numerous roadway checkpoints. The Government estimated there were 4,500 to 5,000 armed PKK/KADEK/KHK militants across the border in northern Iraq, and another 1,000 in the southeast of the country.

In July, Parliament adopted a "Reintegration Law" offering reduced prison sentences to combatants belonging to the PKK/KADEK/KHK and other terrorist organizations as identified by the Government who agreed to lay down their weapons and provide information to authorities. The law offered full amnesty to those guilty of providing non-lethal support to terrorist organizations. At year's end, most of those who had applied for benefits under the law were already serving prison sentences; the Government reported that, as of December 19, 2,486 prisoners had applied for benefits under the law and 586 active militants had turned themselves in.

Citing security concerns, southeastern provincial authorities continued to deny some villagers access to their fields and high pastures for grazing, but have allowed other villagers access to their lands. Voluntary and assisted resettlements were ongoing. In some cases, persons could return to their old homes; in other cases, centralized villages have been constructed. Only a fraction of the total number of evacuees has returned. The Government claimed that 94,000 persons returned to the region from June 2000 to October. More than 400 villages and hamlets have reportedly been reopened with government assistance. These figures could not be independently verified.

According to human rights activists, villagers, and some southeast members of Parliament, the Government did not allow some displaced villagers to return unless they signed a document stating that they had left their homes due to PKK terrorism, rather than due to Government actions, and that they would not seek Government assistance in returning. Village guards have occupied homes abandoned by IDPs, and have attacked or intimidated IDPs attempting to return to their homes with official permission.

Foreign governments and national and international human rights organizations continued to criticize the Government's return efforts as secretive and inadequate. Francis M. Deng, the U.N. Special Representative for IDPs, visited the region in June 2002 and acknowledged a more open approach to returns on the part of the Government. Deng called on the Government to formulate a clear and transparent returns policy, establish focal points in the Government on IDPs, improve coordination within the Government and between the Government and the international community, and convene an international forum to develop return programs and strategies. In December, government officials discussed the IDP issue with representatives of U.N. agencies and the EU.

In October, an Adana court acquitted 14 members of the Migration and Humanitarian Aid Foundation (GIYAV)—a Mersin-based group whose declared purpose was to provide assistance to displaced persons—on charges of aiding and abetting an illegal organization. The court transferred the cases of seven co-defendants to a Mersin court. Prosecutors continued to seek to disband GIYAV on separate charges that the organization established relationships with foreign associations without seeking the required approval of the interior and foreign ministries. That case was not concluded at year's end.

An administrative regulation provides for the granting of refugee status or asylum to persons who meet the definition in the 1951 U.N. Convention Relating to the Status of Refugees and its 1967 Protocol; however, upon ratifying the Convention in 1962, the Government exercised the option of accepting its obligations only with respect to refugees from Europe. In practice, the Government granted refugee status and asylum to some persons. According to the Government, Europeans recognized as refugees could remain in the country and eventually acquire citizenship; however, it was not clear how often this happened in practice. The number of Bosnian and Kosovar refugees declined to between 800 and 900, mostly due to voluntary repatriation. Approximately 260 Chechens who arrived in 2001 remained, mostly in Istanbul.

The Government offered non-European refugees temporary protection while they were waiting to be resettled in another country. The U.N. High Commissioner for Refugees (UNHCR) conducted refugee status determination for applicants from non-European countries and facilitated the resettlement of those recognized as refugees. According to UNHCR, through November there were 1,962 cases of (non-European) asylum seekers involving 3,512 persons. The vast majority of these applicants (89 percent) were Iranian and Iraqi nationals. During the same period, UNHCR recognized refugee status in 1,079 cases representing 2,169 persons.

Regulations require asylum seekers to apply within 10 days of their arrival and submit proof of identity in order to register as asylum seekers. An appeal could be lodged within 15 days of a decision by the authorities not to receive the asylum claim. After the appeal procedure, rejected applicants were issued a deportation order that could be implemented after 15 days. UNHCR intervened with the Government if it disagreed with a decision not to accept an individual asylum claim. The 10-day time limit presented an obstacle to many asylum seekers attempting to

legalize their status in the country. Approximately 15 percent of the asylum seekers who approached the UNHCR through November were unable to register with the Government on procedural grounds.

According to the UNHCR, through November, 48 refugees and asylum seekers were returned to a country where they feared persecution without being given access to a complete asylum determination process, or after being granted refugee status. Of these, 34 were able to re-enter Turkey shortly afterward. In addition, there were credible reports of further incidents in which the Government informally returned groups of refugees and asylum seekers to neighboring countries.

Detained illegal immigrants found near border areas were more likely to be questioned about their asylum status and referred for processing than those found in the interior of the country. UNHCR and Government authorities continued to work to resolve this problem and to find ways to allow greater access of all asylum seekers to processing. The country remained a transit and departure point for illegal migrants and asylum seekers of various nationalities who traveled in small groups utilizing land routes, small boats, and ships on the way to other European countries.

Since 1998, the UNHCR and the Government have cooperated in training border guards and other government officials responsible for asylum seekers and refugees. The training has led to increased contacts between the UNHCR and police, Jandarma, military, coast guard, civil society, and judicial authorities. The UNHCR also reported that incidents of refoulement have declined as a result of this training and credited the Government for its willingness to improve the functioning of the national asylum procedure.

The UNHCR worked with international and local partners, including the International Catholic Migration Commission, the Turkish Red Crescent Society, the Human Resources Development Foundation and the Hacettepe University School of Social Work to meet the basic needs of refugees during their stay in the country.

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

The Constitution provides citizens with the right to change their government peacefully, and citizens generally exercised this right in practice through periodic free and fair elections held on the basis of universal suffrage; however, the Government restricted the activities of some political parties and leaders. The country has a multiparty parliamentary system, in which national elections are held at least every 5 years, with mandatory universal suffrage for all citizens 18 years of age and over. The November 2002 elections featured 18 parties, 2 of which garnered enough votes to pass the 10 percent national vote threshold to enter Parliament. Parliament elects the president as head of state for a single term every 7 years or when the incumbent becomes incapacitated or dies.

In accordance with the Constitution, the NSC—a powerful advisory body to the Government composed of civilian government leaders and senior military officers and chaired by the president—played a significant role in shaping government policy. Under the Constitution, the NSC has nine civilian members and five military members. In July, Parliament reformed the NSC by allowing for a civilian to serve as NSC Secretary General, reducing by half the number of regular NSC meetings, and eliminating the NSC's authority to require other government agencies to submit documents to the NSC. In January, Parliament adopted an amendment revoking the authority of the NSC to name a representative to the Cinema, Video, and Musical Works Council. However, the NSC continued to name representatives to other civilian boards, such as the High Board of Radio and Television and the Higher Education General Board. Public debate on the role of the NSC intensified in August when the daily newspaper *Radikal* published portions of a longstanding secret regulation authorizing the NSC to conduct psychological operations in the country. Parliament reportedly revoked this authorization in July. In December, Parliament adopted legislation under which the regulation governing the NSC was no longer secret. There were press reports alleging that newly created provincial public relations offices were designed to carry out psychological operations in place of the NSC; Interior Minister Aksu rejected these claims.

The Government neither coerced nor prohibited membership in any political organization; however, the Court of Appeals Chief Prosecutor could bring cases seeking the closure of political parties before the Constitutional Court, which could close them for unconstitutional activities. In January, Parliament adopted legislation requiring a three-fifths majority of the 11-member Constitutional Court, rather than a simple majority, to close a party. The legislation also stipulates that parties could be closed only for reasons stated in the Constitution; previously, closures could also be based on the more broadly worded reasons cited in the Political Parties Law. The

law allows the Constitutional Court to deprive a party of state funds as an alternative to ordering closure.

In March, the Constitutional Court announced its decision to close HADEP on charges of supporting the PKK/KADEK and committing separatist acts (see Section 2.b.). The Court also prohibited 46 HADEP leaders from participating in political activity for 5 years. On the same day, the Supreme Court of Appeals Chief Prosecutor filed a case seeking the closure of the Democratic People's Party (DEHAP), a HADEP sister party, on similar charges. The Government also closed two of HADEP's predecessor parties in previous years. The case against DEHAP continued at year's end.

In September, the Supreme Court of Appeals upheld the conviction of five DEHAP leaders on charges of providing false documents while registering for the 2002 national elections. The court sentenced the defendants to 2-year prison terms.

In October 2002, the Supreme Court of Appeals Chief Prosecutor opened a court case demanding the closure of the AK Party (see Section 2.c.).

In October, a Bursa court began hearings in a case against Genc Party leader Cem Uzan, charged with "insulting" Prime Minister Erdogan in a June speech in which he referred to Erdogan as "Godless" (see Section 2.a.).

Leyla Zana, Hatip Dicle, Orhan Dogan and Selim Sadak—former members of Parliament from the pro-Kurdish independence Democracy Party—were granted a retrial in February under legal reforms allowing for a retrial for convicts who win their appeals to the ECHR. They remained in prison during the trial, which continued at year's end. Attorneys for the defendants and the Geneva-based International Commission of Jurists accused the court trying the case of pro-prosecution bias. In addition, the Council of Europe in October informed the Government of its concern that the conduct of the trial was not consistent with the fair trial provisions of the European Convention on Human Rights.

During the year, police raided dozens of DEHAP offices, particularly in the southeast, and detained hundreds of DEHAP officials and members. DEHAP members were regularly harassed by Jandarma and security officials, including verbal threats, arbitrary arrests at rallies, and detention at checkpoints. Security forces also regularly harassed villagers they believed were sympathetic to DEHAP. Although most detainees were released within a short period, many faced trials, usually for "supporting an illegal organization," "inciting separatism," or for violations of the Law on Meetings and Demonstrations. In March, police in Tarsus arrested local DEHAP chairman Alaattin Bilgic on charges relating to a speech he had made. He was charged with a crime, and the case against him continued at year's end. In August, police raided DEHAP offices in Bingol on allegations of "keeping illegal publications." Following the raid, prosecutors opened charges against five DEHAP members; a court convicted and fined them in December. According to DEHAP, between September and November, police detained more than 1,000 participants in a DEHAP campaign calling for an amnesty for PKK/KADEK members. Authorities released most of the detainees, but opened charges against more than 100.

Parties are required to have 10 percent of the nationwide vote to enter Parliament. During the year, politicians from several parties debated whether to lower the threshold. At year's end, the ECHR had not ruled on a September 2002 complaint filed by HADEP that the 10 percent threshold prevented 34 of its candidates from entering Parliament in 1999, despite having won elections in their districts.

There were 24 women in the 550-seat Parliament. There was 1 female minister in the 24-member Cabinet, and there were no female governors. Approximately 20 women were subgovernors. The Constitution calls for equal political rights for men and women, and many women were active politically.

There were no legal restrictions on political activities by minorities. Some minority groups were active in political affairs. Many members of Parliament and senior government officials were Kurds.

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

A number of domestic and international human rights groups operated in many regions, but faced government obstruction and restrictive laws regarding their operations, particularly in the southeast. The Government met with domestic NGOs (which it defined broadly to include labor unions), responded to their inquiries, and sometimes took action in response to their recommendations. The Act on Associations governing the activities of most NGOs (some fall under the Law of Foundations, and others incorporate themselves as businesses) contains restrictive provisions regarding membership, fundraising, and scope of activities.

The HRA had 34 branches nationwide and claimed a membership of approximately 14,000. The HRF, established by the HRA, operated torture rehabilitation

centers in Ankara, Izmir, Istanbul, Diyarbakir, and Adana and served as a clearing-house for human rights information. Other domestic NGOs included the Istanbul-based Helsinki Citizens Assembly, the Ankara-based Turkish Democracy Foundation, the Turkish Medical Association, human rights centers at a number of universities, and Mazlum-Der. Human rights organizations were represented on some provincial and subprovincial human rights councils.

Human rights organizations and monitors, as well as lawyers and doctors involved in documenting human rights violations, continued to face detention, prosecution, intimidation, harassment, and formal closure orders for their legitimate activities. HRA reported that prosecutors opened approximately 60 cases against the organization during the year. HRA also continued to face charges in numerous cases opened in previous years. In September, HRA reopened its Malatya branch, which the Government closed in 2000.

In May, police raided the national headquarters and Ankara branch offices of the HRA, seizing records and computers as part of an investigation for alleged support for terrorism. The investigation continued at year's end.

In July, Mus police arrested Sevim Yetkiner, chairman of the HRA Mus office, and charged her with "aiding and abetting an illegal organization" for allegedly shouting pro-PKK slogans at the funeral of a PKK member who died in prison. Her trial continued at year's end. Also in July, HRA reported that people identifying themselves as Jandarma made threatening phone calls to Ridvan Kizgin, chairman of the HRA Bingol office. The callers allegedly criticized Kizgin's statements on human rights issues and told him to come to the Jandarma base, which he refused to do.

At years end, the trial of HRA Chairman Husnu Ondul and 46 others continued on charges connected with a January 2001 raid of HRA headquarters. The defendants were charged with possessing 33 publications prohibited by confiscation orders and faced sentences of 3 to 6 months if convicted.

In March, an Ankara court acquitted former HRA Chairman Akin Birdal, who was tried for allegedly stating in 2000 that the Government "should apologize for the Armenian genocide," a statement he denied making.

Police in June raided a Turkish Medical Association training seminar (see Section 1.c.).

In March 2002, the Government gave permission to Amnesty International (AI) to form a legal association; AI's previous application was rejected in 2001. AI operated a headquarters in Istanbul and held meetings in Ankara, Izmir, and Diyarbakir. AI postponed plans to open branch offices due to lack of funds. The organization reported good relations with the Government during the year.

Representatives of diplomatic missions who wished to monitor human rights were free to speak with private citizens, groups, and government officials; however, security police routinely placed such official visitors in the southeast under visible surveillance. Visiting foreign government officials and legislators were able to meet with human rights monitors. There were no public reports that officials representing foreign governments were denied permission for such visits. However, police reportedly harassed and intimidated some human rights activists in the southeast after the activists met with foreign diplomats.

The parliamentary Human Rights Committee, which had a mandate to oversee compliance with the human rights provisions of domestic law and international agreements, investigate alleged abuses, and prepare reports, carried out inspections of detention centers.

The Government has established Human Rights Councils in all 81 provinces and 849 sub-provinces. The councils were designed to create a forum for human rights consultations among NGOs, professional organizations, and the Government. They investigated complaints and, when deemed appropriate, referred them to the prosecutor's office. They also produced monthly reports and organized conferences, training programs, and public information campaigns. In November, the Government adopted a new regulation changing the membership criteria of the councils. Under the new regulation, police and Jandarma representatives were eliminated from the councils and the number of lawyers, doctors, journalists, NGO members, and other nongovernmental members was increased. Human rights observers had criticized the previous regulation, under which the majority of council members were public officials. However, some human rights activists argued that, even under the new regulation, the councils were not independent because they remained under the chairmanship of un-elected governors and sub-governors. The new regulation also established application desks in all provinces and subprovinces for submitting complaints and outlined in detail the duties of the councils.

A Human Rights Presidency monitored the implementation of legislation relating to human rights, coordinated with NGOs, and educated public officials. The Presi-

gency was attached to the Prime Ministry; it did not have a separate budget, and its resources were limited. During the year, the Presidency developed a standard form for human rights-related complaints as a part of an effort to collect and distribute detailed data on human rights issues.

Parliament has established numerous bodies to monitor the human rights situation, including: The High Human Rights Board, an interministerial committee responsible for making appointments to human rights posts; a Human Rights Consultation Board, designed to serve as a permanent forum for the exchange of ideas between the Government and NGOs; and a Human Rights Investigative Board, a special body to be convened only in cases where lower-level investigations are deemed insufficient by the Human Rights Presidency. The Human Rights Investigative Board has never been convened.

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

The Constitution provides that the country is a secular state, regards all citizens as equal, and prohibits discrimination on ethnic or racial grounds; however, societal and official violence and discrimination against women and minorities remained problems.

Women.—Violence against women remained a problem, and spousal abuse was serious and widespread. The law prohibits spousal abuse; however, complaints of beatings, threats, economic pressure, and sexual violence continued. Citizens of either sex could file civil or criminal charges for abuse but rarely did so. The Law for Protection of Family provides that victims of spousal violence may apply directly to a judge for assistance. The law authorizes judges to warn abusive spouses and order them to stay away from the household for 6 months. Judges may order further punishments for those who violate such orders. According to women's rights advocates, authorities enforced the law effectively, although outside of major urban areas, few spouses sought assistance under the law.

According to the Family Research Institute in the Prime Minister's office, beating in the home was one of the most frequent forms of violence against women. In March, Istanbul Bilgi University announced the results of a study involving a sample group of 6,440 married or divorced women in 25 provinces. According to the study, 31.5 percent of the women were beaten by their husbands; 21.5 percent were beaten by their fathers before being married; and 41 percent entered into arranged marriages. Approximately 35 percent of the group said they would file a complaint if their husbands beat them, up from 29 percent in a similar 1997 survey.

Spousal abuse was considered an extremely private matter involving societal notions of family honor, and few women went to the police. Police were reluctant to intervene in domestic disputes and frequently advised women to return to their husbands.

The law allows women to apply for restraining orders against their husbands and therefore to avoid having to leave their own homes. Observers and government officials noted that this provision has been very successful in some of the cities and rural areas of the country, but less so in the more traditional southeast. The law is limited to spouses and does not address some other sources of violence, such as in-laws.

The law prohibits rape; however, laws and ingrained societal notions made it difficult to prosecute sexual assault or rape cases. Women's rights advocates believed cases of rape were underreported.

According to women's rights advocates, there were nine government-operated guest houses and two NGO-operated shelters that provided services to battered women; in addition, the Child Protection and Social Services Agency provided legal services to victims of domestic violence through 53 community centers.

"Honor killings"—the killing by immediate family members of women suspected of being unchaste—continued in rural areas and among new immigrants to cities; according to media reports, there could be dozens of such killings every year. They were most common in conservative, Kurdish families in the southeast or among migrants from the southeast living in large cities. In July, Parliament revoked a law under which perpetrators of honor killings received reduced sentences. However, Parliament left intact another law allowing for reduced sentences for crimes committed "in the heat of anger" or under "unjust provocation." Women's rights advocates said perpetrators of honor killings continued to benefit from sentence reductions under this law. Because of sentence reductions for juvenile offenders, observers noted that young male relatives often were designated to perform the killing.

According to the women's advocacy group Flying Broom, honor killings and other problems confronting women were more intensely debated in the media and in society than in previous years. TRT television broadcast a 3-month series of daily programs on women's issues during the year.

In June, Semse Allak died from injuries suffered when she was stoned by relatives in Mardin Province for becoming pregnant by Halil Acil, who was killed in the same attack. Allak's unborn child also died. Two relatives were charged for the killings. The case continued at year's end. In November, a 15-year-old girl in Diyarbakir died after being attacked by her 16-year-old brother for becoming pregnant out of wedlock. The brother was detained, and the case continued at year's end.

Human rights organizations continued to report a high rate of suicides among young girls, particularly in the southeast and east. Observers said forced marriages and economic problems contributed to the suicides. A 2001 study in Batman Province concluded that an early marriage could be a catalyst to suicide for young girls with physical and psychological problems.

Unlike in previous years, HRF recorded no reports of forced "virginity testing." Prostitution was legal; however, police made numerous arrests involving foreigners working illegally as prostitutes. Trafficking in women was a problem (see Section 6.f.).

The Association of Turkish Female Lawyers and other women's rights advocates criticized some articles of the Penal Code as discriminatory to women. Discriminatory Penal Code articles provide that: Rape is considered a crime against society, rather than a crime against the individual; rape between spouses is not legally considered rape; rapists and kidnappers may avoid punishment if they marry their victims; and punishment for rape is greater if the victim is married, lesser if the victim is single, and even less if the victim is single and not a virgin. Ambassador Hansjorg Kretschmer, Head of the European Commission Representation to the country, said in a December speech that the Penal Code "fails to offer the basic necessary amendments needed to recognize and protect women's human rights."

Parliament has not revised its internal code to conform with its January 2002 overturning of a regulation that prohibited female civil servants from wearing pants in the workplace.

The Directorate General on the Status and Problems of Women, under the authority of the State Minister for Women's and Children's Affairs, was responsible for promoting equal rights and raising awareness of discrimination against women. The Government has not adopted organizing legislation for the Directorate General, which was set up in 1990; as a result, it has not been able to expand beyond its limited staff of 42.

Particularly in urban areas, women were well represented in the professions, business, and the civil service and constituted more than one-third of university students. However, they continued to face discrimination in employment to varying degrees. Women were generally underrepresented in managerial-level positions as well as in government (see Section 3). Women generally received equal pay for equal work in professional, business, and civil service positions, although a large percentage of women (as well as men) employed in agriculture and in the trade, restaurant, and hotel sectors worked as unpaid family labor.

According to a UNICEF report released during the year, the literacy rate for women in 2000 was 77 percent, compared with 94 percent for men. However, in rural areas the rate could be as low as 50 percent for women. One reason for the higher rate for men was that men must serve in the army; if they did not know how to read, they were taught upon entry. In addition, families in rural areas often attached greater importance to the education of boys than girls.

Independent women's groups and women's rights associations existed but have not significantly increased their numbers or activities, mostly due to funding problems. There were many women's committees affiliated with local bar associations. Other organizations included the Association for Supporting and Training Women Candidates (Ka-Der), Flying Broom, the Turkish Women's Union, and the Foundation for the Evaluation of Women's Labor. Women continued to be very active in ongoing debates between secularists and more religiously oriented women, particularly with respect to the right to choose whether to wear religious head coverings in public places, such as government offices and universities (see Section 2.c.).

Children.—The Government was committed to furthering children's welfare and worked to expand opportunities in education and health, including a further reduction in the infant mortality rate. The Minister for Women's and Family Issues oversaw implementation of the Government's programs for children. The Children's Rights Monitoring and Assessment High Council focused on children's rights issues.

Government-provided education through the age of 14 or the eighth grade was compulsory. Traditional family values in rural areas placed a greater emphasis on advanced education for sons than for daughters; the 8-year compulsory education requirement (implemented in 1998) has increased enrollment among girls. According to the Ministry of Education, 92 percent of girls and 100 percent of boys in the coun-

try attended primary school. However, in rural areas, the literacy rate for girls remained low, and many did not complete primary school. The literacy rate for boys, most of whom completed primary school, was higher. Some children in rural areas continued on to high school, for which they generally had to travel or live away from home.

The Government aimed to provide social security and health insurance for all its citizens, but gaps remained, leaving approximately 20 percent of families and their children without coverage. Persons not covered by insurance may use a special program to access public health care. Immunization rates in some eastern and southeastern provinces lagged behind the rest of the country. Infant mortality has declined rapidly. According to UNICEF, the infant mortality rate dropped to 36 per 1,000 in 2001.

There were reports of abuse of children. Children have suffered greatly from the cycle of violence in the southeast. In the past, the migration—forced or voluntary—of many families, past terrorism against teachers, and school closings uprooted children and moved them to cities that were hard pressed to find the resources to provide basic, mandatory services such as schooling.

Women's organizations criticized an article of the Penal Code whereby a mother who killed an illegitimate child to "protect family honor" received a reduced sentence.

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

Persons with Disabilities.—There was no direct, specific discrimination against persons with disabilities, although they did suffer from a lack of economic opportunity. The law does not mandate access to buildings and public transportation for persons with disabilities. Persons with disabilities have some special privileges, such as the right to purchase products of the State Economic Enterprises at a discounted rate or acquire them at no cost.

According to a 2000 UNICEF report, welfare institutions provided "limited financial, employment and educational support to the handicapped." Although there were many state-run institutions for persons with disabilities, most attention to persons with disabilities remained at the individual and family level. The Administration of Disabilities office under the Prime Ministry has a mandate to develop cooperation and coordination among national and international institutions and to conduct research into issues such as delivery of services. During the year, Lokman Ayva, a blind member of Parliament, formed a parliamentary group to advocate for the rights of the disabled. Companies with more than 50 employees were required to hire persons with disabilities as 2 percent of their employee pool, although the requirement was not consistently enforced.

National/Racial/Ethnic Minorities.—The Constitution provides a single nationality designation for all Turks and thus does not recognize ethnic groups as national, racial, or ethnic minorities. Citizens of Kurdish origin constituted a large ethnic and linguistic group. Millions of the country's citizens identified themselves as Kurds and spoke Kurdish. Kurds who publicly or politically asserted their Kurdish identity or publicly espoused using Kurdish in the public domain risked public censure, harassment, or prosecution. However, Kurds who were long-term residents in industrialized cities in the west were in many cases assimilated into the political, economic, and social life of the nation, and much intermarriage has occurred over many generations. Kurds migrating westward (including those displaced by the conflict in the southeast) brought with them their culture and village identity, but often little education and few skills.

No official estimate of the Romani population existed, but it may be significant in regions near Bulgaria and Greece, and Roma were found in many cities throughout Anatolia. Human rights observers said many Roma did not disclose their ethnic identity for fear of discrimination. The European Roma Rights Center claimed that, at the end of February, police in Edirne beat and tortured with electric shocks a 14-year old Romani boy suspected of stealing a wallet. The Center reported abusive police actions, including police raids on Romani homes and coffee shops without a search warrant in Bursa. The Government revised the definition of "gypsy" in official dictionaries; the old definition had included terms such as "shameless" and "thief." However, the law states that "nomadic Gypsies" are among the four categories of people not admissible as immigrants.

During the year, the Turkish Sciences Academy and the History Foundation published the results of a survey of primary and secondary school textbooks focusing on human rights-related content. According to the survey, textbooks frequently contained discriminatory language. For example, one textbook stated, "Gypsies, with children in particular, do beg," while another claimed that during a certain historical period Armenians in Turkey "were neither innocent nor loyal to the State." A

textbook compared the Turkish and Greek languages by stating that, "Turkish does not have the repeated 's' letter like the hissing of a snake sound in the Greek language."

There were numerous reports of citizens of Kurdish origin being prevented from registering their newborn children with Kurdish names. In some cases, charges were filed against the parents. In August, authorities in Mersin reportedly refused to allow Ali Aksan to register his children with the names "Mihriyan," "Zozan," and "Berivan." In September, authorities in Istanbul reportedly prevented Sevkett Gasgar from naming his son "Deral."

In July, Parliament amended an article of the Census Law that had been used to prevent the use of Kurdish names. The amendment removed language that had prohibited the use of names contrary to the "national culture" or "customs and traditions," instead prohibiting names contrary to "moral norms" or names that "offend the public." The revised wording was intended to ease the restrictions; however, human rights advocates claimed local authorities failed to adjust their practices. In September, the Interior Ministry issued a circular notifying local officials of the new regulations. However, the circular prohibited the use of letters used in Kurdish but not found in Turkish. In December, the Diyarbakir Province Jandarma commander asked the Diyarbakir chief prosecutor's office to provide a list of persons who had applied to change their names under the amended law. The prosecutor's office reportedly complied. The Diyarbakir Bar Association protested the request. There were numerous restrictions on free expression in Kurdish and pro-Kurdish political parties (see Sections 2.a. and 3).

In May, a Diyarbakir SSC acquitted a juvenile on charges of "inciting hatred and enmity." The juvenile was accused of altering the traditional pledge of allegiance in school and reciting, "Happy is he who calls himself a Kurd."

Implementing regulations for 2002 reform laws allowing broadcasts and private courses in Kurdish and other non-Turkish languages "used by Turkish citizens in their daily lives" created some bureaucratic obstacles (see Section 2.a.). In July, Parliament adopted reforms designed to remove these obstacles. However, no non-Turkish broadcasts or courses were established under these reforms by year's end. Local authorities in Sanliurfa, Batman, and Van provinces withheld permission to open Kurdish language courses on a number of technical issues, including a requirement that the applicants change the names of the institutions.

The Ministry of Education tightly controlled the curriculum in schools. The small numbers of Greek-language students had little opportunity to continue their education in the country, and consequently many went to Greece, often never to return.

In April, the Education Ministry issued a circular urging all schools to have their fifth- and seventh-graders prepare a one-page essay arguing that allegations that the Ottomans committed genocide against Armenians are "baseless." The country's Armenian schools were included in the distribution. Leaders of the ethnic Armenian community criticized the measure, saying it put psychological pressure on Armenian students. The Ministry also asked schools to organize conferences on the issue, and police arrested seven teachers for comments made at one such conference (see Section 2.a.).

Section 6. Worker Rights

a. The Right of Association.—The Constitution provides workers, including civil servants with the exception of police and military personnel, the right to associate freely and form representative unions, and they did so in practice. However, there were some limits to the right of association. The Constitution stipulates that no one shall be compelled to become, remain a member of, or withdraw from a labor union. Unions were independent of the Government and political parties. Unions were required to obtain official permission to hold meetings or rallies and had to allow government representatives to attend their conventions and record the proceedings, although these requirements were not always enforced. Prosecutors could 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 could not dissolve a union summarily.

About 16 percent of wage and salary earners were unionized. The labor force numbered approximately 24 million, with approximately 35 percent employed in agriculture. There were three confederations of labor unions: The Turkish Confederation of Workers Unions (Turk-Is), the Confederation of Unions of Workers' Rights (Hak-Is), and the Confederation of Progressive Trade Unions (DISK). There also were 4 public employees union confederations—the Confederation of Public Sector Trade Unions (KESK); Tukiye Kamu-Sen; Memur-Sen; and the Confederation of Independent Public Workers Unions (BASK)—and 27 independent unions. Unions and their officers have a statutory right to express their views on issues directly

affecting members' economic and social interests. The Constitution prohibits unions and confederations from activity against the basic democratic principles of the country. Unions may not receive financial assistance from public authorities or political parties; unions also may not use the name or emblem of a political party, or be involved in commercial activity.

The law prohibits anti-union discrimination and the Constitution prohibits pressuring a worker into becoming or refusing to become a union member; however, such discrimination occurred occasionally in practice.

The International Labor Organization (ILO) has urged the Government to take measures to ensure that workers have effective protection against anti-union discrimination. The law on trade unions stipulates that an employer may not dismiss a labor union representative without rightful cause. The union member may appeal such a dismissal to the courts, and if the ruling is in the union member's favor, the employer must provide compensation. These laws generally were applied in practice. However, private sector employers continued to try to eliminate unions.

With government approval, unions could form confederations and join international labor bodies, as long as the organizations were not hostile to the country or to freedom of religion or belief. Turk-Is, Hak-Is, DISK, and KESK were affiliated with the International Confederation of Free Trade Unions (ICFTU).

In May, Parliament passed a comprehensive labor law that includes job security elements. The law requires employers with 30 or more workers to give a valid reason for terminating a contract and set standards for notices of termination. The law also prohibits discrimination based on language, race, gender, or political and religious belief. Some labor union representatives criticized the new law, saying it is less extensive in some respects than the law it replaced.

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 were organized. Civil servants may also bargain collectively. Out of 9 million workers with labor contracts, approximately 1.3 million were in collective contracts.

The law requires that, in order to become a bargaining agent, a union must represent 50 percent plus one of the employees at a given work site, and 10 percent of all the workers in that particular industry. This requirement had the effect of favoring established unions, particularly those affiliated with Turk-Is, the confederation that represented approximately 80 percent of organized labor. The ICFTU reports that, as a result of the law, workers in many sectors of economic activity were not covered by a collective agreement.

The ILO has called on the Government to rescind the 10 percent rule, stating that it violates ILO Convention 98 on the rights to organize and collective bargaining. However, both Turk-Is and the Turkish Employers' Organization favor retention of the 10 percent rule, since each confederation has an established membership area. The Government has taken no action to amend the rule.

The constitutional right to strike was restricted. For example, the Civil Servants Act and the Penal Code do not permit strikes by civil servants; public workers engaged in the protection of life and property; and those in the mining and petroleum industries, sanitation services, national defense, and education. However, workers continued to violate these restrictions with general impunity. According to the Turkish Confederation of Employers Unions (TISK), there were 23 strikes during the year involving 1,535 workers. The majority of strikes during the year were illegal; while some illegal strikers were dismissed, in most cases employers did not retaliate.

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; non-binding mediation was the last of those steps. A party that failed to comply with these steps forfeited its rights. Unions were prohibited from engaging in secondary (solidarity), political, or general strikes or in slowdowns. Employers could respond to a strike with a lockout, but were prohibited from hiring strikebreakers or using administrative personnel to perform jobs normally done by strikers. The law governing collective bargaining, strikes, and lockouts prohibits employers from terminating workers who encouraged or participated in a legal strike. In sectors in which strikes were prohibited, disputes were resolved through binding arbitration. TISK reported that there were two lockouts during the year involving 888 workers, the first lockouts since 2000.

The law allows the Government to suspend strikes for 60 days for reasons of national security or public health and safety. Unions could petition the Council of State to lift such a suspension. If this appeal failed, and the parties and mediators failed to resolve the dispute, the strike was 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 regarded the Government's application of the law as too broad, and they have called on the Government to limit recourse to compulsory arbitration to essential services in the strict sense of the term. The Government asserted that the law does not contradict the Committees' principles.

There are 21 free trade and export processing zones. Union organizing and collective bargaining were permitted in the zones. Workers inside the zones were paid in foreign currency, giving them some protection against inflation.

c. Prohibition of Forced or Bonded Labor.—The Constitution and law prohibit forced or bonded labor, including by children, though there were exceptions in cases of national emergency; however, there were reports that such practices occurred (see Section 6.f.). Some parents forced their children to work on the streets and to beg (see Section 6.d.).

d. Status of Child Labor Practices and Minimum Age for Employment.—The Constitution and law prohibit the full-time employment of children younger than 15, with the exception of those 13 or 14 years of age who could 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 undertook to protect children from work unsuited to their age and capacity, such as underground mining, or from working at night. According to the labor law, children who attended school could work no more than 7.5 hours a day, inclusive of school time. The Ministry of Labor effectively enforced these laws in workplaces that fell under the scope of the labor law, which included medium and large-scale industrial and service sector enterprises. Children working in agricultural workplaces with fewer than 50 employees, household-based establishments, establishments with 3 or fewer workers, and those working as domestic servants were subject to the Code of Obligations, which failed to provide a minimum age of employment. However, according to the Public Health Act, children under 16 could not work more than 8 hours a day.

Child labor was widespread, but appeared to be decreasing. The State Statistical Institute reported that the number of child laborers between the ages of 12 and 17 dropped from 1.5 million in 2001 to 948,000 in 2003.

Child labor was used most often in small-sized enterprises. According to a 2001 study on child labor conducted by Hacettepe University, 79.4 percent of children who were employed lived in rural areas, and 92.6 percent of those children were engaged in the agricultural sector.

In practice, many children worked because families needed the supplementary income. An informal system provided work for young boys at low wages, for example, in auto repair shops. Girls rarely were seen working in public, but many were kept out of school to work in handicrafts, particularly in rural areas. The bulk of child labor occurred in rural areas and often was associated with traditional family economic activity, such as farming or animal husbandry. It was common for entire families to work together to bring in the harvest.

The Government has sought the gradual elimination of child labor and has worked with the ILO to document its extent and determine solutions. The Ministry of Labor had trained 108 of 700 field inspectors on child labor issues. Many children worked in areas not covered by labor laws, such as agriculture or the informal economy, and were therefore beyond the reach of the inspectorate.

Small enterprises preferred child labor because it was cheaper and provided practical training for the children, who subsequently were preferred for future employment in the same workplace. If children employed in these businesses were registered with a Ministry of National Education Training Center, they went to the center once a week for training, and the centers were obliged by law to inspect their workplaces. There were 346 centers located in 81 cities; these centers provided apprenticeship training in 113 occupations. Only 22.8 percent of working children took advantage of these schools.

In accordance with ILO Convention 182 on the worst forms of child labor, the Government identified the worst forms of child labor as children working in the streets, in industrial sectors where their health and safety were at risk, and as agricultural migrant workers (see Section 6.f.). In cooperation with the ILO, the Government was preparing three surveys as part of a plan for eliminating child labor.

There were no reliable statistics for the number of children working on the streets nationwide. The Government operated 28 centers providing assistance to children working on the streets.

e. Acceptable Conditions of Work.—A tripartite government-industry-union body called the Minimum Wage Commission reviewed the minimum wage every 6 months. In December, the Commission set the monthly net minimum wage rate at \$216 (303 million lira). The minimum wage did not provide a decent standard of

living for a worker and family. However, most workers earned considerably more than the minimum wage. Turk-Is has unsuccessfully called on the Ministry of Labor to exercise its authority to waive income tax and social security deductions for minimum wage earners. Workers covered by the labor law, who constituted approximately one-third of the total labor force, also received a hot meal or a daily food allowance and other fringe benefits that, according to the Turkish Employers' Association, accounted for approximately 62.7 percent of total compensation.

The law establishes a 45-hour workweek, 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 enforced wage and hour provisions in the unionized industrial, service, and government sectors, which covered approximately 12 percent of workers.

The law mandates occupational health and safety regulations, but in practice the Government did not carry out effective inspection and enforcement programs. The law allows for the shutdown of an operation if a five-person committee, which included safety inspectors, employee, and employer representatives, determined that the operation endangered workers' lives. In practice, financial constraints, limited safety awareness, carelessness, and fatalistic attitudes resulted in scant attention to occupational safety and health by workers and employers alike. The law allows workers to remove themselves from hazardous conditions without risking loss of employment.

f. Trafficking in Persons.—The law prohibits trafficking in persons; however, there were reports that persons were trafficked to and within the country for the purposes of sexual exploitation and labor. There were allegations that police allowed operation of informal brothels in Istanbul and could also be bribed by traffickers at ports of entry. There was at least one case of police being arrested on suspicion of involvement in trafficking.

The law designates human trafficking as a crime. Those convicted of human trafficking faced 5 to 10 years imprisonment, but the Government tended to treat trafficking in persons as a voluntary prostitution and illegal migrant issue. During the year, prosecutors opened 14 cases against alleged traffickers, charging a total of 46 suspects. Courts ruled for acquittal in three cases; the remaining cases were ongoing at year's end.

In August, Trabzon police conducted a sweep of hotels, cafeterias, and tea houses and detained 310 foreign women, including women from Russia, Ukraine, and Georgia. Police also detained 190 men, including hotel and cafeteria managers. Authorities deported 69 of the women who said they were voluntarily working as prostitutes, and investigated claims that others were trafficking victims. Police also opened investigations of 17 alleged traffickers in the case. The cases continued at year's end. According to press reports, authorities fired the Trabzon police chief in September following complaints that the raid hurt the tourism industry.

The Government had an Anti-Trafficking Task Force composed of officials from the ministries of Foreign Affairs, Health, Interior, Justice, and Labor, plus the Directorate General for Social Services and Child Protection, the Directorate General on the Status and Problems of Women, and scholars from Marmara University. In April, the Government adopted a National Action Plan developed by the Task force. The International Organization for Migration (IOM), ILO, and UNHCR worked with the Government to address the problem of trafficking.

The Directorate General on the Status and Problems of Women organized a seminar on trafficking in Ankara in December attended by law enforcement officials, NGO representatives, and journalists. The Justice Ministry and the Human Rights Presidency of the Prime Ministry held a number of seminars on human trafficking during the year for judges, prosecutors, journalists, government officials, and NGO representatives. IOM provided trafficking training for the Jandarma.

The country was a transit point and a destination country for victims of trafficking; reportedly there was almost no trafficking of women and girls out of the country. There were no government statistics on the number of trafficking victims. Women were trafficked to the country mostly from Romania, Georgia, Russia, Ukraine, Moldova, and Azerbaijan. It was also a transit country for the trafficking of women primarily from Central Asia, the Middle East, Africa, and the former Yugoslavia to other countries in Europe. Most trafficking activity occurred in Istanbul, Izmir, and Trabzon. Many women came to the country believing that they would be working as models, waitresses, or dancers and found themselves forced into prostitution. Women who attempted to escape their traffickers have been beaten, raped, or killed. There were reports that criminal syndicates forced women to sign work contracts that amounted to debt bondage. Russian and Ukrainian organized crime groups reportedly were the primary trafficking organizations, although

some reports by NGOs suggested that traffickers recruited in Eastern Europe, particularly Moldova.

According to an IOM study released in November, the Government has taken "remarkable steps" over the past 2 years to combat human trafficking, but lacked a consistent, comprehensive approach. The study noted that, until recently, the country had been a country of emigration, with liberal border control policies geared toward attracting tourists and enhancing foreign currency reserves. The study noted that the collapse of the Soviet Union, among other factors, increased the number of irregular migrants to the country. The Government had been unprepared for this change, and was now adjusting its policies. While doing so, it was focused primarily on the need to control illegal border crossings, treating human trafficking as a secondary concern, the study concluded.

Authorities generally detained and deported persons trafficked into the country without proper screening to determine whether they were victims of trafficking. Under the law, if a prostitute or a trafficker is a foreigner, the person is immediately deported. The law authorizes the Ministry of Interior, governors, and sub-governors to deport foreigners after 15 days notice. If the same person is reported again for the same offense, no further notices are made and the person may be deported immediately if detained again. Women were often re-trafficked back to the country after being deported.

There were credible reports that police corruption contributed to the trafficking problem. In July, Erzurum police arrested 11 persons on trafficking charges, including 3 police officers. In addition, prosecutors opened a related case against 13 police officers for alleged involvement in the crime. The case continued at year's end.

The Government did not have a system for victim identification and protection; however, according to the Ministry of Interior, seven foreign citizens exposed to trafficking were issued a humanitarian visa (1 month temporary residence permit). Five additional persons were offered the humanitarian visa but declined and left the country. In principle, government shelters for Turkish victims of domestic violence can be used for trafficking victims, but this had not yet occurred in practice. Some local law enforcement officers reportedly found accommodation for victims at their personal expense. The Government did not have a repatriation program, although authorities repatriated some trafficking victims on a case-by-case basis.

In December, the Government enacted a decree providing free medical care to trafficking victims.

In September, the Government signed a protocol with the Human Resource Development Foundation (HRDF), an Istanbul-based NGO. Under the protocol, the Foundation and the Government agreed to collaborate on a number of anti-trafficking measures, including: Providing shelters for trafficking victims; establishing a center to provide medical and legal assistance to trafficking victims; and raising public awareness of trafficking. By year's end, the Government had not provided funding to carry out the protocol, and the HRDF was in the process of acquiring funding from private and public sources. The HRDF did fulfill a protocol commitment to establish a regional network with NGOs in neighboring countries to coordinate on trafficking issues.

In July, the Tourism Ministry distributed a guide to the tourism industry notifying companies that the Government is obligated by international agreement to take measures against foreigners visiting the country for sex tourism.

A November IOM study reported that only 13 percent of foreigners with residence permits in the country held work permits. During the year, the Interior Ministry developed a new set of guidelines for the issuance of work permits to foreigners in the entertainment sector. Under the guidelines, work contracts must be prepared in Turkish and Russian (contracts in Turkish and French will no longer be accepted) and specify that the employer will pay for the return ticket of the foreign worker, pay at least the minimum wage, and provide the worker the right to contact the police or Labor Ministry. In February, Parliament adopted a new law on work permits for foreigners. The new law places the Labor and Social Security Ministry in charge of work permits for foreigners and establishes clear procedures for applicants. Under the law, foreigners are allowed to work in domestic service for the first time.

The Government has not developed any anti-trafficking information campaigns aimed at the general public.

TURKMENISTAN

Turkmenistan is a one-party state dominated by President Saparmurat Niyazov who exercised power in an authoritarian style by retaining his monopoly on political power and on the Democratic Party, which remained the sole legally recognized political party in the country. Niyazov has been President since independence in 1991, and legally may remain in office until 2010. In August, Niyazov was elected to a life term as Chairman of the People's Council, giving him a substantial say in the selection of any presidential successor. Government efforts continued to focus on fostering centralized state control and the glorification of the President. The 50-member unicameral Parliament (Mejlis) has no genuinely independent authority; in August, the Peoples' Council replaced it as the supreme legislative body. The President controlled the judicial system.

The Ministry of National Security (MNB), formerly the Committee on National Security (KNB), has the responsibilities formerly held by the Soviet Committee for State Security (KGB)—primarily to ensure that the Government remains in power through tight social controls and suppressing dissent. The Ministry of Internal Affairs (MVD) directed the criminal police, which worked closely with the MNB on matters of national security. Civilian authorities maintained effective control of the security forces. Both forces committed numerous, serious human rights abuses.

The country's economy remained dependent on central planning mechanisms and state control, although the Government has taken a number of small steps to make the transition to a market economy. The Government estimated the total population to be 6.1 million; reliable estimates put it at approximately 5 million. The Government claimed GDP was 22 percent; however, other sources claimed it was between 6 and 14 percent. Unemployment remained a serious problem. Some estimates placed unemployment in urban areas at 50 percent and 70 percent in the rural areas. Most of the workforce was engaged in agriculture, which accounted for nearly half of total employment.

The Government's poor human rights record worsened, and it continued to commit numerous serious abuses. Authorities severely restricted political and civil liberties; citizens did not have the ability to change their government. The human rights situation deteriorated markedly after an armed attack against President Niyazov on November 25, 2002, which the Government characterized as an attempt to assassinate the President and in effect a coup d'etat. The Government moved quickly against perceived sources of opposition at home and abroad, requesting that several foreign governments extradite alleged conspirators in the plot. There were widespread, credible reports of human rights abuses committed by officials in the course of investigating the attack, including credible reports of torture. Security forces continued to beat and otherwise mistreat suspects and prisoners. Authorities detained hundreds of relatives of those implicated in the plot, some of whom were tortured, physically abused, denied access to medical treatment, evicted from their homes, and dismissed from their jobs. There were numerous, systematic violations of due process under the law, including arbitrary arrest and detention. The Government denied all charges of abuse but did not provide regular access to foreign citizens accused of participating in the plot or to other prisoners. Both the criminal police and the MNB operated with impunity, abused the rights of individuals, and enforced the Government's policy of repressing the political opposition. The Government refused to facilitate visits by international envoys to investigate reports of human rights abuses, which were called for by the Organization for Security and Cooperation in Europe (OSCE) and the U.N.

Prison conditions remained poor and unsafe, and authorities refused all requests for access to prisons and prisoners by international observers. The denial of visitation rights and medical treatment for prisoners has contributed to several reported deaths in prison. The Government routinely forced its opponents into internal exile. Prolonged pretrial detention and unfair trials remained problems. The Government held at least one political prisoner. Interference with citizens' privacy remained a problem. The Government continued to demolish large numbers of private homes; many displaced homeowners received little or no compensation for their losses. The Government sought to limit marriages between citizens and foreigners.

The Government severely restricted freedom of speech and did not permit freedom of the press. The Government completely controlled the media, censored all newspapers and access to the Internet, and never permitted independent criticism of government policy. Academic freedom declined. The Government severely restricted freedom of assembly and association. The Government did not register any political parties during the year and continued to repress all opposition political activities. The Government intensified its restriction of the activities of nongovernmental

groups, including minority religious groups, most of which were unable to register with the Government. The Government passed an even more restrictive law on religion and exercised control over religious expression. Adherents of unregistered religions were subject to systematic harassment, including arrests, detentions, abuse, and administrative fines. The Government restricted freedom of movement and on March 1 reinstated an exit visa requirement for all citizens wishing to travel outside the country. There were no domestic human rights groups because of restrictions on speech and association. Domestic violence and societal discrimination against women were problems. The Government generally gave favored treatment to ethnic Turkmen over minorities and severely restricted labor rights.

RESPECT FOR HUMAN RIGHTS

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

a. Arbitrary or Unlawful Deprivation of Life.—There were no reports of political killings; however, Amnesty International (AI) reported the suspected death in custody of Amanmukhammet Yklymov in March. Relatives reported that he was tortured in the Ashgabat city police building following his arrest on November 25, 2002 (see Section 1.c.).

Some prisoners died due to malnutrition and untreated illnesses, reportedly as a result of authorities withholding food and medical care (see Section 1.c.).

In September, border guards shot and killed two individuals attempting to cross the border from Iran.

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

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.—The Constitution prohibits such practices; however, there were widespread credible reports that security officials tortured, routinely beat, and used force against criminal suspects and prisoners to obtain confessions. There were credible reports that former government officials and others imprisoned for various alleged crimes, including those implicated in the November 2002 attack, were singled out for cruel treatment. An international NGO reported that a security official stated that authorities drugged and tortured more than 100 of those arrested after the attack. Security officials reportedly suffocated some to the point of unconsciousness, beat, and subjected them to electric shock torture and injections of psychotropic substances to coerce confessions during pretrial interrogations.

In April, another person detained for several months with prisoners held in connection with the November 2002 attack said officials routinely employed electric shock torture, beatings, and suffocation to the point of unconsciousness to elicit information. An individual held in connection with the attack and later released said authorities beat him and injected him with psychotropic substances to coerce his confession.

In March, police detained a man, broke his fingers, and severely beat him because they suspected him of illegally purchasing a passport from forgers. In November, assailants, believed to be members of the MNB, abducted and beat a local correspondent. The assailants threatened to kill the man if he continued to air interviews critical of the Government.

There were reports that MNB officers handcuffed to a door and beat Batyr Berdyev, former ambassador to the OSCE and former Foreign Minister, after his arrest in December 2002. In December 2002, authorities beat and used electric shock torture on an elderly man to coerce a confession of involvement in the November 2002 attack.

There were credible reports that authorities detained, tortured, and threatened relatives of those implicated in the attack to coerce confessions. Relatives were beaten with water bottles to avoid bruising, injected with psychotropic drugs, and subjected to electric shock torture; female relatives were sexually assaulted and threatened with rape.

There were reports that authorities detained and tortured at least six relatives or their associates of Saparmurad Yklymov, who was convicted as one of the primary plotters of the November 2002 attack (see Section 1.d.). These included five relatives—Aili, Ezenaman, Orazmamed, Amanmukhammet, and Yklymov—and the sister and mother of a fifth brother's girlfriend. MNB officers allegedly used electric shock torture and severely beat them with rubber truncheons and plastic bottles filled with water, as well as threatening to torture their children. One brother was unable to walk and another was unable to hold a pen after their release.

Relatives reported that Amanmukhammet Yklymov was tortured in the Ashgabat city police building following his arrest in November 2002, resulting in the loss of sight in one eye and hearing in one ear and a broken arm. Authorities allegedly placed a plastic bag over his head to restrict his breathing, suspended him by his

arms, and forced him to wear a gas mask to which the air supply was cut off. AI reported his suspected death in March due to the injuries he sustained in custody.

MNB officers detained Esenaman Yklymov in November 2002 and beat him until his ears bled. In January, he was forced to denounce his parents on television and was sentenced to 5 years' imprisonment.

Orazmamed Yklymov confessed to his involvement in the November 2002 attack after law enforcement officers allegedly threatened to torture his son. There were reports that he appeared in court with injuries, including a dislocated arm, swollen eye, and partial hearing loss. On January 19, a court sentenced him to 20 years' imprisonment.

In December 2002, authorities detained relatives of an individual implicated in the November 2002 attack. Authorities beat an elderly male relative with water bottles to avoid bruising and injected a female relative with psychotropic substances, threatened to rape her, and arranged for her expulsion from university.

There were reports that law enforcement officers tortured and abused members of religious minorities (see Section 2.c.).

There were reports that prisoners needing medical treatment were beaten on their way to and from the hospital. Security forces also used denial of medical treatment and food, verbal intimidation, and placement in unsanitary conditions to coerce confessions.

In April, May, and July, there were reports that former high-level officials were denied proper medical treatment and suffered beatings while in detention (see Section 1.d.).

Conditions were poor in prisons, which were unsanitary, overcrowded, and unsafe. Disease, particularly tuberculosis, was rampant, in part because prisoners who were ill were often not removed from the general prison population. Food was poor and prisoners depended on relatives to supplement inadequate food supplies. Facilities for prisoner rehabilitation and recreation were extremely limited. Most prisoners could receive food and sundries once per month from relatives; those who did not suffered greatly. Prisoners held under the "Betrayers of the Motherland" law were unable to receive food, sundries, or visits by relatives (see Section 1.d.). Most were held in the newly constructed maximum security prison at Ovadan Depe, where access to prisoners was extremely limited. There were reports that officials beat prisoners who refused to swear an oath of allegiance to the "Rukhnama," President Niyazov's 2001 spiritual guidebook on the country's culture and heritage (see Section 2.c.).

There were three types of prisons throughout the country: educational-labor colonies; correctional-labor colonies; and prisons. Some prisoners, usually former government officials, were sent into internal exile. In the correctional-labor colonies, there were reports of excessive periods of isolation of prisoners in cells and "chambers." A new prison for hardened criminals and political prisoners at Ovadan Depe, near Ashgabat, was completed in June. Authorities allegedly threatened, harassed, and abused prisoners in an attempt to force some prisoners to renounce their faiths.

In Gyzylgaya prison, located in the Karakum Desert, prisoners were forced to work in a kaolin mine under hazardous and unhealthy conditions (see Section 6.c.).

Men were held separately from women, and juveniles were held separately from adults. Prisoners held in connection with the November 2002 attack were reportedly held separately at the Ovadan Depe prison. Former members of intelligence and security services were typically held in a dedicated facility at Akdash, near Turkmenbashi City. Pretrial detainees were usually held separately from convicted prisoners in detention centers; however, individuals held in connection with the November 2002 attack were held together with convicted prisoners in detention centers prior to their eventual imprisonment.

Some prisoners died due to the combination of overcrowding, untreated illnesses, and lack of adequate protection from the severe summer heat. In August, opposition websites reported that four prisoners implicated in the November 2002 attack had died in detention since the beginning of the year due to malnutrition. There were credible reports that a former high-ranking intelligence official at Akdash prison died in March, a civil society figure at Seidi labor colony died in April, and that others were near death, because prison officials denied them food and medical care. Most of the prisoners implicated in the November 2002 attack were denied visitation rights, which severely restricted their access to food, because families routinely supplied their relatives with additional food items during their visits.

Prison officials refused to respond to inquiries from family members and foreign diplomats about prisoners' whereabouts or physical condition, or to allow family members, foreign diplomats or international observers, including the International Committee of the Red Cross (ICRC), to visit detainees or prisoners, including political prisoners, by year's end. The Government claimed that granting access to pris-

oners would be an admission that there were problems with the country's penal system.

d. Arbitrary Arrest, Detention, or Exile.—The Constitution and law prohibits arbitrary arrest and detention; however, arbitrary arrest and detention were serious problems.

The MNB is responsible for ensuring that the Government remains in power and exercised wide discretion over issues such as exit visas and Internet access, and worked to limit personal freedoms. The MVD directed the criminal police, which worked closely with the MNB on matters of national security. The Minister of the MNB does not formally supervise other ministries; however, the MNB exercised control over personnel changes and enforced presidential decrees. Both the MNB and criminal police operated with impunity. The Government rarely investigated allegations of abuse and did not hold members of the security forces accountable for abuses. Corruption was a problem.

A warrant is not required for an arrest. The Chairman of the Cabinet of Ministers, a position held by the President, has sole authority for approving arrest warrants. Authorities may detain individuals for 72 hours without a formal arrest warrant, but legally must issue a formal bill of indictment within 10 days of detention.

On May 26, authorities arrested Deputy Defense Minister, Serdar Chariyarov, for his alleged involvement in the 2002 attack on the President.

Those expressing views critical of or different from those of the Government were arrested on false charges of economic crimes against the state and various common crimes (see Section 2.a.). Between November 2002 and March, authorities detained several hundred persons implicated in the November 2002 attack and their relatives secretly or arbitrarily, without warrants, and denied them access to legal counsel. A former member of the security service reported to an international NGO that police detained thousands for questioning after the attack, and arrested hundreds of them. Most were held without charge for their perceived political opinions and possible involvement in the attack.

Detainees are entitled to immediate access to an attorney once a bill of indictment has been issued; however, in practice they were not allowed prompt or regular access to legal counsel. Incommunicado detention was a problem. Authorities regularly denied prisoners visits by family members, who often did not know their whereabouts (see Section 1.c.).

In February, President Niyazov signed the "Betrayers of the Motherland" law, which characterizes any opposition to the government as an act of treason. Those convicted under the law face life imprisonment, are ineligible for amnesty or reduction of sentence, and may not receive visitors or food from outside sources. The Government has also made reference to the law to prevent relatives of those convicted in the November 2002 attack from traveling outside the country. By year's end, approximately 50 to 60 persons were arrested or convicted under the law.

In December 2002, authorities arrested Farid Tukhbatulin, on what appeared to be politically-motivated charges. On March 3, he was sentenced to 3 years in a general regime colony, and spent 100 days in detention before he was released on April 1. In his publicized letter of confession, he admitted his guilt of not alerting the MNB about the November 2002 attack, which he allegedly heard about while attending a human rights conference in Moscow.

The Government used house arrest without due process to prevent citizens from meeting with visiting foreign diplomats. In March, the Government placed as many as 100 individuals, including civil society leaders, under house arrest to prevent them from meeting with the visiting OSCE Chairman-in-Office. In July, officials detained NGO leaders, ethnic Russians, and Russian citizens to prevent them from meeting with a Russian delegation investigating the Government's attempt to unilaterally abrogate dual citizenship. In July, the Government confiscated NGO leaders' passports in Turkmenbashi City to prevent them from traveling to Ashgabat to attend the Independence Day reception at a foreign ambassador's residence.

The law provides that a person accused of a crime may be held in pretrial detention for no more than 2 months, which in exceptional cases may be extended to 1 year. In practice, authorities often exceeded these limits. Geldy Kyarizov, who was arrested in 2002 for numerous crimes reportedly because of his disagreements with President Niyazov's policies, remained in detention at year's end.

The Government held many political detainees, although the precise number was unknown. Several hundred relatives and associates of those implicated in the November 2002 attack were held without charge for their perceived political opinions and possible involvement in the attack.

The Government used forced exile and internal exile as punishment during the year. Numerous former ministers and government officials were dismissed from their positions, sent into internal exile, and placed under house arrest (see Section

1.f.). Human Rights Watch reported five cases of internal exile of political or religious dissidents between March and August. The President proposed that the officials, who were sometimes accompanied by their families, could work off their sentences in exile. Almost all prominent political opponents of the Government chose to move to other countries for reasons of personal safety; none returned during the year.

Religious leader Hoja Ahmed Orazgylychev remained in internal exile in Tedjen, after serving a prison term for unregistered religious activity.

e. Denial of Fair Public Trial.—The Constitution provides for an independent judiciary; however, in practice the judiciary was not independent. The President's power to select and dismiss judges subordinated the judiciary to the Presidency. The President appointed all judges for a term of 5 years. There was no legislative review of these appointments, except for the Chairman (Chief Justice) of the Supreme Court, and the President had the sole authority to dismiss all appointees before the completion of their terms.

The court system consists of a Supreme Court, 6 provincial courts (including 1 for the city of Ashgabat), and, at the lowest level, 61 district and city courts. 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, access to accusatory material, the right to call witnesses to testify on their behalf, a defense attorney, a court-appointed lawyer if they could not afford one, and the right to represent themselves in court. In practice, authorities often denied these rights, and there were few independent lawyers available to represent defendants. Lower courts' decisions may be appealed, and the defendant may petition the President for clemency.

In January, summary trials of those accused in the November 2002 attack began without public notice. Suspects were not afforded regular access to their attorneys, and their attorneys were not allowed to cross-examine other defendants in the case during the pretrial investigation. Attorneys for some defendants received notice that proceedings against their clients were beginning only 15 minutes before the trials (the norm is 1 week). Some defendants did not receive adequate legal counsel. Attorneys for a number of defendants expressed regret for defending their clients in their opening statements, which were broadcast on state-owned television, even though the trials themselves were not public. The Government refused to allow family members or foreign diplomats to observe the proceedings. AI reported that none of the defendants had an independent lawyer representing them during their trial.

Defendants were not allowed to confront or question witnesses against them. Defendants and their attorneys were denied access to government evidence against them; the Prosecutor General's office stated the evidence consisted of "state secrets." The defendants did not enjoy a presumption of innocence. Before the trials began, the Government publicly announced that the principal defendants were guilty and sentenced them to life imprisonment under the new "Traitors of the Motherland" law. Sentences for those convicted of involvement in the November 2002 attack ranged from life imprisonment to forced resettlement. The systemic failure to observe due process in investigating and prosecuting prisoners implicated in the attack made it difficult to distinguish between those actually complicit in the attack and some who may be political prisoners convicted for their perceived political opposition views. An OSCE Rapporteur described the trials as "in breach of all the most elementary principles of the rule of law."

Courts allegedly ignored allegations of torture that defendants raised in trial. The court reportedly ignored the allegations of Amanmukhammet Yklymov that he was tortured in police custody following his arrest in November 2002 (see Section 1.c.).

In practice, adherence to due process in other cases was not uniform, particularly in the lower courts in rural areas. Even when due process rights were observed, the authority of the government prosecutor was so much greater than that of the defense attorney that it was very difficult for the defendant to receive a fair trial. In an October 2002 case against two former senior officials, the Ashgabat City Court refused to admit evidence critical to the defense, despite the fact that it appeared to be admissible under the law.

In general, observers were not permitted access to ostensibly open court proceedings. The Government physically prevented foreign diplomats from attending the trials of accused November 2002 attackers and of a civil society activist in March; however, foreign diplomats attended the trial of two former officials in October 2002 and of a member of Jehovah's Witnesses in May (see Section 2.c.).

Although the Penal Code prohibits a person from being sentenced twice for the same offense, there were two reports of members of Jehovah's Witnesses being convicted twice for their religious belief. In May 2002, Keston News Service reported

that Nikolai Shelekhov, a member of Jehovah's Witnesses, was convicted a second time for refusing conscription based on his religious beliefs; he remained in detention at year's end. Shelekhov had already served a full prison sentence for the same charge. Kurban Zakirov, a member of Jehovah's Witnesses, remained in detention for refusing to swear an oath of loyalty to the President, despite having served his full prison sentence. He was sentenced to 1 year in prison in 1999, but was reportedly twice denied release.

The Government published a list of 7,093 amnestied prisoners (6,946 citizens and 147 foreigners) in November who were to be released under the annual presidential amnesty; the actual number of prisoners released remained unknown. No former government officials sentenced for crimes committed during their tenures in office were eligible; no prisoners held for religious beliefs, political activities, or participation in the November 2002 attack were released.

At year's end, the Government held at least one political prisoner, Mukhametkuli Aimuradov, although his sentence was reduced by half in accordance with the 2001 prisoner amnesty. The Government variously claimed that it convicted and sentenced 56, 61, or 63 individuals for their involvement in the November 2002 attack. Estimates by other observers suggested the actual number was much higher. It was unclear how many of those convicted were actually involved in the attack.

The Government systemically failed to enforce the law with respect to restitution or compensation for confiscation of private property (see Section 1.f.).

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence.—The Constitution prohibits such actions; however, authorities frequently violated these rights. Rules restrict searches of private homes; however, authorities violated these restrictions on a massive scale during the year to investigate the November 2002 attack against President Niyazov. There were credible reports that authorities forcibly searched the homes of the accused and their families without warrants. Authorities confiscated homes, vehicles, and possessions of hundreds of relatives of those implicated in the November 2002 attack, often without notice and a court order. Confiscated vehicles were given to officials as rewards for their work in the investigation into the attack. Relatives of some of those implicated in the attack were evicted several times from different homes. Some relatives were told that they would be forced to relocate to other areas of the country under the rubric of a new resettlement plan proposed by President Niyazov (see Section 1.d.). In numerous cases, the Government punished family members for alleged violations by other individuals (see Sections 1.c. and 1.d.).

In November, as the first anniversary of the November 2002 armed attack on the President's motorcade, authorities tightened security across the country. Authorities conducted widespread searches of individual's homes and vehicles of those they suspected as a possible threat to the Government.

There were credible reports that the Government targeted ethnic Russians for eviction from their homes in the wake of its attempt to unilaterally abolish dual Russian-Turkmen citizenship provisions.

The law does not regulate the conduct of surveillance by the state security apparatus, which regularly monitored the activities of officials, citizens, opponents and critics of the Government, foreign diplomats, other foreign residents, and visitors. Security officials used physical surveillance, telephone tapping, electronic eavesdropping, and the recruitment of informers. There was one government-controlled Internet service provider. The Government monitored citizens' e-mail and Internet usage and cut service for accounts used to visit sensitive sites. Critics of the Government, and many other persons, reported that their mail was intercepted before delivery. Mail taken to the post office must remain unsealed for inspection.

The Government engaged in forcible resettlement and has stated its intention to do so on a broad scale. In September, authorities abducted, beat, and forcibly resettled an elderly man in retaliation for his relative's political affiliation. In November 2002, the President issued a decree for resettlement of residents of Dashoguz, Lebap, and Ahal Velayats (provinces) to an area in the northwest of the country, stating that the plan would better distribute labor resources and prompt agricultural development of rural areas of the country. Observers suggested that the resettlement plan would principally affect ethnic Uzbeks living in those velayats (see Section 5). In January, the President called for accelerated implementation of the resettlement plan, stating that it would encompass those who had "lost the respect of the nation and disturbed social tranquility with their bad behavior," a remark widely interpreted as being directed at those implicated in the November 2002 attack and their relatives. The Government forced refugees to leave the country during the year (see Section 2.d.).

During the year, authorities dismissed children from school and removed adults from their jobs because of the political activities of relatives. Many relatives of those

implicated in the November 2002 attack lost their jobs in connection with the Government's investigation. School-aged children of suspects and their relatives were publicly shunned; university students related to those implicated in the attack were forced to withdraw under threat of public condemnation. Authorities also threatened families of political opposition members living abroad with loss of employment and homes (see Section 3). In September 2002, President Niyazov reiterated a call for background checks that would span three generations to determine the "moral character" of university applicants and potential government appointees (see Section 2.a.).

During the year, the Government continued to demolish large numbers of private homes in Ashgabat, including those to which residents had valid legal title, as part of a beautification program. The Government required many evicted families to pay for removal of the rubble of their destroyed homes. In some cases, authorities reportedly gave persons as little as 12 hours to collect their belongings and vacate their homes. Citizens who built their homes without governmental approval were not offered alternate accommodations, despite their personal investment in the property, their length of occupancy, or the degree of hardship they faced as a result. Many built homes with the acquiescence of officials, who extorted bribes to allow the construction. In some cases, the same officials ordered the subsequent destruction of the homes. The media reported that some homeowners failed to follow proper construction rules and therefore violated their construction permits. Others who had proper building permits were offered apartments or plots of land in compensation; however, such plots were often undeveloped and nonirrigated.

In May, the Government passed new regulations to control citizens operating their own vehicles, prohibiting loud music and smoking while driving. Drivers can be stopped and their vehicles searched if police suspect violations of the new rules.

A 2001 presidential decree prohibits foreigners or stateless persons from marrying citizens without meeting several requirements. The noncitizen must have been a resident of the country for a year, own a home, be at least 18 years of age, and must post a "divorce bond" of \$50,000 with the Government. There were no reports of such marriages in the country under the law; however, there were reports that some individuals married abroad to bypass the law. The requirements were purportedly instituted to protect citizen spouses and children.

On August 31, four MVD officers reportedly abducted Sazak Begmedov without a warrant, beat and kicked him, and forced him into internal exile, after his daughter founded the Turkmenistan Helsinki Federation in Bulgaria (see Section 4).

In a pattern of harassment of the relatives of Saparmurad Yklymov, who was convicted as one of the primary plotters of the attack, law enforcement officers reportedly forcibly evicted Edzhebay Yklymov, his 75-year-old wheelchair-bound mother, and several children in November 2002 and again on March 27 (see Section 1.c.).

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Speech and Press.—The Constitution provides for freedom of speech and of the press; however, in practice, the Government severely restricted freedom of speech and did not permit freedom of the press. In practice, those expressing views critical of or different from those of the Government were arrested on false charges of committing common crimes (see Sections 1.d. and 2.b.). Criticism of the Government could also lead to personal hardship, including loss of opportunities for advancement and employment (see Section 1.f.). In December 2002, the presidential spokesman criticized international media representatives for their reporting on the November 2002 attack against the President, urging them to base their reports solely on information released via official government channels. He threatened to deprive them of accreditation as journalists if they reported any "arbitrary phrases or evaluations" that were inconsistent with the Government's characterization of the event. The OSCE Representative on Freedom of the Media criticized the country's "absolute lack of any freedom of expression."

The Government funded almost all print media. The Government censored newspapers; the Office of the President's Press Secretary's approval was required for pre-publication galleys. There were 22 newspapers published in Turkmen, and only 1 official newspaper in Russian. Foreign newspapers from abroad were not easily obtainable; in July 2002, the Government prohibited delivery of all Russian-language newspapers into the country, citing high airmail delivery rates. The Government used newspapers to attack its critics abroad. To regulate printing and copying activities, the Government required all publishing houses and printing and copying establishments to obtain a license and register their equipment. The Government required the registration of all photocopiers and that a single individual be responsible for all photocopying activity.

All publishing companies were state-owned, and works by authors of fiction who wrote on topics that were out of favor with the Government were not published. The government-controlled Union of Writers in the past expelled members who criticized government policy, and libraries removed their works.

The Government completely controlled radio and local television. Owners of satellite dishes had access to foreign television programming, and use of satellite dishes throughout the country was widespread. Satellite-cable television was restored after the President cut service in July 2002; however, certain channels were no longer received and some service was cut again in September.

The Government required all foreign correspondents to apply for accreditation.

In July and September, Turkmen reporters with Radio Liberty stationed in Moscow were attacked and beaten in Moscow. Reports indicated that Turkmen intelligence was involved in both incidents. In September, MNB officers abducted a reporter in Ashgabat, detained and questioned him for 3 days, and threatened him with a life sentence in prison if he continued his reporting; his home telephone and Internet service were also disconnected. On November 14, unidentified assailants forcibly abducted, beat, and threatened to kill Radio Free Liberty/Radio Liberty (RFE/RL) correspondent Saparmurat Ovezberdiev. The assailants told Ovezberdiev they were "annoyed" by his reporting, particularly on civil society developments and human rights abuses in the country and cautioned that they were "warning" him. They demanded that he leave approximately \$909 (20 million manat) as "insurance" for his welfare at a shop near his home before leaving him blindfolded and without shoes in the cemetery.

The Government prohibited the media from reporting the views of opposition political leaders and critics, and it never allowed criticism of the President. Domestic journalists and correspondents for foreign news services engaged in self-censorship due to fear of government reprisal.

The obsessive focus of the media on President Niyazov continued during the year and amplified the cult of personality centered around him. Criticism of officials was only permitted if it was directed at those who had fallen out of favor with the President, and public criticism of officials was done almost exclusively by the President himself.

On numerous occasions in the past, the Government warned its critics and foreign diplomats against speaking with visiting journalists or other foreigners wishing to discuss human rights problems. In January, the Ministry of Foreign Affairs warned a foreign diplomat not to speak with opposition members living abroad or with their family members living in the country, characterizing them as "terrorists." Several government employees lost their jobs after attending receptions at a foreign ambassador's residence. The Ministry of Education had urged employees not to attend the receptions.

Intellectuals and artists reported that security officials instructed them to praise the President in their work and warned them not to participate in receptions hosted by foreign diplomatic missions. The Ministry of Culture's approval was required before plays opened to the public, ensuring that they did not contain anti-government or anti-presidential content. In 2001, the President closed the state-sponsored opera and ballet in Ashgabat, claiming that there was no place for such institutions in society. Foreign music was still taught and performed throughout the country; however, there was little or no official support for non-Turkmen music.

While Internet access was available, state-owned Turkmen Telecom was the sole Internet provider (see Section 1.f.). Internet access was prohibitively expensive for most citizens. There was evidence that the Government monitored access to opposition websites, based in Russia, through Turkmen Telecom.

During the year, the Government increased its already significant restrictions on academic freedom. It did not tolerate criticism of government policy or the President in academic circles, and it discouraged research into areas it considered politically sensitive, such as comparative law, history, or ethnic relations. No master's degrees or doctorates have been granted in the country since 1998. Since 2000 universities have reduced the period of classroom instruction from 4 years to 2 years in accordance with President Niyazov's declaration that higher education should consist of 2 years of classroom education and 2 years of vocational training. The President also decreed that foreign languages in the public education system could be taught only in special language centers and classes. Foreign language instruction was also available in private centers. Restrictions on instruction in non-Turkmen languages and limited availability of Turkmen-language textbooks contributed to the declining quality of education. The Government closed the Academy of Sciences in the 1990s, and has failed to create an acceptable alternative.

Since September 2002, each child is required to bring to school a personal copy of the Rukhnama. Teachers were discouraged from bringing alternative viewpoints

into the classroom. The works of several writers, poets, and historians were placed on a blacklist and withdrawn from public schools and libraries because their portrayal of Turkmen history differed from that of the Government.

In September 2002, President Niyazov reiterated the call for background checks that would span three generations in order to determine the “moral character” of university students prior to entry.

b. Freedom of Peaceful Assembly and Association.—The Constitution provides for freedom of assembly; however, the Government restricted this right in practice. Permits are required for public meetings and demonstrations; however, authorities never granted them. Unregistered organizations, particularly those perceived to have political agendas, were not allowed to hold demonstrations. There have been no demonstrations since the November 2002 attack. In May 2002, approximately 100 persons spontaneously demonstrated outside a Turkmenbashi courthouse protesting the guilty verdict of Khalmamed Durdiev (see Section 1.d.).

Students from Turkmen State University (TSU), who distributed leaflets criticizing the Government at markets and schools in 2002, remained in detention at year’s end.

The Constitution provides for freedom of association; however, the Government severely restricted this right in practice. A new law on public associations that took effect November 21 limits the ability of foreign donors to provide grants and assistance to civil society groups. Key provisions include: Requiring that all nongovernmental organizations (NGOs) register, making operation of unregistered groups a criminal offense, and requiring that all foreign assistance be registered with the State Agency for Investment, Ministry of Justice, and “coordinated” through the Ministry of Foreign Affairs.

No political groups critical of government policy were able to meet the requirements for registration (see Section 3). The only registered political party was the Democratic Party, the former Turkmen Communist Party. It was extremely difficult for new NGOs to register with the Government. The Beekeepers’ Association was the only NGO able to register during the year; it was the group’s seventh application. NGOs that could not register successfully with the Government often were forced to join an already registered NGO as a subgroup to gain the legal benefits of registered NGOs.

The Government does not prohibit membership in a political organization; however, in practice those who claimed membership in political organizations other than the Democratic Party of Turkmenistan were harassed in the past.

The law provides citizens the freedom to associate with whomever they please; however, authorities have fired or threatened to fire supporters of opposition movements from their jobs, removed them from professional societies, and threatened them with the loss of their homes (see Section 1.f.). In addition, some citizens with links to foreigners were subject to official intimidation. Officials questioned some representatives of NGOs and civil society activists after attending a reception in honor of International Human Rights Day at the residence of a foreign ambassador. On several separate occasions, security officials stopped vehicles and questioned citizens as to why they were traveling with foreign citizens.

c. Freedom of Religion.—The Constitution and the Law on Freedom of Conscience and Religious Organizations provide for freedom of religion; however, in practice the Government severely restricted these rights. On November 10, a new law took effect that provides a legal basis for the Government’s systematic harassment of religious minority groups. The law requires that all religious organizations register, making operation of unregistered religious organizations a criminal offense and further restricting religious education. Authorities have interpreted the law to control religious life tightly and to restrict severely the activities of all religions. There are no safeguards in the legal system that provide for remedy against violation of religious freedom or persecution by private actors. In April, the Government resumed systematic harassment of religious minorities, which had largely abated since June 2002.

There is no state religion, but the majority of the population is Sunni Muslim. The Government has incorporated some aspects of Islamic tradition into its efforts to redefine a national identity. However, the Government placed some restrictions on Muslims.

AI documented many instances of law enforcement officers torturing or abusing members of religious minorities.

Mosques were required to keep copies of Rukhnama. The President attempted to use these teachings in part to supersede other established religious codes, as well as historical and cultural texts, and thereby shape citizens’ religious and cultural behavior. In November, the MNB closed down a mosque that failed to place the Rukhnama on the same stand with the Koran for Friday prayer.

The law on religious organizations requires all congregations to register with the Government; however, to register, a congregation must have 500 citizens (all at least 18 years old) in each locality in which it wishes to register. Authorities have interpreted the law to mean that a congregation with 500 members throughout the country, but not in a single locale, cannot register. As a result of these requirements, the Government continued to deny registration to religious communities, except Sunni Muslims and Russian Orthodox Christians, most of whom have succeeded in registering. Despite the fact that they had more than the required 500 members, the Government refused to register the Jehovah's Witnesses. Certain smaller congregations of Russian Orthodox Christians were prevented from gathering despite the religion's registration with the Government.

Non-registered religious congregations were present in the country, including Bahai's, Baptists, Hare Krishnas, Jehovah's Witnesses, Pentecostals, and Seventh-day Adventists among others; however, the Government restricted their activities. Non-registered groups were officially prohibited from conducting religious activities, including gathering, disseminating religious materials, and proselytizing. This was a consequence of the Government's interpretations of the law, although the law itself does not prohibit non-registered religious groups from gathering. The Law on Public Associations specifically excludes its application to religious gatherings. Nevertheless, authorities regularly applied the Law on Public Associations when non-registered religious groups met, even if the meetings occurred in private homes. According to the country's administrative code, participants are subject to fines, administrative arrest, and criminal prosecution.

There was a significant increase in the reports of government harassment of all non-registered religions during the year. In March, authorities raided a meeting of a non-registered religious minority group and assessed each member administrative fines of approximately \$11 (242,000 manat), although a teenage boy and pensioner were exempted. In April, police raided a meeting of a non-registered religious minority group in Ashgabat and detained 11 adults and 13 children. Authorities held most for 6 hours, but they held three of the adults overnight and confiscated the group's bibles, saying they were contraband. Authorities have detained and threatened with loss of employment other members of a religious group located in Abadan. In September, November, and December authorities raided unregistered religious meetings, confiscated material and imposed stiff fines on members. In early December, the Government arrested members of the Balkanabad Baptists, who refused to register and were assessed increasing fines during the year for unregistered religious activity.

Ethnic Turkmen who converted to Christianity have been subjected to official harassment and mistreatment. Ethnic Turkmen members of unregistered religious groups accused of disseminating religious material received harsher treatment than members of other ethnic groups, particularly if they received financial support from foreign sources.

The Government controlled the establishment of Muslim places of worship and limited access to Islamic education. The state-supported Council on Religious Affairs (CRA) was part of the government bureaucracy and appeared to exercise direct control over the hiring, promotion, and firing of both Sunni Muslim and Russian Orthodox clergy, although the Law on Religion does not include this role among the CRA's duties.

In April, authorities closed an Islamic secondary school operating under the auspices of the sole remaining theological faculty, reportedly in part due to the refusal of school administrators and teachers to promote Rukhnama as an orthodox Islamic text. In January, the popular Mufti was demoted and replaced, reportedly because he declined to call for the death penalty for the perpetrators of the November 2002 attack against the President and he failed to promote the Rukhnama. Only one institution of Islamic education remained open, and the Government controlled the curriculum of this instruction. All annual classes of religious students were limited to between 15 to 20 students a year.

There were credible reports that authorities pressured Russian Orthodox priests in March to teach Rukhnama in their services in Turkmenabat and Ashgabat.

Foreign missionary activity is prohibited, although both Christian and Muslim missionaries were present in the country.

The Government attempted to restrict the freedom of parents to raise their children in accordance with their religious beliefs. There was no official religious instruction in public schools; however, students were required to study Rukhnama at all public schools and institutes of higher learning (see Section 2.a.).

Unregistered religious groups faced government harassment if they attempted to distribute religious literature.

After the Government officially reinstated the exit visa regime in March and restricted external movement by citizens, it prohibited members of unregistered religious groups from traveling to other countries for religious meetings without interference. During the year, the Government controlled the number of persons allowed to participate in the annual Muslim pilgrimage to Mecca (the Hajj), specifying that only 187 pilgrims would be allowed to journey to Mecca (out of the country's quota of 4,600).

Five members of the Jehovah's Witnesses remained in prison for refusing to swear an oath of loyalty by placing a hand on the Koran (see Section 1.e.).

The societal attitude toward conversion from Islam to any other religion generally was surprise, and often disapproval.

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

d. Freedom of Movement within the Country, Foreign Travel, Emigration, and Repatriation.—The Government severely restricted freedom of movement. In March, the Government reinstated the exit visa requirement and created a state service to control access to the country and regulate issuance of exit visas to citizens and monitor travel by foreigners within the country. The service is composed of representatives from security agencies and designed to limit foreigners' access to the country and track their movements after entry. The exit visa requirement is ostensibly designed to prevent criminals, people with knowledge of state secrets, and those who must serve or have other obligations to the state from traveling. In practice, the reimposition of exit visas severely restricted all citizens' rights to travel, work, and study abroad.

Citizens still carried internal passports, which were used primarily as a form of identification, rather than as a means of controlling movement. The Government tightened restrictions on travel to border cities and regions and maintained large parts of the country as restricted zones. Residence permits were not required, although the place of residence was registered and noted in passports. The Government confiscated the passports of political opponents to enforce internal exile during the year.

The Government refused to issue exit visas to some students selected for study abroad and exchange programs. In August, the Government refused to issue exit visas to participants in an agricultural exchange program. There were numerous, credible reports that individuals who succeeded in obtaining exit visas paid bribes to do so. The Government impeded operations of foreign embassies and international organizations by selectively refusing exit visas to local staff.

In April, the Government issued a unilateral decree giving Russian-Turkmen dual citizens 2 months to choose between citizenship in Russia or Turkmenistan. The decree violated a protocol the two countries signed in April to terminate dual citizenship only after both sides ratified the protocol and provided official notification. The decision to issue a unilateral decree affected up to 150,000 mostly ethnic Russians living in the country, prompting thousands of ethnic Russians to leave. There were reports that authorities harassed ethnic Russians and confiscated their property to hasten their migration. Observers believed that the presence of a large number of Turkmen opposition figures in Russia prompted the unilateral termination of dual citizenship.

Since 2002, there were restrictions for citizens traveling to Iran and Uzbekistan, purportedly to control narcotics trafficking and other smuggling. The Government charged a \$6.00 (132,000 manat) fee for travel and required individuals to register their travel, indicating the reason and duration of the trip and whom they intended to visit.

The Government discouraged immigration of ethnic Turkmen living in Iran, Iraq, Turkey, and other countries and immigration of non-Turkmen from the former Soviet Union (see Section 5).

The law provides for the granting of refugee or asylum status to persons who meet the definition in the 1951 U.N. Convention Relating to the Status of Refugees and its 1967 Protocol. The law establishes procedures and conditions for recognizing refugee status and sets the legal, economic, and social rights of refugees. In practice, the Government provided some protection against refoulement; however, the Government confirmed in December that it deported some ethnic Uzbek refugees to Uzbekistan in July. The Government granted refugee or asylum status to some ethnic Turkmen from Afghanistan. They also allowed some Tajik refugees and migrants to reside in the country. The country provided temporary protection to persons who did not qualify as refugees or asylees, if the person was recognized under the mandate of the U.N. High Commissioner for Refugees (UNHCR). During 2002, the Government granted temporary protection to 58 persons.

The Government cooperated with the UNHCR and other humanitarian organizations in assisting refugees. After the start of international military operations in Afghanistan, the Government agreed to increase its cooperation with the UNHCR, the International Organization for Migration (IOM), and other international refugee and relief agencies to assist refugees from Afghanistan. The Government also played an important role in facilitating the flow of humanitarian assistance for refugees who remained in Afghanistan.

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

Citizens did not have the ability to effect peaceful change in the Government and had little influence on government policy or decision-making. The Constitution declares the country to be a secular democracy in the form of a presidential republic. It calls for the separation of powers among the various branches of government, but vests a disproportionate share of power in the Presidency. In practice, the President's power over the state was absolute; despite the appearance of decision making by consensus, most decisions were made at the presidential level.

The 50-member Parliament (Mejlis) routinely supported presidential decrees and had no real independence. In April, elections for the People's Council, which became the supreme legislative body in August, and local council representatives were rescheduled at the last minute to accommodate the cotton harvest. The People's council, which includes elders, members of the Mejlis, and other state officials, has fully supplanted the Mejlis. It has the power to dissolve the Mejlis and is the primary forum where President Niyazov proposes and receives immediate approval for his new laws. Polling stations visited by foreign diplomats were nearly deserted, but the Government claimed that 99.8 percent of eligible voters participated. All candidates were members of the Democratic Party, the sole legally recognized political party in the country. Diplomatic observers noted extensive use of mobile ballot boxes and numerous instances of family voting.

In August, during the People's Council, President Niyazov stated publicly that he would retire in 2010 and discussed holding elections between 2006 and 2008. A constitutional amendment adopted in August prohibits persons over 70 from being elected President (Niyazov is 63). He was simultaneously made Chairman for life of the Peoples' Council, giving him substantial authority to approve any potential successor.

A 1994 national referendum, which was neither free nor fair, extended the President's term to 2002, eliminating the need for the scheduled presidential election in 1997. A 1999 law allowed an exception to the constitutionally mandated maximum of two 5-year terms for the President; however, the exception only applies to Niyazov, as the country's first president, effectively conferring on him a lifetime term in office.

The sole candidate in the 1992 presidential election 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. The policy of the Democratic Party, according to its leadership, was to implement the policy of the President. Citizens must swear a national oath of personal allegiance to President Niyazov in particular, rather than just to the presidency as a general institution.

No political groups critical of the Government were able to register (see Section 2.b.). The only registered party was the Democratic Party. The Government used laws on the registration of political parties to prevent the emergence of potential opposition groups.

There were 14 women in the 50-member Mejlis. Women served in a few government positions, including Deputy Chair of the Mejlis, Chairman of the Central Bank, Prosecutor General, Ambassador to the U.N., and a provincial governor (Hakim). Women often occupied the position of deputy Hakim.

Preference was given to ethnic Turkmen in appointed positions in the Government but ethnic minorities occupied several high governmental positions. There were 48 ethnic Turkmen, 1 ethnic Russian, and 1 ethnic Tatar in the Mejlis. The largest tribe—the Teke—held the most prominent roles in cultural and political life.

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

There were no domestic human rights monitoring groups, and government restrictions on freedom of speech, press, and association made it extremely difficult for international organizations to investigate and criticize publicly the Government's human rights policies. Officials were not cooperative and responsive to their questions regarding alleged human rights abuses. Several independent journalists based

in Russia reported on human rights in the Russian press and had contact with international human rights organizations. On numerous occasions in the past, the Government warned its critics against speaking with visiting journalists or other foreigners wishing to discuss human rights problems.

During the year, the Government increased pressure and harassment of non-political social and cultural organizations. Harassment of activists included physical mistreatment, imprisonment, detention, and routine summoning for questioning at security services. Authorities increased monitoring of NGOs and civil society groups around the country after the November 2002 attack. The Government closely monitored all visits by embassy officers to NGOs and warned NGO leaders to limit contact with foreigners. In August, an NGO lost its teaching facility and MNB officers questioned NGO leaders after they met with foreign diplomats. Farmers who allowed diplomats to visit their farms were told future visits must receive advance government approval.

The Government retaliated against members of human rights monitoring groups and their families (see Section 1.f.).

In September 2002, a local security officer closely questioned a Peace Corps local staffer about the activities of their organization's volunteers. In the wake of the November 2002 attack, authorities closely questioned host families about the activities of Peace Corps volunteers and stopped and searched a vehicle in which a Peace Corps volunteer was traveling.

There were no international human rights NGOs with an ongoing permanent presence in the country; however, international human rights groups monitored the situation during the year. For example, in August the Soros Foundation's Open Society Institute initiated its Turkmenistan Project, which monitored civil society and human rights developments. During the year, the Turkmenistan Helsinki Federation was founded in Bulgaria to report on human rights (see Section 1.f.).

In April, the U.N. Commission on Human Rights adopted a resolution criticizing post-November 2002 human rights abuses in the country and calling on the Government to facilitate visits by U.N. envoys. The Government rejected the resolution, saying the claims were untrue and that it had not been consulted before its adoption. The Government did not facilitate the visit of envoys called for in the resolution by year's end.

Responding to human rights abuses committed after the November 2002 attack, the OSCE invoked the Moscow Mechanism in January and designated a rapporteur to visit the country and investigate the situation. The Government denied the rapporteur's visit and refused to accept the credibility of the rapporteur's report. The Government also refused to grant the ICRC access to prisons (see Section 1.c.).

The Human Rights Institute, nominally headed by President Niyazov, oversaw the work of law enforcement agencies, the military, and the judiciary, but it appeared to have little real authority. The National Institute for Democracy and Human Rights (IDHR) continued to receive complaints during the year. The Institute's mandate is to support the democratization of the Government and society and to monitor the protection of human rights. The Institute maintained four full-time staff members to receive and resolve citizen complaints of arbitrary action. In principle, the Institute reviews complaints and returns its findings to the individual and the organizations involved; however, the Institute was not an independent body, and its ability to obtain redress was limited. Authorities sometimes physically denied individuals access to the IDHR who were seeking to register complaints.

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

The Constitution provides for equal rights and freedoms for all, independent of nationality, origin, and language, and gender; however, cultural traditions and the Government's policy of promoting ethnic Turkmen identity limited the employment and educational opportunities of ethnic minorities.

Women.—Anecdotal reports indicated that domestic violence against women was common, but no statistics were available. The problem was not usually discussed in society, and the majority of victims of domestic violence kept silent, because they were either unaware of their rights or afraid of increased violence from their husbands and relatives. There were a few court cases and occasional references to domestic violence in the media. One official women's group in Ashgabat and several informal groups in other regions supported victims of domestic violence.

The law states that rape is illegal, and the law against rape was enforced effectively. Individuals held for religious offenses stated that authorities threatened to rape female family members if they continued their activities. There were credible reports that in December 2002, authorities raped and sexually molested female relatives of prisoners implicated in the November 2002 attack (see Section 1.c.).

Prostitution is illegal; however, it was a growing problem. There were unconfirmed and anecdotal reports that women traveled to other countries to work as prostitutes, some of whom may have been trafficked (see Section 6.f.).

There is no law that specifically prohibits sexual harassment, although a case could be tried under existing legislation. There were anecdotal reports that sexual harassment existed in the workforce; however, the Government did not discuss this topic publicly.

Women were underrepresented in the upper levels of state-owned economic enterprises and were concentrated in health care, education, and service professions. Women were restricted from working in some dangerous and environmentally unsafe jobs. Despite such restrictions, women were well represented in a variety of sectors. Additionally, the military academy graduated its first battalion of female cadets in June. The law provides women the same inheritance and marriage rights as men. However, in Turkmen traditional society, the woman's primary role was as homemaker and mother, and family pressures often limited opportunities for women seeking 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 favored men over women.

There were only two officially registered women's groups, one of which was headed by the Deputy Chairperson of the Mejlis and dedicated in honor of the President's mother. Some NGOs also worked on women's issues. The Government did not acknowledge that women suffered discrimination and therefore had no specific program for rectifying their disadvantaged position in society.

Children.—The Government's social umbrella covered the welfare needs of children; however, the Government did not take effective steps to fully address the environmental and health problems that have led to a high rate of infant and maternal mortality.

The Government provides 9 years of basic education. There was little difference in the education provided to girls and boys. Primary and secondary education was free and compulsory; however, class sizes continued to increase rapidly, facilities deteriorated, and funds for textbooks and supplies decreased. Approximately 95 percent of children between the ages of 7 and 16 attended school on a regular basis; approximately 1.3 percent of school-age children did not attend school. Girls comprised an estimated 49.1 percent of the student population. The amount of classroom time dedicated to learning Rukhnama increased during the year, negatively affecting the overall quality of education.

A 2000 presidential decree continued to reduce the number of teachers, which exacerbated the problems of already crowded classrooms and overworked teachers and further reduced the quality of education in the country. Wages for teachers and administrators were in arrears in many districts and routinely paid 2 to 3 months late; this, coupled with low salaries, has caused some teachers to leave the field and seek jobs in the private sector, increasing the ratio of pupils to teachers.

There were a few reports of abuse of children, although there was no societal pattern of such abuse.

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

Persons with Disabilities.—There was some discrimination against persons with disabilities in employment, education, and the provisions of state services. The Government provided subsidies and pensions for persons with disabilities, although they were inadequate to maintain a decent standard of living. Monthly pensions usually were approximately \$68 (1.5 million manat). Care for persons with disabilities was provided at the local level. Children with disabilities, including those with mental disabilities, were placed in boarding schools, in principle with educational and future employment opportunities provided if their condition allows for them to work; in practice neither was provided.

Legislation requires that new construction projects include facilities to allow access by persons with disabilities; however, compliance was inconsistent, and older buildings were not so equipped.

Although some societal discrimination existed, many citizens engaged in activities to assist persons with disabilities.

National/Racial/Ethnic Minorities.—The Constitution provides for equal rights and freedoms for all citizens. Approximately 77 percent of the population was Turkmen; Uzbeks comprised 9 percent; and Russians, 7 percent. There were smaller numbers of Kazakhs, Armenians, Azeris, and many other ethnic groups. At the People's Council meeting in August, the President declared that the country is multiethnic; however, he claimed that ethnic Turkmen comprised 95 percent of the population. Uzbeks reported discrimination, including a directive that only ethnic Turkmen can enter officer training at the military academy. There were reports that

ethnic Uzbeks experienced discrimination in job opportunities. In November 2002, President Niyazov issued a decree for resettlement of residents of Dashoguz, Lebap, and Ahal Velayats to an area in the northwest of the country (see Sections 1.f. and 2.d.), and in January he ordered that the plan be accelerated. Reports suggested that the resettlement plan would principally affect ethnic Uzbeks living in those velayats.

The Constitution designates Turkmen as the official language. It was a mandatory subject in school, although it was not necessarily the language of instruction. The Government closed most remaining Russian-language schools and continued to reduce classes taught in Russian to encourage use of the Turkmen language. Members of ethnic minorities feared that the designation of Turkmen as the official language placed their children at a disadvantage educationally and economically.

The Constitution also provides for the rights of speakers of other languages to use such languages. While Russian remained common in commerce and everyday life, the Government intensified its campaign to conduct official business solely in Turkmen. The President publicly criticized some high-ranking officials for their failure to speak Turkmen. Russian-language newspapers were not widely available (see Section 2.a.). The Government reportedly gave ethnic minority employees at ministries deadlines to learn Turkmen, and dismissed some government employees for failure to learn the language. During the year, the Government required employees of some ministries to pass tests demonstrating knowledge of the Rukhnama and dismissed those who failed.

Non-Turkmen complained that some avenues for promotion and job advancement were no longer open to them and only a handful of non-Turkmen occupied high-level jobs in the ministries. Non-Turkmen were often the first targeted for dismissal when layoffs occurred. As a result of these restrictions, ethnic Russians increasingly viewed their situation in the country as deteriorating and sought citizenship in Russia.

Section 6. Worker Rights

a. The Right of Association.—The Constitution and the law do not provide for nor prohibit the right of association, although there were some associations of workers.

The Constitution and the law do not provide for the right to form or join unions, although no law specifically prohibits the establishment of independent unions. There were independently registered unions of accountants, economists, entrepreneurs and leaseholders, as well as the Colleagues Union. The Colleagues Union claimed a membership of 1.3 million; its member unions were divided along both sectoral and regional lines. Unions may not form or join other federations.

The law does not prohibit anti-union discrimination by employers against union members and organizers, and there were no mechanisms for resolving such complaints.

There was no information available on union affiliation with international unions.

b. The Right to Organize and Bargain Collectively.—The Constitution and the law do not provide for the right to organize, and this right was restricted in practice.

The law does not protect the right of collective bargaining. In practice, in the state-dominated economy, the close associations with the Government of both trade unions and state-owned enterprises seriously limited workers' ability to bargain. The Ministry of Economics and Finance prepared general guidelines for wages and set wages in health care, culture, and some other areas. In other sectors, it allowed for some leeway at the enterprise level, taking into account local factors. The Government determined specific wage and benefit packages for each factory or enterprise. Workers, including teachers, often went months without pay or received their paychecks late (see Section 5).

The law neither prohibits nor permits strikes, and it does not address the issue of retaliation against strikers. Strikes were extremely rare, and no strikes were known to have occurred during the year.

There are no export processing zones.

c. Prohibition of Forced or Bonded Labor.—The Constitution prohibits forced or bonded labor; however, there were reports that prisoners were forced to work under hazardous and unhealthy conditions in a kaolin mine in Gyzylgaya prison, near Dashoguz (see Sections 1.c. and 2.b.). The law provides for labor as a component of prison sentences; the prison system includes educational-labor colonies and correctional-labor colonies.

The Government prohibits forced and bonded labor by children; however, there were reports that such practices occurred (see Section 6.d.).

The Government encouraged persons to work voluntarily, particularly on weekends, in manual labor positions on civic projects.

d. Status of Child Labor Practices and Minimum Age for Employment.—The minimum age for employment of children was 16 years; in a few heavy industries, it was 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 was 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 was granted.

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

Violations of child labor laws occurred in rural areas, particularly during the annual cotton harvest season, which typically lasts from mid-September to mid-November, when teenagers worked in the fields (see Section 5). The Government strongly encouraged children to help in the cotton harvest; families of children who did not help could experience harassment by the Government. Children as young as 10 years of age were allowed to help with the harvest for up to 2 months.

e. Acceptable Conditions of Work.—There is a minimum monthly wage. In January, the Government raised the average monthly wage in the state sector to approximately \$75 (1.5 million manat). While the Government subsidized the prices of many necessities and provided others free of charge, state sector wages did not provide a decent standard of living for a worker and family. Most households were multigenerational, with several members receiving salaries, stipends, or pensions; however, many persons lacked the resources to maintain an adequate diet.

The standard legal workweek was 40 hours with 2 days off. Individuals who worked fewer hours during the week or were in certain high-level positions could also work on Saturdays.

Industrial workers often labored in unsafe environments and were not provided proper protective equipment. Some agricultural workers were subjected to environmental health hazards. The Government recognized that these problems existed and took some steps to address them, but it did not set comprehensive standards for occupational health and safety. Workers did not always have the right to remove themselves from work situations that endangered their health or safety without jeopardy to their continued employment.

f. Trafficking in Persons.—The law does not prohibit trafficking in persons, and there were unconfirmed and anecdotal reports that a few women traveled to other countries to work as prostitutes, some of whom may have been trafficked.

The Penal Code prohibits prostitution, which is punishable by 2 years' imprisonment or hard labor. The penalty for involvement of a minor in prostitution or using force, threat, or blackmail to involve someone in prostitution is 3 to 8 years' imprisonment. The penalty for procuring persons for prostitution is 3 to 8 years' imprisonment with the possibility of confiscation of property.

There were unconfirmed and anecdotal reports of women from the country traveling to Turkey and the United Arab Emirates and working as prostitutes. There were no reports of trafficking within the country.

The Government did not have programs in place to combat trafficking in persons, but cooperated with the IOM in educational efforts on this topic.

UKRAINE

Ukraine is a mixed presidential and parliamentary republic governed by a directly elected President, a Prime Minister who heads a Cabinet of Ministers, and a unicameral Parliament (Rada). The Prime Minister is nominated by the President and approved by the Rada. The cabinet is nominated by the Prime Minister and approved by the President, but generally is under the President's direction. The March 2002 parliamentary elections were an improvement over previous elections in some respects, but important flaws persisted. Presidential elections in 1999 failed to meet a significant number of election-related commitments to the Organization for Security and Cooperation in Europe (OSCE). Presidential elections are scheduled for October 2004. By-elections and local elections during the year revealed serious shortcomings. The Constitution provides for an independent judiciary; however, the courts were subject to political interference and corruption and were inefficient.

There are two principal security agencies, which share responsibility for internal security: The Security Service of Ukraine (SBU), which is responsible for intelligence gathering and the Ministry of Internal Affairs, which controls the various police forces. The armed forces largely remained outside of politics; however, government agencies interfered indirectly in the political process through criminal and tax investigations of politicians, journalists, and influential businessmen. Civilian authorities generally maintained effective control of the security forces. Members of

the security forces committed human rights abuses. The extent to which the authorities were complicit or acquiescent in these abuses was uncertain.

The economy was mixed, with the private sector accounting for 65 to 70 percent of gross domestic product. The country had a total population of 47,745,000, reflecting a continued downward trend. After nearly a decade of constant decline, the economy continued the growth trend that began in 2000 and grew by 4.8 percent in 2002 and 8.5 percent during the year. The economy was burdened by wage nonpayment and arrears, and the shadow economy (defined as activity deliberately unreported for purposes of tax evasion) accounted for a significant proportion of real income. Wage arrears increased by approximately 1.3 percent in the first 6 months of the year, as compared with the same period in 2002. Wealth was concentrated in the political elite and among directors of the state-dominated sectors such as metals, oil, and gas.

The Government's human rights record remained poor; although there were some improvements in a few areas, serious problems remained. Seriously flawed local and parliamentary by-elections during the year, as well as administrative and other difficulties imposed to limit the organizational efforts and access to media of opposition parties, restricted citizens' right to change their government. There were some deaths in custody. Police and prison officials tortured and beat detainees and prisoners, and at least two detainees died under suspicious circumstances. Police abuse and harassment of racial minorities was a continuing problem. The beating of conscripts in the army by fellow soldiers was common and at times resulted in death. Prison conditions remained harsh and life-threatening, particularly because of prisoners' exposure to diseases such as tuberculosis. The Government rarely punished officials who committed abuses. Arbitrary arrest and detention from what appeared to be political motivation, were problems at times, as was lengthy pretrial detention in very poor conditions; however, the courts continued to release defendants from confinement pending trial. Long delays in trials were a problem and judges continued to readily grant most Procuracy requests for residential search and wiretap warrants.

Authorities interfered with the news media by harassing and intimidating journalists, censoring material, and pressuring them into applying self-censorship. There were some limits on freedom of assembly, and the authorities impeded the efforts of individuals to participate in some demonstrations. Freedom of association was restricted. There were some problems with registration and property disputes; however, the Government took steps to address the concerns of religious communities. There were reported instances of anti-Semitic acts, including desecration of synagogues. There were some limits on freedom of movement. Violence and discrimination against women, including sexual harassment in the workplace, were problems. Violence against children was a problem. Ethnic minorities and Muslims complained of harassment and frequent identity checks. The Government discouraged workers from organizing unions. Trafficking in women and girls for sexual exploitation was a serious problem, which the Government took steps to address.

RESPECT FOR HUMAN RIGHTS

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

a. Arbitrary or Unlawful Deprivation of Life.—There were no confirmed reports of political killings; however, six individuals, two in police custody, died under suspicious circumstances, and unidentified assailants killed one opposition party member.

On August 1, former Kiev criminal police officer Ihor Honcharov, the purported leader of the gang suspected of killing prominent journalist Heorhiy Gongadze in late 2000, died under suspicious circumstances while in police custody. Reportedly, Honcharov had information about the involvement of high-level officials in the kidnapping and killing of Gongadze and planned to testify in court about this involvement. His body was cremated on August 3 without an autopsy or official determination of the cause of death. No details of the investigation into Honcharov's death have been made public.

Abuse of prisoners and detainees and harsh prison conditions at times led to deaths (see Section 1.c.). According to the State Department for Execution of Punishments, during the year there were 696 deaths in prison and 130 deaths in detention facilities (compared to a combined total of 1,381 in 2001), many due to harsh conditions. Officials attributed this reduction in the number of prison deaths to a concerted effort to improve prison conditions, including health care and nutrition.

Human rights groups stated that soldiers continued to be killed during violent hazing events, although officials denied that any servicemen had died because of physical violence (see Section 1.c.). During the first 4 months of the year, 32 soldiers

died of unnatural causes. Officials cite one case where one soldier killed another by hitting him in the chest with an elbow. Death by hazing was frequently described as suicide. According to official statistics, in 2002, 29 military personnel, including 13 conscripts, committed suicide. It is unknown whether any were driven to suicide by violent hazing. As of May, 11 servicemen had committed suicide and 32 servicemen had died of unnatural causes.

On January 20, conscript Oleh Tkachuk allegedly committed suicide by jumping out of a second-floor window. Relatives believe he was beaten to death and thrown out of the window. Tkachuk's arms, nose, skull, and a finger had been broken; his hands had needle prick marks; his body had no cuts from the broken glass. Other soldiers reported that Tkachuk had been subject to violent hazing and that senior soldiers had raped him. However, the Association of Soldiers' Mothers reported that a military investigation into the incident concluded that Tkachuk's death was a suicide, and it would be unnecessary to open a criminal case in connection with his death.

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 were the victims of attacks that sometimes were fatal and may have been politically motivated. According to officials, there were 12 contract killings as of May; police had solved 25 of the 41 contract killings in 2002.

On August 30, Ivan Havdyda, Deputy Head of the Ukrainian People's Party, was found dead one block from his apartment in Kiev. Initially, investigators reported that Havdyda died from a fractured skull sustained in a fall. An autopsy later revealed that Havdyda died from a blow to the head. Due to a lack of confidence in the procuracy, which was conducting an investigation of the incident, lawmakers established a commission to investigate Havdyda's death. Friends and colleagues asserted that Havdyda's death was a result of his political activities. A criminal investigation was ongoing at year's end; however, police declined to release any information either to the public or to the Parliamentary commission established to investigate Havdyda's death.

On November 28, local leader of the opposition party Reforms and Order (Our Ukraine bloc) in Khmelnytsky Oblast, Yuri Bosak, was found hanging in a forest on the outskirts of town. Police attributed his death to suicide and closed the case; however, relatives and colleagues believe that Bosak was killed and then hanged because of his political activity. Bosak's lawyer said that there was evidence that Bosak had been killed, and that he had experienced difficulties with the local police just prior to his death in connection with party activities. He was found with bruises on his wrists consistent with the forceful use of handcuffs, and the fingers on his left hand were broken.

Although officials reported in May that they had identified the killers of Ivano-Frankivsk Oblast Deputy Governor, Mykola Shkribliak, they had not released further information by year's end. Shkribliak, who was running for a constituency Rada seat, was shot on the day before the 2002 parliamentary elections. Police stated that criminal elements from Crimea might have been involved in the murder, and, in July, called for an international search for the two suspects. There was speculation that Shkribliak was killed because of his involvement in privatization issues related to the energy and fuel sector.

Serious allegations persisted that Ministry of Interior officials were involved in killings and kidnappings in previous years. The 2000 killing of journalist Heorhiy Gongadze remained unresolved, although it continued to be a subject of active domestic and international interest, including continuing accusations that senior officials in the Government were implicated. Gongadze's decapitated body was identified in November 2000, after his disappearance 2 months earlier. Former Prosecutor General Svyatoslav Piskun had declared the resolution of this case a major priority when he was appointed in 2002, and an evaluation of the investigation by the Council of Europe released in May concluded that his efforts had been sincere and in conformity with general standards in democratic societies. In October, the former head of the Interior Ministry's Department of Criminal Intelligence, Oleksiy Pukach, was arrested in connection with the killing of Gongadze. However, Piskun was fired on President Kuchma's orders on October 29 and Pukach was subsequently released. Piskun had been involved in a number of politically sensitive prosecutions; however, some observers concluded that his dismissal was linked to his aggressive prosecution of the Gongadze case.

The Government asserted that it was conducting a full-scale investigation into Gongadze's disappearance, but members of the media and the public seriously criticized the Government's handling of the case, while others accused the President and other senior officials of complicity. An audio recording allegedly existed that con-

tained conversations between President Kuchma and other senior government officials discussing the desirability of Gongadze's removal. One other recording, allegedly from the same source, had been judged to be authentic. Officially the investigation of Gongadze's killing remained ongoing at year's end.

In September, authorities arrested four individuals in connection with the July 2001 beating and subsequent death of Ihor Aleksandrov, a director of a Donetsk regional television station; however, some media reports alleged inconsistencies and claimed that the evidence against the suspects was fabricated. The Procuracy has attributed the killing of Aleksandrov, who had aired a number of critical reports about Donetsk-based politicians and was a noted critic of alleged corruption among local law enforcement authorities, to his professional activities. According to officials, the killing was ordered by a Donetsk businessman and was orchestrated by the businessman's brother, both of whom have links to organized crime. Two young associates of the brothers allegedly carried out the killing. There were no new developments in the case of the October 2001 arson-related deaths of five members of a Roma family in Malaya Kakhovka, Poltava region.

AKiev Court closed the case of Mykhailo Kolomiyets, a journalist who disappeared from Kiev in October 2002 and was found hanged in neighboring Belarus. The court ruled out foul play based on the results of independent examinations by international experts that eliminated the possibility of a violent death.

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

The Kirovohrad Oblast police continued to investigate the 2002 disappearance of Oleksandr Olynyk, an election monitor from the NGO Committee of Voters of Ukraine (CVU), who disappeared from Kirovohrad approximately 1 week after the March 2002 elections (see Section 3). Initial reports did not indicate that his disappearance was related to his monitoring activities; however, subsequent inquiries suggested that he might have received threats while observing the elections. There was no indication of progress regarding the November 2002 disappearance of Andriy Tatarчук, Vice Chairman of the Reforms and Order Party of Odesa (Our Ukraine Bloc) and former city council candidate. Police in Odesa launched an investigation and reportedly detained two individuals; however, they later said that they did not have sufficient evidence to prove that the suspects killed Tatarчук. By year's end, no suspects were in custody.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.—The Constitution prohibits torture; however, police and prison officials regularly beat detainees and prisoners, and there were numerous reports of torture. An October 2002 report by the European Committee for the Prevention of Torture (CPT) stated that individuals ran a significant risk of physical mistreatment while in prison or police custody. Alleged mistreatment included beatings, the use of electric shocks, pistol whippings, and asphyxiation.

Although human rights groups did not receive specific reports that special militia detachments known as Berkut ("Golden Eagles") tortured and beat inmates as part of regular training exercises, they believed that the practice continued. The media and human rights groups reported that police subjected detainees to various forms of physical torture, including the "swallow," in which officials place the detainee on his stomach and tie his feet to his hands behind him, forcing his back to arch. Another abuse was the "baby elephant," in which officials place a gas mask on the prisoner's head and slowly reduce the flow of oxygen. Detainees also were subjected to a method called the "monument," in which a prisoner is suspended by his hands on a rope and beaten. Human rights lawyers reported that requesting an attorney often leads to a worse beating, and detainees may be beaten until they waive their right to an attorney.

On February 26, the media reported that a suspect attempted to commit suicide by jumping through a fourth floor window of the police station in Kirovohrad. Allegedly, the suspect was driven to suicide by police torture that included the use of electric shocks. In April, both feet of Oleksandr Lobanov, a prisoner at Prison 120 in Volnovakha, Donetsk Oblast, were amputated because of gangrene. The gangrene allegedly resulted from a severe beating by riot police during a riot control exercise at the prison. Prison officials reportedly forced Lobanov to sign a statement that he had injured his feet himself while exercising during a walk in the prison yard. The Penal Department and Procuracy opened an investigation on this case. In December 2002, in Zaporizhzhya, a drug addict suspected of burglary died in custody from injuries sustained from an alleged beating. Police claimed that the detainee had been beaten before entering police custody, but no information was available by year's end whether anyone had been charged.

During the 5 years ending in July, the Office of the Ombudsman received more than 12,000 reports of torture. The Ombudsman also maintained that detainees who

were unable to pay a deposit for meals went hungry and that this qualified as another form of torture. The Ombudsman actively publicized reports of such practices; however, the Ombudsman had no enforcement authority.

Police abused Roma and harassed and abused dark-skinned persons. Representatives of these groups claimed that police officials routinely ignored, and sometimes abetted, violence against them (see Section 5). Police also harassed refugees (see Section 2.d.), and journalists (see Section 2.a.).

Despite extensive legislation on the protection of service member rights and official regulations concerning relations among military personnel, reports continued during the year of harsh conditions and violence against conscripts in the armed forces (see Section 1.a.). Senior conscripts often beat recruits, sometimes to death, and forced them to give up money and gifts that they received from home. According to human rights associations, garrison prosecutors often did not investigate complaints of physical harassment. Punishment administered for committing or condoning such activities was insufficient to deter further practice of such abuses. Although military officials reported that there were no deaths due to physical violence, human rights groups, including the Association of Soldiers' Mothers, reported that violent hazing continued to be widespread. They reported that in 2002, the procuracy opened 129 criminal cases pertaining to violent hazing. However, it was unknown how many of those resulted in convictions.

An officer was arrested during the year in connection with the August 2002 quarry landslide that claimed the lives of two conscript soldiers who were digging sand for the construction of a private garage for a junior military officer in Lviv Oblast. However, there was no information at year's end about further developments in the case.

Prison conditions remained harsh and life threatening. Although information on the physical state of prison walls and fences, as well as on pretrial detention blocks was officially considered to be a government secret, the press reported freely about harsh prison conditions. According to complaints received from the Office of the Ombudsman and human rights NGOs, prison officials intimidated and mistreated inmates. Due in part to severe economic conditions, prisons and detention centers were severely overcrowded and lacked adequate sanitation and medical facilities. Almost 25,000 individuals reportedly were held in prison cells with neither windows nor toilets. In the Zhytomyr region, the Human Rights Ombudsman investigated the misallocation of funds that had been earmarked to improve food standards for prisoners.

In April, the media reported that the European Court of Human Rights (ECHR) requested that the Government pay from \$1,000 to \$3,000 (5,300 to 15,900 hryvnya) to six citizens who had been in inhumane conditions in prisons before their death sentences were commuted to life imprisonment. Additionally, the ECHR found that some inmates were denied the right to worship in a prison in the Ivano-Frankivsk Oblast.

Men and women were held in separate facilities, and juveniles were held separately from adults. Additionally, pretrial detainees were always held separately from convicted prisoners. In theory, regulations require more space and some special accommodations, such as bathtubs, for women; however, in practice, conditions were equally poor for men and women in both pretrial detention centers and regular jails. The average space provided is 2 square meters per man and 2.5 square meters per woman or juvenile. The law does not recognize political prisoners as a separate category of detainee.

Prisoners were permitted to file complaints with the Ombudsman about the conditions of detention, but human rights groups reported that they were punished for doing so. In April, opposition UNA/UNSO prisoner Serhiy Halchyk, a deputy in the Rada, told the human rights Ombudsman that prison guards beat him with clubs and harassed him and other prisoners in the Lukianivska prison in Kiev where he was detained in 2002. He stated that guards deprived complaining prisoners of correspondence and food packages. Conditions in pretrial detention facilities also were harsh. Inmates sometimes were held in investigative isolation for extended periods and subjected to intimidation and mistreatment by jail guards and other inmates. Overcrowding was common in these centers. The total capacity of these facilities is 36,000, but approximately 40,633 detainees were held in them as of November. In April, officials announced that the SBU had closed its pretrial detention centers. Prison officials confirmed that all pretrial detainees were subsequently transferred to its facilities.

Conditions in the Corrective Labor and Treatment Centers for Alcoholics (LTPs), operated by the State Penal Department, where violent alcoholics were confined forcibly by court decision, differed little from those in prisons. The Government did not meet its earlier commitment to transfer all of the LTPs to the Ministry of

Health. Virtually no treatment for alcoholism was available in these centers. Despite a government decree directing the closure of LTPs by the end of 2000, two such centers continued to operate under the auspices of the State Department for Execution of Punishments.

According to official statistics from the Penal Department, there were 696 deaths in prisons during the year, and 130 deaths in pretrial facilities. Poor sanitary conditions resulted in 300 deaths from diseases such as tuberculosis and 13 from dysentery. On June 19, the Rada passed a resolution that expressed concern about the serious problem of tuberculosis in prisons. It was reported that as many as 14,000 inmates were infected with an active form of the disease as of year's end. Additionally, annually 1,000 prisoners died from tuberculosis, and approximately 3,000 fatally ill patients were granted early release and sent home to die.

According to human rights groups, a reorganization of the Penal Department to ensure greater independence of the penal system did not affect the Department's practices, and there was little civilian oversight of its activities. Although the Government implemented some programs for the retraining of prison and police officials, it punished only a small minority of those who committed or condoned violence against detainees and prisoners. According to prison authorities, no criminal proceedings involving torture or mistreatment of prisoners were opened during the year and no employee of the penitentiary system was disciplined for improper treatment of detainees. However, 15 criminal cases were opened against employees and 6,318 employees were disciplined in the first ten months of the year for other, unspecified, reasons. The Ombudsman continued to draw attention to the state of the penitentiary system by visiting prisons and raising prison-related issues in public. Following a visit to a detention facility in Crimea, officials built a courtyard to provide inmates, who previously were unable to exercise out of doors, with an area where they could engage in physical activity. In August, the new Criminal Penal Code, which was scheduled to be implemented in 2004, was signed into law. The new law is intended to regulate prison life and provide safeguards against the mistreatment of prisoners.

The Government continued to allow prison visits from human rights observers; however, some of them reported that at times it was difficult to obtain access to prisons to visit specific prisoners and they were not allowed full access to prison facilities.

In 2001, the Rada ratified the first and second protocols of the European Convention on Prevention of Torture, which mandates the inspection of prisons by international observers. While conditions remain below international standards, the media reported that monitors of the Council of Europe (COE) left with "a good impression" after their visit to prisons in the Zaporizhzhya Oblast. Additionally, a new pretrial facility has been built in Kharkiv, which reportedly meets European standards, and several cells with modern comforts were offered in a detention center in Dnipropetrovsk.

d. Arbitrary Arrest, Detention, or Exile.—The Constitution prohibits arbitrary arrest and detention; however, arbitrary arrest and detention remained problems.

The Minister of Internal Affairs is a member of the Cabinet of Ministers, while the SBU enjoys special status within the executive branch and reports directly to the President. The State Tax Administration, which is accountable to the President and the Cabinet of Ministers, also has law enforcement powers, which it exercises through the tax police. The Office of the Prosecutor General prosecutes criminal cases and is responsible for enforcement of court decisions in criminal cases. On July 29, legislation providing for civilian control over the army and law enforcement agencies was enacted and an implementation plan approved. The law authorizes parliamentarians to conduct investigations into national security and defense issues with subsequent public hearings. The law also significantly broadens the authority of the human rights Ombudsman to initiate investigations pertaining to the military's activities, as well as its law enforcement bodies. The law also assigns to the Audit Chamber of Ukraine control over national defense and security budget allocations. At year's end, there was not enough information to assess the impact of this legislation.

Prisoners and detainees addressed complaints to the Rada-elected Ombudsman for Human Rights. According to the Office of the Ombudsman, most of the complaints that it received centered on human rights. A significant percentage of these complaints were for civil violations by law enforcement personnel. Approximately 1,000 policemen have been dismissed for engaging in torture, and 164 have been convicted for torturing prisoners.

Authorities made some effort to end abuses, including disciplinary action against law enforcement authorities who committed abuses. According to authorities, as of May 1, there were 246 criminal cases considered against 272 police officers, includ-

ing 128 cases for exceeding authority and 53 cases for abuse of authority. Of that number, 48 criminal cases were opened. As of June, 27 former police officers were convicted and 1,225 were fired. Over a 4-year period ending in June, 400 law enforcement officers faced criminal charges for violence against detainees, and 168 were convicted. A new Criminal Code, which took effect in 2001, mandates 3 to 10 years of imprisonment for torture; however, human rights groups reported that, during the year, there were no prosecutions for torture under the new Criminal Code.

On July 11, the Parliament passed a law on amendments to the Law on Administrative Violations. The law states that non-compliance by state officials with regulatory requirements of the human rights Ombudsman, Audit Chamber, or a national deputy, or the creation of impediments to their work, may result in the imposition of fines. The law codified existing authorities; it was unclear at year's end whether it had had any effect on the role of the Ombudsman.

The Constitution provides for compensation for unlawful conviction and the law allows compensation for illegal arrests; however, these provisions rarely were invoked.

The law provides that authorities may detain a suspect for 3 days without a warrant, after which an arrest order must be issued. The courts may extend detention without an arrest warrant for an additional 10 days. Suspects who believe that further investigation may lead to their immediate exoneration may petition the court for an additional 15-day detention. The law further provides that pretrial detentions may not last more than 2 months. In cases involving exceptionally grave offenses, the Prosecutor General may petition a judge of the Supreme Court to extend the period of detention to 18 months. The law does not limit the aggregate time of detention before and during a trial. The law permits citizens to contest an arrest in court or appeal to the prosecutor. The Constitution requires that officials notify family members immediately concerning an arrest, but they often did not do so in practice. According to justice officials, changes in the administration of justice made in 2001 have resulted in a decrease of approximately 10 percent in arrest and pretrial detention warrants.

The Government occasionally employed such charges as criminal libel or tax evasion to detain persons (usually opposition activists or journalists) who were openly critical of the Government or challenged the interests of powerful business or political figures close to the Government (see Section 2.a.). On May 13, a panel of three judges of the Kiev Appeals Court closed all criminal cases against Yulia Tymoshenko, head of the opposition political group named after her, as well as against her relatives and colleagues. The Appeals Court also ordered the release from custody of individuals charged in the case, including Tymoshenko's father-in-law, who had been extradited from Turkey in 2002 at the request of the Government. One detainee, Yevhen Shaho, was released from the Zhytomyr pretrial facility under this decision; however, the procuracy subsequently charged him with escaping from prison. The Prosecutor General immediately appealed the Kiev Court's decision to the Supreme Court and filed new charges against the respondents in this case. On June 10, the Supreme Court suspended the May 13 decision by the Kiev Court pending a review of the Procuracy's appeal, and on October 7 rescinded the May 13 decision. Additionally, Tymoshenko's husband was declared a wanted person because he did not appear for questioning. Tymoshenko claimed that he had never been summoned for questioning. The trial of Tymoshenko's father-in-law and one colleague was underway in Kiev at the end of the year. In August, the Prosecutor General again asked the Rada to lift Tymoshenko's parliamentary immunity from prosecution, and on September 3, the procuracy completed its investigation into the criminal case against her. On October 6, the Rada Rules Committee rejected as unjustified the procuracy's August immunity request.

Borys Feldman, former vice president of Bank Slovyanskyy, which managed some of Yuliya Tymoshenko's business interests, continued to serve his 9-year prison sentence for tax evasion and financial mismanagement that was subsequently upheld by the Luhansk Appeals Court in 2002. Authorities continued to harass Andriy Fedur, the attorney for Borys Feldman. On May 15, he was detained for 3 hours by traffic police and later released; he was held for identification, although he claimed he produced his identification card and driver's license for police officers. On June 27, preliminary court hearings began on charges that Fedur forged his car lease contract. Fedur claimed that his prosecution on these charges was designed only to remove him from serving as defense attorney on politically sensitive cases, as he is barred under the law from practicing as an attorney while criminal proceedings are pending against him.

On March 21, the procuracy began a criminal case against former Deputy Prime Minister of Agriculture, Leonid Kozachenko. Kozachenko, who denied any wrongdoing, was charged with bribery and abuse of office following reports of grain short-

ages on the domestic market. Kozachenko claimed that the charges against him were politically motivated and that an attempt was being made to restore the inefficient command-administrative system of managing the agricultural sector. Reportedly, the charges that initiated the criminal case were made by high-level government officials and were aimed at discrediting Kozachenko as a politician and public figure. While detainees were frequently released from pretrial detention with travel bans, Kozachenko was only released on bond after several parliamentary appeals. Kozachenko's trial was ongoing at year's end.

Human rights groups reported that they continued to receive complaints from Roma regarding arbitrary detention and physical harassment by the police (see Section 5).

The law stipulates that a defense attorney must be provided without charge to an indigent detainee from the moment of detention or the filing of charges, whichever comes first. There were insufficient numbers of defense attorneys to protect suspects from unlawful and lengthy imprisonment under extremely poor conditions. Although the concept of providing attorneys from the state system exists in principle, public attorneys often refused 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 prison or investigative officials occasionally denied the client-attorney privilege. 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.

As a result of legal changes enacted in 2001, the prosecutor's office may no longer initiate new criminal investigations without prior court approval, with the exception of a number of serious offenses (see Section 1.e.).

By law, a trial must begin no later than 3 weeks after criminal charges have been filed formally with the court, but this requirement rarely was met by the overburdened court system (see Section 1.e.). Months may pass before a defendant finally is brought to trial, and the situation did not improve during the year. Complicated cases may take years to go to trial. Although an amendment to the Criminal Procedures Code provides for the imposition of monetary bail, it has been used rarely; many of the defendants cannot pay the monetary bail amounts imposed by law. Instead, courts imposed restrictions on travel outside a given area as an alternative measure to pretrial confinement. Approximately 70 percent of defendants awaiting trial—approximately 150,000 individuals—were released from pretrial confinement during the year, many of them under restrictive travel conditions. Defendants were released pending trial in increasing numbers.

Police arbitrarily detained persons for extensive document checks and vehicle inspections (see Section 1.f.). They routinely detained dark-skinned persons for arbitrary document checks (see Section 5).

According to authorities, as of November, the prison population was 186,982 persons, including 146,319 in prisons and 40,663 in remand centers. Many of the individuals in pretrial confinement were charged with serious violent crimes. Since only the courts may authorize the continuation of pretrial detention pursuant to 2001 amendments, they closely examined cases in which authorities confined the defendants for extended periods in pretrial detention based on previous authorization by prosecutors.

At times persons involved in property, inheritance, or divorce disputes were wrongfully diagnosed with schizophrenia and confined to psychiatric institutions.

The Constitution prohibits forced exile, and the Government did not employ it.

e. Denial of Fair Public Trial.—The Constitution provides for an independent judiciary; however, in practice, the judiciary was subject to considerable political interference from the executive branch and also suffered from corruption and inefficiency. The courts were funded through the Ministry of Justice, which controlled the organizational support of the courts, including staffing matters, training for judges, logistics and procurement, and statistical and information support. The Presidential Administration also reportedly continued the practice of telephoning justices directly to influence their decisions.

The law provides for an independent judiciary; however, the judiciary lacked sufficient staff and funds, which engendered inefficiency and corruption and increased its dependence on the executive, since the judicial system received all its funding from the Ministry of Justice. In a report to the Rada on April 18, the Ombudsman for Human Rights stated that judicial reform has not improved individuals' ability to protect their rights in court. The judiciary remains underfunded, overburdened,

and inefficient. In 2002, the Office of the Ombudsman received approximately 270,000 appeals, half of which concerned the denial of judicial protection. Almost half of the lawsuits that were considered by the courts were significantly delayed.

The authority and independence of the judicial system also were undermined by a lack of compliance with court decisions in civil cases. Provisions calling for criminal punishment for noncompliance with court decisions rarely were used. Compliance was particularly poor if the decision clashed with government interests. The Chairman of the Supreme Court, the chairmen of regional courts, and the chairman of the Kiev municipal court (or the deputies of these officials) have the authority to suspend court decisions, which led to interference, manipulation, and corruption. The Justice Minister was quoted as saying that, in 2002, slightly under 50 percent of court's decisions had been enforced. No subsequent statistics on enforcement were available.

The State Executive Service, with authority to execute court decisions, was authorized specifically to enforce judgments in civil cases, decisions in criminal and administrative courts involving monetary compensation, and judgments of foreign courts, the Constitutional Court, and other authorities. The number of court decisions involving monetary or material compensation referred to the department has grown substantially.

Critics claimed credibly that the Government abused its authority over officers of the court by selectively charging and dismissing politically unsympathetic judges. On February 5, the Supreme Judicial Council, allegedly under government pressure, requested that the Rada dismiss Yuriy Vasylenko, an independent judge of the Kiev Appeals Court and critic of President Kuchma. In October and November 2002, Vasylenko had opened two criminal cases against Kuchma, which were subsequently dismissed. The Council accused Vasylenko of violating his oath by unlawfully opening these criminal cases. On May 22, the procuracy opened a criminal case against the three judges of the Kiev Appeals Court who closed the criminal cases against Yuliya Tymoshenko and her husband (see Section 1.d.). The Supreme Court later rescinded this decision. The procuracy considered as falsification the differences in wording between the two copies of the May 13 decision by the Appeals Court that the procuracy received on May 20 and May 21. On September 25, the Zhytomyr Oblast Appeals Court closed the procuracy's criminal case on the grounds that it was unlawful. The procuracy stated that it would appeal this decision. Independent-minded judges also complained that they did not receive politically sensitive cases.

Legislation enacted in 2001 and 2002 introduced important reforms to the court system. The amendments provided for a unified system of courts consisting of a Constitutional Court, a system of courts of general jurisdiction that includes the Supreme Court and specialized commercial (formerly arbitration) courts, and military courts. General jurisdiction courts are organized on four levels: Local courts, regional appellate courts, specialized high courts (the High Commercial Court), and the Supreme Court. The arbitration courts were redesignated as commercial courts and were intended to operate as specialized courts within the single unified system of courts. As a result, the Supreme Court may review their judgments, including those rendered by the High Commercial Court. Military courts are specialized courts that hear only cases involving military personnel.

In February 2002, the Parliament passed a Law on the Judicial System of Ukraine, which the Government began implementing in the last half of the year. While the law helped modernize the judicial system, some observers contended that it granted excessive authority to the President. The law created a new State Judicial Administration (SJA), independent of the Ministry of Justice, to act as a central executive body overseeing the administration, including the finances, of the judicial system. Under the new law, the President also has the authority, with the agreement of the Ministry of Justice and the Chair of the Supreme Court or of a corresponding higher specialized court, to establish and abolish courts of general jurisdiction. The President is empowered to determine the number of judges within the courts, upon the recommendation of the SJA and with the agreement of the Chair of the Supreme Court. HE is authorized to appoint and remove chairs and deputy chairs of courts for 5-year terms (upon submission of the Chair of the Supreme Court, based on recommendation of the Judicial Council), and establish appellate commercial and appellate administrative courts. The President, upon the recommendation of the Prime Minister and concurrence by the Judicial Council, appoints the head of the SJA. The law also established a Judicial Academy to train new judges and continue the education of sitting judges. The new Court of Cassation was put in place in 2002, and the SJA and Judicial Academy began operations on January 1. In April, the Judicial Academy graduated its first group of judges. However, on December 16, the Constitutional Court declared that the Court of Cassation was not consistent with the Constitution.

Regional courts, including the Supreme Court of Crimea and the Kiev and Sevastopol city courts, serve as appellate courts for the lower-level courts. They may examine evidence independently in a case, call for additional witnesses or evidence, and overrule the judgment of a lower court.

The Constitutional Court consists of 18 members appointed for 9-year terms in equal numbers by the President, the Parliament, and the Congress of Judges. The Constitutional Court is the ultimate interpreter of legislation and the Constitution, and it determines the constitutionality of legislation, presidential edicts, cabinet acts, and acts of the Crimean Autonomous Republic. The President, at least 45 Members of Parliament, the Supreme Court, the Ombudsman, and the Crimean legislature may request that the Constitutional Court hear a case. Citizens may apply to the Constitutional Court through the Ombudsman, who started to exercise this right in selected cases. In some limited cases, the Constitutional Court can interpret law for individual citizens, when the applying citizen provides compelling proof that a constitutional provision was violated or that different government bodies interpreted it differently.

Many local observers regarded the Constitutional Court as the country's most independent judicial body. Human rights groups stated that the Constitutional Court generally maintained a balance of fairness. However, other observers continued to charge pro-presidential bias based on a number of decisions passed during the year. For example, on April 10, the Constitutional Court declared that parliamentarians do not have the right to unimpeded access to the President. This ruling was passed after a 2002 overnight vigil at the presidential administration by a group of opposition parliamentarians demanding an urgent audience with President Kuchma.

The Constitution includes procedural provisions to ensure a fair trial, including the right of suspects or witnesses to refuse to testify against themselves or their relatives; however, pending the passage of legislation to implement these constitutional provisions, a largely Soviet-era criminal justice system remained in place, which limited these rights. In April, the press quoted the head of the Supreme Judicial Council as attributing common miscarriages of justice in courts to the incompetence and irresponsibility of many judges. While the defendant is presumed innocent, conviction rates have changed little since the Soviet era, and nearly all completed cases resulted in convictions. According to official statistics, in the first half of the year there were 98,516 convictions and 264 acquittals. However, since judges frequently sent back to the prosecutor for "additional investigation" cases that lacked sufficient evidence to support the charges (which usually led to the dropping of the case), these statistics are somewhat misleading. In addition, there were indications that suspects often bribed court officials to drop charges before cases went to trial or to lessen or commute sentences.

On April 1, the head of the Zaporizhzhya District Court confessed to accepting a bribe of \$2,500 (13,250 hryvnya) for reducing a defendant's murder sentence by 5 years; an investigation of the incident was ongoing at year's end. In August, a municipal court judge in the Donetsk region was sentenced to 6 years in prison for bribery, and the head of the Justice Ministry's district department in the Cherkasy Oblast was sentenced to 3 years for bribery.

Under the existing court system, cases are decided by judges who sit singly, occasionally with two public assessors (lay judges or professional jurors with some legal training), or in groups of three for more serious cases. The Constitution provides for public adversarial trials, including a judge, public assessors, state prosecutor, defense, and jury (when required by law). With some exceptions, these requirements were respected in practice. The 2001 legislative amendments provide for a jury system; however, this system has not yet been implemented.

Complicated cases can take years to go to trial, and pretrial detention was a problem; however, in increasing numbers defendants were released from confinement pending trial (see Section 1.d.). The condition normally imposed by the court was non-monetary bail in the form of restrictions on travel. Many of the remaining defendants in pretrial confinement were awaiting trial for very serious criminal offenses.

Prosecutors, like the courts, are organized into offices at the rayon (district), oblast (regional), and national levels. They are responsible ultimately to the Prosecutor General, who is appointed by the President and confirmed by the Parliament for a 5-year term. Regional and district prosecutors are appointed by the Prosecutor General. Although, by law, prosecutors and defense attorneys have equal status, in practice prosecutors are more influential. Prosecutors, as well as defense attorneys, may file appeals. The Office of the Prosecutor General practiced selective prosecution and initiated investigations against the political or economic opponents of the President and his allies (see Section 1.d.). The Prosecutor General also ignored par-

liamentary and court requests for investigations into high-ranking persons if the accused were presidential allies. Before the 2001 amendments took effect, the procuracy at times used its judicial review powers to annul court decisions unfavorable to the administration's economic or political interests and ordered cases reexamined by a different court.

Legislative changes in 2001 curtailed prosecutors' authority greatly, limiting it to prosecution, representing the public interest in court, oversight of most investigations, and implementation of court decisions in criminal cases. However, prosecutors retained the right to conduct investigations in cases initiated before the amendments were implemented and in cases involving a range of serious offenses, including murder, corruption, and high economic crimes. The Procuracy no longer may initiate new criminal cases; its powers are limited to supervising the observance of laws by law enforcement agencies only. Citizens may challenge court actions by prosecutors and investigative agencies, as well as government actions regarding national security, foreign policy, and state secrets.

Criminal groups routinely used intimidation to induce victims and witnesses to withdraw or change their testimony. The law requires that a special police unit protect judges, witnesses, defendants, and their relatives; however, the unit had not yet been formed, and trial participants were vulnerable to pressure. A witness protection law was in abeyance because of lack of funding. The law provides that the names and addresses of victims and witnesses may be kept confidential if they request protection due to fear for their lives.

On September 12, Hanna Hryshchenko, former judge of the arbitration court in Kiev, was the victim of a contract killing. In July 2002, Judge Ihor Tkachuk of the Donetsk Oblast Commercial Court was found hanged at his dacha in Odesa Oblast. Initially, his death was ruled a suicide; however, investigators later concluded that he had been assassinated due to his professional activities in connection with litigation in the Odesa Oblast Commercial Court between the Odesa Port and a private company, Sintez Oil. Tkachuk also had previously participated in the Procuracy's investigation into plunder of the Black Sea Merchant Fleet.

There were no reports of political prisoners.

f. Arbitrary Interference with Privacy, Family, Home or Correspondence.—The authorities infringed on citizens' privacy rights. Legislative amendments that took effect in 2001 provide that only courts may approve warrants for searches of residential properties and wiretaps; however, prosecutors retain the right to issue warrants for searches of nonresidential properties (see Section 1.e.).

The SBU may not conduct intrusive surveillance and searches without a court-issued warrant. The Office of the Prosecutor General has the constitutional responsibility to ensure that law enforcement agencies, including the SBU, observe the law; however, the extent to which the Prosecutor General used his authority to monitor SBU activities and to curb excesses by security officials was unknown. The Constitution provides citizens with the right to examine any dossier on them in the possession of the SBU and to sue for physical and emotional damages incurred by an investigation; however, necessary implementing legislation had not been passed, and the authorities did not respect this right in practice.

In May, a judge of the Kiev Appeals Court that closed criminal cases against Yuliya Tymoshenko and former officials of United Energy Systems complained that the judges in this case had been subject to phone tapping and surveillance (see Section 1.d.). In May, the newspaper Zerkalo Nedeli complained of phone tapping and surveillance. The press reported that government officials are prohibited from giving interviews to Zerkalo Nedeli. Reportedly, Volodymyr Yefremov, former director of the Dnipropetrovsk-based television station 11th Channel and regional representative of Reporters Without Borders, had been under surveillance prior to his July 14 death in a car accident (see Section 2.a.).

Some NGOs reported that authorities had opened and searched some of their mail during the year. The SBU also monitored the activities of certain NGOs active in democracy development projects. Journalists, whose reports were critical of the Government, or who covered opposition politicians and NGOs that engaged in non-partisan political activity, reported that SBU agents frequently followed them and that their telephones and offices were wiretapped (see Section 2.a.).

Under the law, the police have the right to stop and search a person based on a suspicion that the person has committed a criminal offense. A person suspected of committing an especially grave crime may be arrested and searched without a warrant, but the court must be informed of the arrest within 72 hours (see Section 1.d.). Legislation prohibits the police from stopping vehicles and levying immediate fines; only courts subsequently had the right to impose such fines. The law had an increasing deterrent effect on the police, who no longer could legally collect spot fines after stopping vehicles for alleged traffic violations, although abuses still regu-

larly occurred. However, the police may detain a person arbitrarily for up to 3 hours to verify identity (see Sections 1.d. and 1.e.). There were reports that police sometimes abused this right.

In 2001, the Constitutional Court ruled that the “propyska” mandatory registration system was unconstitutional; a new “informational” registration mechanism was planned, but had not been implemented by year’s end. Additionally, access to public services such as housing, pensions, medical care, and schooling were still based on the propyska system. In its report on the 2002 Parliamentary elections, the OSCE noted that authorities relied on the outdated propyska system to register voters, since no other system existed.

The law prohibits the abuse of psychiatry for political and other non-medical reasons and provides safeguards against such abuse; however, on a few occasions, persons involved in property, inheritance, or divorce disputes were diagnosed wrongfully with schizophrenia and confined to psychiatric institutions. The disputes often entailed the corruption of psychiatric experts and court officials. Human rights observers reported that procedures regarding the appropriate application of psychological treatment have not been determined, and the Soviet system of classifying mental illness remained in use. Persons diagnosed with mental illness risked being 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. According to statistics available in October, there were approximately 1.2 million registered psychiatric patients in the country. These doctors must examine a patient within 3 days of his confinement. In April, an expert commission of the Association of Psychiatrists terminated its activities in this area due to lack of funding. According to the Ukrainian Psychiatric Association, the Health Care Ministry did not always cooperate 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 provides for freedom of speech and of the press; however, authorities often did not respect these rights in practice. During the year, the authorities took a direct role in instructing the media on events and issues it should cover and how they should be covered. The authorities continued to interfere with news media by intimidating journalists through the use of libel laws, although this practice declined in comparison with the previous year, by license revocations, and by investigations on tax matters. They continued to take steps to strengthen their control over the broadcasting sector.

Authorities did not generally respect freedom of speech, and there were numerous instances when they impeded citizens’ right to express their opinions. This interference often took the form of direct intervention, such as the confiscation of opposition newspapers and pamphlets and the refusal to provide television or radio airtime to opposition members. Additionally, freedom of speech was restricted through indirect means, such as influencing publishing houses to refuse or limit the publication of materials critical of the authorities. Authorities interfered with the media by issuing written and oral instructions about what events to cover.

According to the website of the State Committee on Television and Information Policy, there were 17,371 registered print publications and 800 television broadcasters in the country. Despite government pressure and media self-censorship, the numerous newspapers and periodicals on the market, each espousing the view of its respective sponsor, provided a variety of opinions.

Many major newspapers were financed by wealthy investors pursuing their own political and economic interests. These often favored the Government. This backing gave these newspapers an advantage over smaller, more independent, newspapers.

Broadcast media, the primary source of news for most citizens, were either state-owned or owned by oligarchs and powerful business interests. There were six national television stations. State-run television had the widest geographic coverage, but low viewership. Most other television stations were associated with political parties or powerful business interests; however, while the groups often did not agree on particular issues, they generally rallied behind the pro-presidential position on key issues dividing the Government and the opposition. In June, Alexander Zinchenko, who headed the number one television channel, Inter, was removed from his position when his views began to diverge from those of the administration.

Foreign newspapers and periodicals circulated freely.

The NGO Freedom House has downgraded the country’s rating from “partly free” to “not free” because of state censorship of television broadcasts, continued harassment and disruption of independent media, and the failure of authorities to adequately investigate attacks against journalists. In 2002, journalists formed an independent union, the Ukrainian Journalists’ Union (UJU), to resist censorship and

protect journalists from job loss or other forms of harassment. In October, the media reported that other journalists had decided to create another new union, the All-Ukrainian Association of Journalists, as alternative to the UJU.

There was a marked imbalance in the coverage of candidates on national television and radio channels during the campaigns both for the 1999 presidential election and the 2002 parliamentary election (see Section 3). Opposition candidates received limited and often negative coverage at the national level; however, opposition candidates had more success in obtaining access to smaller local and regional television channels. The OSCE reported that media coverage of the elections was "highly biased," with the state-funded national channel giving "disproportionate coverage to the pro-presidential candidates." While candidates' access to the media improved in those elections compared to earlier ones, an independent content analysis conducted in December by the Ukrainian Press Academy (funded by the International Renaissance Foundation) appeared to indicate that this trend was reversing itself as the October 2004 presidential election approached. According to the President of the Ukrainian Press Academy, leading television channels in the country demonstrate features typical of an authoritarian society. These characteristics include broadcasts on all channels portraying identical points of view, declining coverage of political parties and civil society organizations, and increasing coverage of pro-administration representatives.

During the year, some journalists were subjected to physical attacks that may have been related to their professional activities. The national affiliate of Reporters Without Borders reported that in 2002, 3 journalists died in connection with their professional activities, 54 were arrested, and 24 were subjected to aggression and intimidation. A letter from the Ministry of Internal Affairs to the Chairman of the Supreme Rada Committee for Freedom of Speech and Information claimed that the professional activity of the victims was not the motive in the majority of crimes perpetrated against journalists in the period 1995 to 2002. Journalists covering politics, corruption, and crime are allowed carry guns firing rubber bullets for their protection.

In April, in the town of Vynohradov, Trans-Carpathia, unidentified assailants threw a firebomb into the house of the local newspaper's editor, Volodymyr Mocharnyk. The device did not explode, and no one was injured. It was alleged that the attempt was in retaliation for the newspaper's criticism of the district government and local law enforcement officials. In April and July, respectively, unknown persons assaulted Oleksiy Yermolin and Andry Ivanets, both connected with the Crimean weekly newspaper Krymskiye Novosti. According to the newspaper, Yermolin had previously received threats. It was suspected that the assaults were connected with the newspaper's coverage of land privatization abuses on the southern shore of Crimea, as well as articles about the markets in Simferopol.

On June 17, three shots were fired into the house of Vasyl Koriaka, editor of the Lubny newspaper Tikhyy Uzhas, and two Molotov cocktails were thrown at the house. No one was injured. Koriaka believed that the attack was linked to his newspaper's critical publications about the Poltava Oblast's regional governor, Yevhen Tomin. Following the attack, President Kuchma instructed the procuracy to investigate the incident. On September 12, Koriaka killed an intruder who attempted to break into his garage. At year's end, the investigation had not ruled out the possibility that the June attack was linked to Koriaka's professional activities.

On July 14, Volodymyr Yefremov, former Director of the Dnipropetrovsk-based 11th Channel and Regional Representative of Reporters Without Borders, died in a car accident. Some media claimed that Yefremov died under suspicious circumstances, as he claimed to be under police surveillance prior to his death, had received suspicious phone calls, and had expressed a fear of "yet another tragic car accident." The police have not ruled out foul play, but would release no information pending the outcome of their investigation. Oleh Yeltsov, editor of the Internet newspaper Criminal Ukraine, who had been assaulted on several occasions, was in hiding outside the country in fear of his life. Yeltsov's newspaper was extensively involved in the Ihor Honcharov case and published Honcharov's statements as well as information relating to the investigation into Honcharov's death (see Section 1.a.).

On December 14, the body of Volodymyr Karachevtsev, leader of the UJU in Melitopol, acting deputy editor of the newspaper Courier, and writer for the Internet publication vlasti.net, was discovered hanging by his clothing from the metal door handle of his refrigerator. Krachevtsev had written on corruption among Melitopol officials, including the mayor. While police had not ruled out murder, investigators were inclined to believe that the death was accidental, a conclusion greeted with skepticism by many observers. No further information was available at the end of the year.

No suspect had yet been identified in the 2001 killing of Oleh Breus, the publisher of the regional weekly XXI Vek in Luhansk.

In 2002, Mykhailo Kolomiyets, a journalist who was editor of the Ukrainsky Novyny news agency, disappeared from Kiev. Based on the results of an independent examination, experts ruled out the possibility of a violent death, and the Prosecutor General closed the case.

No new information was available about the January 2002 attack by an unknown assailant who threw acid in the face of Tatiana Goryacheva, the chief editor of Berdyansk Delovoi, an independent newspaper based in Zaporizhzhya.

There was no new information about the February 2002 attack on Ivan Besiada, reporter of the Lviv-based newspaper Za Vilnu Ukrainu and an activist of Yushchenko's bloc, Our Ukraine. Besiada was assaulted in Lviv and sustained a broken jaw and a concussion. He said that the assault may have been linked to his journalistic activities. Additionally, no new information was available about the September 2002 assault of Petro Kobevko, editor of Chernivtsi-based opposition newspaper Chas. Local reporters alleged a link between the assault and the newspaper's criticism of the Chernivtsi Oblast governor.

Although the Tax Administration began publication of scheduled tax inspections in 2001 as an attempt at transparency, it continued to harass media outlets that exposed corruption, portrayed the Government negatively, or provided positive coverage to opposition figures. In 2002, the tax police raided the office of the Internet newspaper Obkom, confiscating computers and documentation in connection with an investigation into an unspecified criminal case. Obkom attributed the raid to its critical news stories about the head of the Local Tax Administration. Volodymyr Boyko, the author of many of these stories and of articles criticizing then Donetsk Oblast Prosecutor General, Hennadiy Vasylyev, who was appointed Prosecutor General in November, was jailed on charges of vagrancy, although his home was searched for evidence of alleged tax evasion. He was released after 10 days, and the charges against him for tax evasion were dropped.

In January, Obkom resumed publishing by using funds provided by the Renaissance Foundation. On April 15, the press reported that Obkom failed to prove the arbitrariness of the Tax Administration's closure in court, as well as the harassment of the newspaper's writer, Volodymyr Boyko, on charges of tax evasion. In July, Obkom complained that criminal police in Kiev were illegally collecting intelligence about the newspaper from its business partners. In October and November, Criminal Ukraine reprinted several of Boyko's articles about Vasylyev's alleged corruption, and, on November 11, the charges of tax evasion were reinstated against Boyko.

In 2002, the editor of the newspaper Svoboda, Oleh Lyashko, was charged with resisting arrest during a police raid on the publishing house Respublika, which printed the newspaper. Earlier that day, police stopped a van with approximately 100,000 copies of the newspaper on a highway in Cherkasy Oblast and threw the copies into a nearby river. The edition carried a statement by an opposition parliamentarian accusing the Prosecutor General of bribery. Police allegedly pushed the van driver into the back seat of the police car, face down on the seat, and then let him out of the police car onto the road several hundred meters away. The procuracy opened a criminal case against Respublika in connection with the "circulation of confidential information about citizens without their consent" and "abuse of office" while circulating such information. At year's end, the case remained open; however, no newspaper representatives had been summoned for questioning.

In April, the Rada enacted a law that prohibits authorities from interfering with the professional activities of journalists and prohibits the establishment of any body to control media information; however, credible allegations continued to surface that the Presidential Administration gave media publishers specific instructions on events to cover and how to cover them, as well as subjects not to cover. These instructions, known as temniki, reportedly included instructions for the media to portray President Kuchma favorably and avoid discussion of events that question his credibility. The Government reportedly contacted library directors to ascertain if the libraries subscribe to opposition periodicals. Directors who admitted to subscribing to such periodicals were told it was a misuse of government funding. In January, the press reported that the Parliamentary Assembly of the COE (PACE) supported an amendment to the report on Freedom of Speech in Europe that stated that the Government had interfered with the mass media's activities.

The Government at times directed key businesses either to purchase advertising from regional television stations or to withdraw from advertising contracts, depending on the news coverage the stations offered.

On October 3, the Rada reviewed the performance of national television and radio companies. Opposition factions criticized the performance of the national television

Channel 1, claiming it denied them the opportunity to present their agenda to the public and intentionally misinterpreted opposition arguments. They claimed that programs were under the close scrutiny of the head of the presidential administration.

The National Council for Television and Radio Broadcasting, which issues licenses and allocates broadcasting time, was comprised of Rada members and presidential appointees. This body exerted much government influence. The Government and the Rada each appoints half of the members of the Council. Council decisions continued to show bias in favor of business interests closely allied politically with the Government.

State-owned and independent channels were subject to the same rates for the majority of broadcasting fees; however, the Government rarely enforced fee payments for state-owned channels. Private and foreign companies also were required to obtain licenses in order to establish and operate their own transmission facilities. Thus, nongovernmental broadcast media were required to obtain two licenses—one for a transmitter and one for a frequency.

In 2002, the Council stripped the Kiev-based television company UTAR of its broadcasting license and awarded the frequency to television station Tabachuk. The press speculated that the license revocation related to the suspicion that opposition politician Yuliya Tymoshenko financially supported UTAR. UTAR stopped broadcasting after losing its license. The station appealed the decision and the Shevchenkivsky district court ruled in favor of UTAR; however, the decision had not been implemented by year's end.

Also in 2002, the National Council on Television and Radio Broadcasting signed a letter warning Radio Dovira that it was re-broadcasting Radio Liberty illegally. Dovira appealed the decision and applied for an expanded license that would allow it to continue re-broadcasting Radio Liberty. The case had not been officially closed at year's end; however, pending enactment of a new law on radio and television that addresses issues related to re-broadcasting, Dovira was allowed to continue these re-broadcasts.

Two television stations deprived of their licenses in 2002 remained off the air while their owners, who claimed they were being punished for criticizing local officials, waited for the appeals of the license revocations to be heard. The stations were the Fifth Channel private television station in the town of Nikopol and the Zaporizhzhya-based television station Khortytsia.

In late 2002, the Rada held public hearings on freedom of speech and media censorship. The hearings were broadcast live on television and received widespread media coverage. Some media executives complained that the Government wiretapped their offices. President Kuchma was cited in the press as suggesting that complaints about censorship were exaggerated; however, in April, the Prosecutor General launched a criminal case involving the media's publication of information that the procuracy claimed was aimed at undermining the authority of Kuchma and obstructing him in the performance of his duties. Several media outlets were also charged with publishing information that was insulting and libelous to the President. Kuchma claimed that he did not know that a criminal case against the press had been initiated and later requested the Prosecutor General to drop all charges.

The use or threat of civil libel suits continued to inhibit freedom of the press, but the number of cases during the year reportedly decreased. The Criminal Code eliminates any criminal penalty for libel and a 2001 Resolution of the Plenum of the Supreme Court mandates that, in order to prove civil libel, plaintiffs must demonstrate that journalists had prior knowledge of the falsity of information before publishing it; however, lower courts still may order that a publication's accounts be frozen pending an appeal of a civil libel case.

In recent years, government officials initiated more than 20 criminal and civil libel cases against Lyashko and his earlier publication *Polityka* (which was forced to close in 1999), asking for more than \$40 million (200 million hryvnya) in damages. On February 5, Lyashko was convicted of resisting police in connection with the 2002 incident, and fined \$50 (250 hryvnya). Lyashko appealed the conviction. At year's end, the Government was continuing its lengthy efforts to deprive Radio Kontinent and UTAR of their license to broadcast, with results that were inconclusive at year's end. In 2001, the Council decided against renewing the license of Radio Kontinent (RK), an independent radio station that rebroadcast news reports of the British Broadcasting Corporation (BBC), Voice of America (VOA), and Deutsche Welle. RK had been critical of the Government in its own broadcasts, and its owner had been highly critical of President Kuchma's relationship with the media. After a successful challenge to its initial rationale that RK's rebroadcasts of foreign stations were illegal, the Council cited a debt owed by the station to the Government as grounds for its decision. Subsequently, the Kiev Municipal Arbitration

Court denied RK's request to block the sale of the radio station's frequency. RK continued to operate pending further appeal, and the ECHR reviewed the case. No information was available about the results of that review. During the year, RK went off the air after the power company, Kievenergo, cut off electricity to the State University of Technology and Design, where RK rents office space.

On April 3, the Rada passed a law that set limits on the amount of damages that can be claimed in lawsuits for libel. The law requires that the plaintiff deposit a payment of 1 to 10 percent of claimed damages in the form of collateral, which is forfeited if the plaintiff loses the lawsuit. Additionally, the law waives press responsibility for inoffensive, non-factual judgments, including criticism. Despite these measures, the Office of the Ombudsman indicated concern over the 'astronomical' damages awarded for alleged libel.

In April, the media reported that a local court ordered Chas, a Chernivtsi-based newspaper, to pay \$9,500 (50,000 hryvnya) for moral damages based on the alleged defamation of a local official in 2001. Voicing concern that the fine would force it out of business, the newspaper announced that it would appeal the decision of the local court. An appeals court subsequently ordered Chas to pay a fine of \$4,750 (25,000 hryvnya). In May, the Pechersk Local Court in Kiev ordered the publishing house Stolichniye Novosti to pay \$570,345 (3 million hryvnya) for moral damages for calling the magazine "Personnel," a publication of the Interregional Academy of Personnel Management and the International Personnel Academy, anti-Semitic and neo-fascist. Two libel suits originally filed in 2001 against Radio Free Europe/Radio Liberty were reheard in 2002 for the third time due to a change in judges; however, no decision or settlement had been reached by year's end for either suit and no new information was made available about the cases.

Government entities used criminal libel cases or civil suits based on alleged damage to a "person's honor and integrity" to influence or intimidate the press. According to the Mass Media Institute (IMI), 46 actions were brought against the mass media and journalists for libel during the year. IMI estimated that government officials initiated 90 percent of these suits. 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.

The new Civil Code, enacted during the year and scheduled to take effect in 2004, provides that negative information about a person is considered untrue unless the person who spread the information proves to the contrary. Journalists and legal analysts have expressed concern that this code will have a negative impact on freedom of speech and the press.

The SBU had broad powers over the media in regard to the publication of state secrets, which included information on executions, the physical state of prison infrastructure, pretrial detention facilities, and centers for the forcible treatment of alcoholics; however, journalists reported that, in general, they were able to report about harsh prison conditions without any inhibition (see Section 1.c.).

The print media, both independent and government-owned, sometimes demonstrated a tendency toward self-censorship on matters that the Government deemed sensitive. According to a poll taken during the year, many journalists believed that criticism of the president (71 percent), local authorities (69 percent), the Presidential Administration (68 percent), or criminal organizations (77 percent) would result in negative consequences such as psychological pressure, economic sanctions, and physical attacks. Although private newspapers were free to function on a purely commercial basis, they were subject to various pressures, such as dependence on political patrons who could facilitate financial support from the State Press Support Fund and close scrutiny from government officials, especially at the local level. The dependence of some of the press on government patronage inhibited criticism, particularly at the local level. This type of pressure was particularly acute prior to and during the 2002 parliamentary elections.

There were instances in which the authorities restricted or banned some publications critical of governmental entities or officials. On May 5, the procuracy questioned the editor of the newspaper *Litsa* in connection with a criminal case on charges of publishing libelous information that obstructed the efforts of the President to carry out his duties. However, the editor was charged with printing passages that, in fact, the newspaper had not published. In 2002, *Litsa* complained about local government pressure following its publication of articles about the local government's interference in by-elections in Dnipropetrovsk Oblast.

The popularity of the Internet has surged in recent years. According to the State Communication and Information Committee, the number of Internet users increased by 50 percent during the year and totaled 8 percent of the population, compared to 5 percent in 2002. Additionally, there were approximately 28,800 web sites, an increase of just over 4 percent from 2002. Of the 300 Internet service providers (ISPs),

10 controlled approximately 80 percent of the market. The Internet attracts more urban and younger people and users are concentrated in the central and western parts of the country where civil society is strongest. A 2000 Presidential decree identified the development of the Internet as a priority of national information policy and instructed the Government to design a state program to develop the Internet network; however, human rights observers were concerned that the Government, particularly the SBU, intended to limit freedom of expression on the Internet, which featured a number of popular opposition web sites.

On December 15, President Kuchma signed legislation that further broadened the powers of the SBU to monitor Internet publications and e-mail. During public hearings on the draft of the legislation, which requires telecommunications operators to pay for and install monitoring equipment of 'authorized agencies,' the SBU announced that ten ISPs had already installed network monitoring equipment. The stated goal of the network was to fight corruption and further the country's integration into the European Community; however, human rights organizations expressed concern that this network has increased the SBU's ability to supervise citizens without cause. The Internet Association of Ukraine (InAU), a group of six Kiev-based ISPs, complained in a report to the OSCE that enactment of monitoring legislation could infringe on people's rights to privacy of correspondence under existing law.

In July, the Government moved to take control of the "ua" Domain, "ua" being the country's domain suffix. It successfully filed suit against the private firm that administers the "ua" domain and appealed to the Internet Corporation for Assigned Names and Numbers to approve the transfer to a joint Government-private venture. Human rights Observers suggested that this was a further move to exert control over Internet content.

Although limited in readership, Internet publications, in particular *Ukrayinska Pravda*, played a key role in covering the disappearance of Heorhiy Gongadze and the scandal surrounding allegations of presidential involvement in the case (see Section 1.a.).

While major universities are state-owned, they operated for the most part under full autonomy; however, academic freedom was an underdeveloped and poorly understood concept. Nepotism and bribery reportedly were common during entrance exams and also influenced the granting of degrees. Administrators of universities and academic and research institute directors possessed the power to silence colleagues by denying them the ability to publish, withholding pay and housing benefits, or directly terminating them. Restrictions by the Communications Ministry on the mailing of scientific documents also caused concern. The SBU maintained offices for the protection of state secrets in state scientific and research institutes, including those not conducting any classified research. 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; however, there were some restrictions on this right. While the Constitution requires that demonstrators inform the authorities of a planned demonstration in advance, the law on public assembly stipulates that organizations must apply for permission to their respective local administration at least 10 days before a planned event or demonstration. The Criminal Code prescribes up to 2 months of corrective labor or a fine for repeatedly staging unauthorized demonstrations. Under the law, demonstrators are prohibited from inciting violence or ethnic conflict and from calling for the violent overthrow of the constitutional order. In practice, unlicensed demonstrations were common: Most, but not all, occurred without police interference, fines, or detention.

By year's end, 14 of the 18 prisoners of the National Ukrainian Assembly/Ukraine People's Self-Defense (UNA/UNSO), who had been convicted in connection with 2001 anti-Government demonstrations in Kiev, had been released after serving their prison terms. Of the remaining four, three were scheduled for release in March 2004.

The Constitution and law provide for freedom of association; however, there were instances when authorities impeded individuals' right to gather. For example, during the July Ukrainian-Polish summit in the Volyn Oblast, police briefly detained seven members of the small radical nationalist party, the Ukrainian Social National Party (SNPU), for circulating leaflets calling for a demonstration on July 6 in Lutsk to protest the Government's plans to erect a monument commemorating the 60th anniversary of the large-scale Ukrainian-Polish killings in the Volyn region during World War II and against the July 11 commemorative events in the Volyn Oblast which were attended by President Kuchma and the President of Poland. Police threatened to open a criminal case against SNPU activists on charges of fomenting inter-ethnic hatred; however, no criminal case was opened. On July 10–11, near the village where Kuchma and the Polish President were to meet, police blocked a bus-

load of demonstrators from nationalist youth groups, refusing to let the demonstrators out of the bus for several hours.

In other actions that appeared designed to block demonstrations or intimidate demonstrators, a cafeteria owned by businessman Stepan Marchenko, a leader of the Ukrainian People's Party and head of the local entrepreneurs' strike committee in Myrhorod, Poltava Oblast, was destroyed by arson on August 5, the same day, Marchenko and other entrepreneurs from Myrhorod had planned to go to Kiev to hold a demonstration outside the Presidential Administration in protest of harassment of businessmen in Myrhorod. The trip was cancelled because of the fire. Earlier, Marchenko had been summoned several times to the town hall, where it was suggested that he cancel his trip and the demonstration in Kiev. Marchenko's cafeteria had also been vandalized previously. On September 24 in Lviv, unidentified individuals pushed a group of supporters of the opposition party, SNPU, into a car and held them for several hours at a deserted location. The SNPU supporters had circulated leaflets calling for a September 25 demonstration in Lviv to protest an international agreement signed by the President and other policies.

Groups must register with the Government to pursue almost any purpose. Unregistered groups are prohibited from opening bank accounts, acquiring property, or entering into contracts. The registration law also gives the Government the right to inspect the activities of all registered groups. This law requires that a party specify all its activities in its charter, but it is not required to notify the authorities of each of their meetings. A change in the group's charter necessitates re-registration. In September the Government reregistered the offices of the National Democratic Institute (NDI) and the International Republican Institute (IRI); they had originally sought re-registration in September 2001. The Institute for Sustainable Communities was registered on April 21.

The law provides for restrictions on organizations that are considered dangerous, such as those that advocate violence or racial and religious hatred or which threaten the public order or health. The Government had not identified publicly any group as "dangerous" by year's end; however, far-right political organizations reported that they were subject to harassment and surveillance by government authorities.

There were some additional restrictions on political parties (see Section 3). They may not receive financial support from the state or any foreign patron. In accordance with the Constitution, the law also prohibits the establishment of political parties in the executive and judicial branches, military units, law enforcement organizations, state-owned enterprises, and other public institutions; however, this prohibition often was ignored in practice. The Supreme Court reserves the right to ban any political party upon the recommendation of the Ministry of Justice or the Prosecutor General.

The law requires that a political party maintain offices in one-half of the regions; however, in practice, regional parties existed. Ethnic minorities occupied leadership positions in national political parties (see Section 3).

c. Freedom of Religion.—The Constitution and the law provide for freedom of religion, and the Government generally respected this right in practice. Religious groups of all beliefs flourished. However, some local officials at times impeded attempts by minority and nontraditional religions to register and buy or lease property.

The Constitution and the law provide for the separation of church and state. There is no state religion. The largest church in the country, the Ukrainian Orthodox Church (UOC)-Moscow Patriarchate, predominated in the South and East with 10,310 registered communities, 360 of which were registered during the year. The UOC-Kiev Patriarchate was the second largest of the Orthodox Churches in the country, with 3,186 communities, 167 of which were newly registered during the year. It was strong in the central regions. The smaller Ukrainian Autocephalous Orthodox Church (UAOC), which has 1,107 communities, including 21 newly registered parishes during the year, was also strong in the central regions. The Greek Catholic Church, with 3,326 parishes of which 31 were registered during the year, predominated in the West, but sought renewed presence in Kiev. These churches exerted significant political influence at the local and regional levels. Each of these churches, within its respective sphere of influence, reportedly pressured local officials to restrict the activities of the others.

The law requires all religious organizations and non-secular institutions of education offering religious diplomas to register with the State Committee on Religious Affairs (SCRA). Registration is necessary to own property or carry out many economic activities, such as publishing religious materials and opening bank accounts. The UOC-Kiev Patriarchate reported delays in the registration of its parishes. Some minority religious organizations reported that, particularly at the local or regional

levels, officials of the SCRA delayed registration of their organizations for extended periods. However, there were fewer such reports during the year.

Representatives of the Progressive Jewish Communities claimed that local authorities and Chabad Lubavitch officials made statements against their community in the local press while the group was organizing communities in Dnipropetrovsk. The Progressive Jewish Community claimed not only that the Dnipropetrovsk Chabad Community opposed the registration of any Jewish community but itself in the region, but also that, under pressure from Chabad Lubavitch, it was denied registration in Dnipropetrovsk. The Progressive Community dropped its registration bid in 2002.

Representatives of the Muslim community noted that they have been unable to register a community in Kharkiv for the past 11 years. Local police often subjected Muslims to document checks.

Representatives of minority Christian communities expressed concern over instances of discrimination against their adherents, although such incidents appeared to be isolated. Evangelical churches, like many other religious communities, experienced difficulties in obtaining land plots.

Disputes continued among competing Orthodox Christian administrative bodies. The SCRA, although supportive of a unified, independent Orthodox Church for the country, has maintained neutrality in its relations with the various Orthodox churches. The UOC-Kiev Patriarchate and the Ukrainian Greek Catholic Church complained of harassment by local authorities in the predominantly Russian-speaking southern and eastern regions of the country. The UOC-Moscow Patriarchate complained that local governments ignored the appropriation of its churches by Greek Catholics in the western region.

The SCRA served as the Government's point of contact between the various organizational entities that provided logistical support and permits during the international conference of Jehovah's Witnesses, which drew considerably more than 100,000 faithful to the capital and regional cities. Approximately 20,000 Jewish pilgrims visited the Nachman tomb, 10,000 during Rosh Hashanah. Both events took place without incident.

Representatives of the UAOC cited instances of difficulties in providing religious services to soldiers and of the need to obtain approval from prison chaplains of the Moscow Patriarchate for prison ministry activities.

The Government generally permitted religious organizations to establish places of worship and to train clergy. The Government continued to facilitate the building of houses of worship by allocation of land plots for new construction and through restitution of religious buildings to their rightful owners. The Government provided funds to reconstruct houses of worship, including a mosque in Sakalinye.

Members of numerous religious communities encountered difficulties in dealing with the Kiev municipal administration to obtain land permits and building permits; however, problems were not limited to religious groups. A synagogue, which was used as a sports center during Soviet times, was restored and reopened in Kharkiv.

Under the law, all religions, faiths, and religious organizations are equal. The clergy, religious preachers, teachers, and other representatives of foreign organizations who are foreign citizens and are in the country temporarily, can preach religious faiths and perform religious rites or other canonical activity only in the religious organizations on whose invitation those individuals arrived and with official agreement of the state agency that registered the relevant religious organization. In practice, the Government has not used the law to limit greatly the activity of religious organizations.

The law restricts the activities of "nonnative," foreign-based, religious organizations ("native religions" are defined as Orthodox, Greek Catholic, and Jewish), and narrowly defines the permissible activities of members of the clergy, preachers, teachers, and other non-citizen representatives of foreign-based religious organizations; however, in practice there were no reports that the Government used the law to limit the activity of nonnative religious organizations. There were no reports that foreign religious workers encountered difficulties obtaining visas.

Secular religious instruction is prohibited in the public school curriculum. Schools run by religious communities can and do include religious education as an extracurricular activity. Government and UOC-Kiev Patriarchate attempts to introduce training in "basic Christian ethics" into the public schools has resulted in schools now having the right to include this subject in the curriculum at their own discretion. While the country's Jewish leaders also support the teaching of ethics and civics in school, they insist on a nonsectarian approach to this training.

A large number of high-level government officials continued to take part in the commemoration of the massacre at Babyn Yar in Kiev, the site of one of the most

serious crimes of the Holocaust directed against Jews and thousands of individuals from other minority groups. The Government commemorates it each September. Discussions continued among various Jewish community members about erecting an appropriate memorial, and possibly a heritage center, to commemorate the killings. The Government was generally supportive of these initiatives.

Outstanding claims for restitution remained among all of the major religious communities. The Government continued to return properties expropriated during the Soviet era to religious groups; however, not all groups regarded the pace of restitution as satisfactory, and all major religious communities continued to have outstanding restitution claims. During the year, religious communities received ownership of 358 premises (i.e. buildings or sections of buildings) converted into places of worship and another 524 religious buildings that were not designated for worship, such as former religious schools, hospitals, and clerical residences, totaling 2,388 and 1,313, respectively, since independence.

Intra-communal competition for particular properties complicated the restitution issue, both for some Christian and for some Jewish communities. Some groups asserted that restitution generally was progressing satisfactorily, although more could be done, while others that did not receive property reported a lack of progress. The slow pace of restitution was a reflection, among other things, of the country's difficult economic situation, which severely limited funds available for the relocation of the occupants of seized religious property. In September 2002, the Cabinet approved an action plan, drawn up at the instruction of President Kuchma, designed to return religious buildings to the religious organizations that formerly owned them. The Rada subsequently adopted the first reading of amendments to the Land Code that will allow religious organizations permanent use of designated property.

Friction involving various religious groups remained evident, particularly among the leadership of some religious organizations. A dispute between nationalists and Jews over the erection of crosses in Jewish cemeteries in Sambir, and Kiev, remained unresolved, despite efforts by Jewish and Greek Catholic leaders to resolve it. A local court ordered a halt in the construction of an apartment building at the site of an old Jewish cemetery in Volodymyr Volynsky. However, according to the Secretary of the Volodymyr-Volynsky Municipal Council, apartment construction was completed during the year and 90 percent of the units were occupied.

One Christian religious group complained that the UOC-Moscow Patriarchate made calls to local government officials in an attempt to derail land allotments for local religious building establishments. The same group alleged that the UOC-Moscow Patriarchate ordered the reprint of criticism of the group originally published in a Moscow newspaper.

Acts of anti-Semitism continued to be infrequent; however, some ultranationalist groups and newspapers continued to publish and distribute anti-Semitic tracts. The procuracy warned certain publications against publishing anti-Semitic material. Construction of a Ukrainian Greek Catholic Church cathedral in the capital and the planned transfer of the leader's residence to Kiev provoked the Ukrainian Orthodox Church-Moscow Patriarchate to speak out against the Greek Catholic's expansionist plans eastward.

In Kharkiv, the UAOC reported that unidentified perpetrators smashed its windows with a bat on February 15. Police suspected that the bat was thrown during a fight or by a passer-by. Church officials did not insist on further investigation of the incident.

Evangelical Christian missionaries reported some instances of societal discrimination against members of their churches, such as public criticism for betraying native religions, although there were no reports of harassment.

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

d. Freedom of Movement within the Country, Foreign Travel, Emigration, and Repatriation.—The Constitution provides for these rights, and the Government generally respected them in practice; however, there were some limitations. Until November 2001, the propyska system—a nationwide requirement to register at the workplace and place of residence in order to be eligible for social benefits—remained in place; access to certain social benefits was limited to the place where one was registered. The Government had not implemented a substitute informational register by year's end and, while fines for failing to register at a place of residence were no longer imposed, information was insufficient to determine whether individuals who had not registered had access to the social benefits that they previously had been denied. Police arbitrarily detained persons for extensive document checks and vehicle inspections (see Section 1.f.).

Citizens who wished to travel abroad generally were able to do so freely. Exit visas were required for citizens who intended to take up permanent residence in an-

other country, but there were no known cases of exit visas being denied to citizens during the year. The Government could deny passports to individuals in possession of state secrets, but those denied had the possibility of appealing.

A 2001 Citizenship Law provides the right to citizenship to all individuals who were born or lived in the country before independence and to their descendants who lived outside the country as of November 1991. Dual citizenship is not recognized. Under the terms of the Citizenship Law, refugees may acquire citizenship if they have lived legally in the country for 3 years (instead of 5 years for other foreigners) and can communicate in the Ukrainian language. Refugees do not have to formally terminate foreign citizenship with their home country unless the Government has signed a specific agreement with that country mandating such a procedure; they must only notify the authorities of their rejection of foreign citizenship. Since independence, more than 1.5 million individuals have returned to the country, while more than a million persons, mostly ethnic Russians, have left the country.

The Government has not supported a foreign-funded program to facilitate travel to the country of some emigrants who qualified for resettlement as refugees; however, more than 260,000 Crimean Tatars have returned from exile to Crimea, mainly from Central Asia. Citizenship law facilitates the acquisition of citizenship by Crimean Tatars, who were deported victims of political oppression, by waiving some of the usual residence and language requirements. According to the U.N. High Commission for Refugees (UNHCR), approximately 98 percent of the Tatar returnees have acquired citizenship. Crimean Tatar leaders have complained that their community has not received adequate assistance in resettling and that an onerous process of acquiring citizenship previously excluded many of them from participation in elections and from the right to take part in the privatization of land and state assets.

The Law on Refugees provides for the granting of refugee and asylum status to persons who meet the definition in the 1951 U.N. Convention Relating to the Status of Refugees and its 1967 Protocol. In practice, the Government provided protection against refoulement, but did not routinely grant refugee or asylum status. The law governs the treatment of refugees and entitles refugees to all of the benefits accorded to citizens. It also extends the term of refugee status from 3 months to 1 year. The Government cooperated with the UNHCR and other humanitarian organizations in assisting refugees. When the law on refugees took effect in 2001 the State Committee for Nationalities and Migration assumed authority for refugee adjudication. Regional centers began forwarding cases to the central authorities in July and August 2002; however, 2 years after the implementation of the law, there was still no adjudication mechanism for this body. This process has standardized decision-making; however it has also slowed the adjudication of cases. At year's end, the Government informed UNHCR that it would revise these procedures in order to address this problem. The number of individuals who received refugee status during the year increased but remained very small. UNHCR reported that 1,301 applications for 1,500 individuals were received as of September, and 31 people were granted refugee status.

According to UNHCR officials, the biggest obstacle to the implementation of the Government's commitments to the protection of refugees is that authorities strictly apply very short deadlines. The authorities refused to initiate asylum procedures for 70 percent of all asylum seekers prior to any substantive consideration of their application because they did not apply for refugee status within 3 working days of their illegal entry into the country. As a result, they remained undocumented and faced arrest, detention, and deportation.

Under the Citizenship Law, legally registered refugees may apply for citizenship after 3 years of permanent residence. As of July 1, according to statistics in the Government Courier newspaper, 2,961 persons had official refugee status. Under the Refugee Law, refugees are entitled to material assistance. The Cabinet allocates funds in the national budget for payment of refugee pensions and small allowances for indigent refugees, plus transportation fare to a refugee center. Refugee reception centers operated in Vynytsya and Odesa.

Police harassment of refugees of certain categories of individuals, particularly those with dark skin, and, to a lesser degree, Asians continued during the year (see Section 1.c.). They included at least one severe beating. The UNHCR issued beneficiary cards to persons it recognized as refugees. Presentation of this card to law enforcement authorities reportedly led to some reduction in harassment, although this procedure did not help the large numbers of unrecognized refugees. The UNHCR continued to hold training seminars for judges, border guards, and other law enforcement personnel that focus on preventing such behavior.

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

The Constitution provides citizens with the right to change their government peacefully through periodic elections; however, seriously flawed by-elections during the year, as well as administrative and other difficulties imposed to limit organizational and publicity efforts of opposition parties, restricted this right. The Constitution provides for universal suffrage for citizens at least 18 years of age and for by-elections every 4 years for the Rada and every 5 years for President. The OSCE noted some improvements in the March 2002 Parliamentary elections, but significant flaws persisted. By-elections and local elections during the year revealed serious shortcomings in which individuals opposing the Kuchma regime faced administrative obstacles, pressure to discourage sympathetic media coverage of government opponents, and interference in their organizational activities. The Rada is elected partially according to proportional representation and partially by direct constituency mandate. The most recent presidential election was held in October and November 1999. The next presidential election is scheduled for October 2004.

A number of by-elections during the year were marked by serious irregularities. For example, two elections monitoring organizations issued reports alleging serious irregularities in the conduct of the May 18 Sumy mayoral election campaign and balloting. These irregularities included fraudulent voting, lack of consistent access by media and election observers to the electoral process, and the disqualification of a major candidate shortly before the elections.

A report by a prominent election monitoring organization highlighted a number of irregularities in the June 8 parliamentary elections in Chernihiv. According to the report, some voters were not able to vote due to discrepancies in the voter lists. Additionally, there was a lack of openness on the part of the local electoral commission toward the press. As in the case of the Sumy mayoral election, a prominent candidate was disqualified just before the election was to be held.

There were numerous instances of abuse of the electoral process, the prosecutorial and judicial systems, and state resources during and after the June Mukacheve elections. On December 26, President Kuchma issued a decree dismissing the elected mayor of Mukacheve and appointing a pro-government individual as acting mayor. The decree was based on the decision of a Lviv court of first instance that declared the June election invalid and ordered new elections. A Mukacheve court ruled the decree illegal, but the appointed mayor has occupied city hall with a police escort. At year's end, the Supreme Court scheduled the Mukacheve court's decision for review. The human rights Ombudswoman requested that the Constitutional Court provide an opinion.

During the year, authorities placed a variety of obstacles in the way of the opposition Our Ukraine bloc, whose leader, Viktor Yushchenko, was the unofficial front-runner in the 2004 presidential elections. Efforts of Our Ukraine to hold its annual party conference in Donetsk in October were impeded by the initial refusal of airport authorities to permit Yushchenko's aircraft to land at the Donetsk airport, blocked exits from the airport upon arrival, large crowds of hostile demonstrators at each of Our Ukraine's stops, refusal by security authorities at the government-owned conference hall to permit Our Ukraine access prior to the official opening of the conference, and by the authorities' permitting a large crowd to occupy the conference hall, thereby preventing Our Ukraine from using the facility. The behavior of local officials, who declared that they were unable to evict those occupying the building, and the highly organized nature of the demonstrations, led to widespread charges that the authorities in Donetsk or in Kiev planned the obstructions. An effort by Our Ukraine to stage a rally in Sumy also faced obstacles. They were denied use of the city's larger indoor venues, and the outdoor event they were able to stage was interrupted by a large group of protesters, who threw eggs, firecrackers, and stones. According to Our Ukraine, a number of bus companies cancelled contracts to transport Our Ukraine supporters to Sumy. Smaller-scale disruptions were reported at several other Our Ukraine regional rallies. Following these events, Parliament established an ad hoc commission to monitor the observance of the rights of Rada deputies and citizens to hold meetings and rallies. The commission did not release any findings by year's end.

Improvements in the 2002 parliamentary elections that were noted by the OSCE monitoring mission included a new Election Law that took into account international recommendations and a civil society engaged in the electoral process. For example, extensive NGO monitoring of the pre-election and election processes and prompt release of exit polling immediately after the voting ended helped to improve the electoral process. However, a general atmosphere of distrust pervaded the pre-electoral environment due to factors that included flawed implementation of the legal framework, illegal interference by authorities in the electoral process, and

abuse of administrative resources, including alleged pressure on public employees to vote for certain candidates. Media coverage was highly biased, and opposition candidates did not have equal access to electronic media. The Government did not move in a proactive manner to ensure a level playing field for all political parties. Officials did not take steps to curb the widespread and open abuse of authority, including the use of government positions and facilities, to the unfair advantage of certain parties.

According to the OSCE report, voter lists were unreliable, including voters who had moved to other districts or left the country and deceased persons whose names remained on voter lists. During the parliamentary elections, there were numerous reports that the Government relied on local and regional authorities to pressure voters into supporting pro-presidential parties. Authorities also used administrative resources to support pro-presidential party campaigning activities. The OSCE noted a "surprising" contrast between the party-list vote and the single-mandate results. Election experts consider single district constituencies more easily manipulated than party list elections. There were many instances of harassment during campaigning and, as with previous elections, opposition candidates complained of voting irregularities, a lack of access to the media, and government pressure on behalf of pro-presidential candidates. Some violent incidents, including one killing in the 2002 pre-election period, may have been politically motivated (see Section 1.a.).

International observers noted violations of election day procedures in the 1999 presidential election, with more numerous and serious violations occurring in the second round of voting. A representative of the Parliamentary Assembly of the Council of Europe (PACE) declared that the election was "far from fair and democratic." However, because of President Kuchma's 18-point margin of victory, observers concluded that it was unlikely that these problems significantly altered the final outcome of the election.

A number of events took place toward the end of the year which were interpreted by political opponents of President Kuchma and by many human rights observers, including the special rapporteurs of the Parliamentary Assembly of the Council of Europe, as efforts to ensure the President's hold on power after the end of this term in office expired in 2004. The spokesmen for the Government denied these assertions, and the President vowed not to seek another term. In early December, the Constitutional Court approved three draft packages of constitutional changes initiated by the Presidential Administration and pro-presidential majority. While the packages ostensibly would increase the authority of Parliament, many critics state that the draft amendments were designed to strengthen the power of the President, alter future presidential elections, and prevent the opposition from gaining power. The two majority-sponsored packages proposed that the President be elected by Parliament. The legislation was under consideration in the Rada at year's end. On December 30, the Constitutional Court ruled that President Kuchma could run for a third term in 2004, stating that the Constitutional limit of two terms did not apply to President Kuchma's first term since it began before the new Constitution took effect in 1996.

Two opposition party members died under suspicious circumstances during the year (see Section 1.a.). No new information was made available about the NGO Committee of Voters of Ukraine's (CVU) election monitor Oleksandr Olynyk, who disappeared following the March 2002 elections (see Section 1.b.).

There were 21 women in the 450-seat Rada, down from 23 in the previous Rada. No women held ministerial posts. The 18-member Constitutional Court had 2 female members. Women occupied approximately 9.7 percent of regional council seats, according to statistics from the State Committee for Family and Youth.

The representation of Crimean Tatars continued to increase in local and regional councils. Crimean Tatars had the third largest representation on the Supreme Council of Crimea, due largely to citizenship laws that increased the number of eligible voters from the Crimean Tatar community.

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

A wide variety of domestic and international human rights groups generally operated without government restriction, investigating and publishing their findings on human rights cases and Government officials frequently were cooperative and responsive to the views of NGOs; however, human rights groups reported continued difficulties in investigating some human rights abuses.

On December 11, the Rada approved a resolution establishing an ad hoc commission to investigate foreign-funded NGOs. Human rights observers viewed this as an attempt by the Government to discredit NGOs in the eyes of the public and reduce possible sources of points of view contrary to its own.

The Parliamentary Commissioner on Human Rights is a constitutionally mandated, independent human rights Ombudsman. The incumbent was reelected on June 19 to a second 5-year term. The law provides the Ombudsman with unrestricted and unannounced access to any public official, including the President; unrestricted access to any government installation; and oversight of the implementation of human rights treaties and agreements to which the country is a party; however, the law provides no penalties for those who obstruct the Ombudsman's investigations, nor does it create sufficient enforcement authority for the Ombudsman. The law requires the Government to submit amendments to existing laws in order to establish a legal framework for the operation of the Ombudsman's office; however, although the Ombudsman noted the lack of effective mechanisms for protection of human rights in a November 2000 report to Parliament, that body had not enacted any such amendments by year's end. All citizens and residents can address their concerns to the Ombudsman, and the Ombudsman serves as an intermediary between citizens and the Constitutional Court, since citizens cannot address the Court directly (see Section 1.e.).

In 2002, the Ombudsman's office reported that it had received approximately 270,000 letters and other requests for information from individuals during the year. It is unclear how many of those requests were complaints of human rights violations. The office consisted of approximately 100 full- and part-time workers; however, according to the Ombudsman, underfunding of the office continued to hamper its activities. The Ombudsman continued to make the combating of trafficking in persons (see Section 6.f.) and improving prison conditions (see Section 1.c.) major priorities during the year.

Citizens have the right to file appeals with the ECHR about alleged human rights violations. The ECHR has described the country as the fourth largest contributor of complaints. Between 1997 and the end of 2002, approximately 4,000 applications were filed with the court from Ukraine. There were seven decisions during the year: Six cases resulted in the finding that human rights violations had been committed, and, in one case, the court delivered a ruling of just satisfaction and awarded the applicant approximately \$836,999 (550,000 euros) in monetary and non-monetary damages.

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

The Constitution prohibits discrimination on the basis of race, sex, and other grounds; however, the Government did not enforce these provisions effectively due, in part, to the absence of an effective judicial system.

Persons living with HIV/AIDS faced discrimination in the workplace; job loss without recourse to legal protection; harassment by law enforcement, prosecutorial, and judicial authorities, and social isolation and stigmatization within their communities.

Women.—Violence against women reportedly was pervasive. Spousal abuse is illegal, but the authorities often pressured women not to press charges against their husbands. On June 5, President Kuchma signed a law prescribing fines and arrest for domestic violence but it was too soon to evaluate its effects at year's end. The Criminal Code prohibits rape and "forced sex with a materially dependent person," which may allow prosecution for spousal rape. Official statistics on prosecutions for wife beating or on average sentences were not available; however, the Institute of Sociological Research reported in September 2000 that 12 percent of women under the age of 28 had been victims of domestic violence.

According to the State Bureau for Family and Youth, the Interior Ministry constantly monitored the 17,900 individuals officially charged with domestic violence. Of these, 13,600 were cases of physical abuse and 3,500 were cases of mental abuse. Prior to monitoring, individuals received first and second notices from authorities. As of October, 27,200 persons had been issued official warnings for the first time, and 3,500 received second warnings. According to authorities, the total number of registered domestic violence cases through October was 49,400, of which 19,000 were registered in the first half of the year.

While statistics compiled by the U.N. Development Program (UNDP) showed that the number of reported rapes and attempted rapes had decreased over the previous few years, surveys indicated that the majority of rapes and other cases of physical abuse went unreported. Past surveys by women's groups indicated that between 10 and 15 percent of women had been raped and that more than 25 percent were abused physically in their lifetimes. The International Helsinki Federation for Human Rights reported in 2000 that 20 percent of women aged 17 to 21 had faced attempted rape. In 2001, 1,051 rape cases were opened under Article 117 of the old Criminal Code and another 152 under the new Criminal Code. Information on convictions was not available.

Violence against women did not receive extensive media coverage despite the efforts of human rights groups to highlight the problem. State-run hot lines, shelters, and other forms of practical support for victims of abuse were few. Municipal authorities in Kiev ran a women's center, the only municipally supported shelter in the country. NGOs attempted to provide services for abused women through the establishment of women's support centers in nine cities (see Section 6.f.).

The country was a significant source and transit country for women trafficked abroad for sexual exploitation (see Section 6.f.).

Human rights observers and women's groups stated that discrimination against women continued to be a common problem in the workplace. The Government and private businesses regularly specified the gender of employees in their help-wanted advertisements, and employers frequently demanded information about a woman's family situation and subsequently used it to deny employment to women who were likely to become pregnant. Physical appearance and age were often taken into account in employment decisions involving women.

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 were inadequate. No statistics were available concerning the number of prosecutions for sexual harassment during the year.

Labor laws establish the legal equality of men and women, including equal pay for equal work, a principle that generally was observed; however, the economic decline of the past decade has harmed women disproportionately. Women were much more likely to be laid off than men. At the beginning of the year, according to the State Committee on Statistics, overall unemployment was 3.8 percent; however, experts state that the real unemployment rate is closer to 9.4 percent. Authorities said that, as of mid-year, the unemployment rate among women was 9.2 percent, compared to 9.7 percent among men. Industries that were dominated by female workers were also those with the lowest relative wages and the ones that were most likely to be affected by wage arrears problems. According to statistics from the State Committee for Family and Youth released in June, women's average pay was 17.5 percent lower than the average wage for men in 2002.

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, enforcement of these laws remained poor despite the implementation of a government program to combat dangerous labor. According to the Ministry of Labor, in 2002, 450,100 women were employed in hazardous jobs, a decline of more than 25 percent compared to 2001. Many women's rights advocates expressed concern that the law may be used to bar women from the best-paying blue-collar jobs. By law, pregnant women and mothers with small children enjoy paid maternity leave until their children reach the age of 3 years. This benefit is cited as a disincentive for employers to hire women for high-responsibility or career-track jobs. However, nearly 49 percent of the workforce consisted of women.

Few women attain top managerial positions in state and private industry. A 2000 business survey found that half of private-sector employees were women and that women ran 30 percent of private small businesses and 13 percent each of large and medium businesses. According to Government statistics, at the end of 2002, 75 percent of the country's approximately 216,949 civil servants were female (162,682), including 60.5 percent of those in managerial positions. However, women held only 8.3 percent of the highest, "first category," positions. (These numbers did not include the "power ministries"—the Ministries of Defense, Internal Affairs, Foreign Affairs, and the SBU—which had a substantially higher percentage of male employees at all levels.)

Educational opportunities for women generally continued to be equal to those enjoyed by men; however, the Government limited the number of women permitted to receive military officer training to 20 percent of the total number of students accepted. In addition, the military forces limited the role of women to certain functions, which limited their chances for promotion and training opportunities; women in the military generally occupied low-paying, routine positions.

Children.—The Government was publicly committed to the defense of children's rights, but budgetary constraints severely limited its ability to ensure these rights. There were few government bodies or NGOs that aggressively promoted children's rights, although the Ombudsman spoke publicly on the need to provide for youth. A 2001 law on child protection was designed to bring the country into conformity with international standards regarding children's safety and quality of life. In 2002, child and family protection laws were amended with the aim of helping to regulate

child-refugee protection and address financial assistance for families in need. There was no information available to evaluate the impact of these measures.

Education was free, universal, and compulsory until the age of 15; however, the public education system has deteriorated as a result of the Government's financial disarray. Teachers were paid their salaries during the year, but other monetary benefits due them were not paid in some localities. Increasing numbers of children from poor families dropped out of school, and illiteracy, which previously was very rare, became a problem. Of the nearly 6.5 million children attending school during the 2002–03 school year, 3.2 million were girls and 3.3 million were boys. Official statistics on the proportion of school-age children attending school were not available at year's end; however, according to a Ministry of Education sponsored organization, Vseobuch, more than 8,000 school-age children did not attend school. According to statistics released in June by the State Committee for Family and Youth, 10.7 million children younger than 18 years of age, including 456,000 children aged 7 to 17, worked. Of these, 87,000 were in the most vulnerable age group of 7- to 12-year-olds. The All-Ukrainian Committee for the Protection of Children reported that lack of schooling remained a significant problem among the rural population. The problem of growing violence and crime in and outside of schools persisted, particularly in the notoriously violent vocational schools. According to official statistics, 4,381 criminal cases were opened during the year against minors involved in criminal activity. The Government has ignored this problem.

Health care was provided equally to girls and boys, but economic problems worsened the overall quality of the health care system.

Violence and abuse against children remained a problem. According to a poll conducted by the State Institute of Family and Youth, 43 percent of minors said that they had been victims of some form of violence. By year's end, 300 additional criminal cases had been opened against parents for neglect of parental duties. The majority of complaints of abuse of children related to child prostitution, pornographic video sales, and child molestation.

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

The number of homeless children, who usually fled poor orphanages or poor domestic conditions, remained high. According to a 2000 press release from the Ministry of Internal Affairs, 100,000 children were registered as homeless; of those, 14 percent were under 7 years old. According to the Family/Youth Committee, the Government identified 2,600 homeless children during the year. Deteriorating conditions in the state orphanages has led the Government to encourage families to provide foster homes for orphans and to facilitate the establishment of family orphanages, where the parents are paid a salary, the state financially supports the children, and a house or apartment is provided. According to officials, there are currently 1,400 children living in family orphanages. On February 21, President Kuchma signed a decree that establishes a national program aimed at addressing the problem of homelessness among children. A priority of the program is the establishment of a country-wide hotline for children, and increased cooperation with the United Nations Children's Fund to improve socio-legal support for children and prevent homelessness.

Persons with Disabilities.—The law prohibits discrimination against persons with disabilities; however, the Government did little to support programs designed to increase opportunities for persons with disabilities. Legally mandated levels of employment of such persons at state enterprises were not observed. There were only five special vocational schools for persons with disabilities. As a result, according to one NGO, approximately 7,000 children with disabilities received an incomplete secondary education. Advocacy groups for persons with disabilities maintained that there was societal discrimination against such persons. In an effort to improve public perception of them, the Government made significant efforts to raise the profile of athletes with disabilities participating in international competitions, including the Winter Paralympics in March 2002. The law mandates access to buildings and other public facilities for persons with disabilities; however, the law was poorly enforced.

National/Racial/Ethnic Minorities.—The frequent harassment of racial minorities was an increasing problem. The police routinely detained dark-skinned persons for arbitrary document checks, whereas document checks of light-skinned individuals were rare (see Section 1.d.). Although the authorities disciplined police who engaged in this harassment when incidents were brought to their attention, such behavior remained common. 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 faced considerable societal discrimination. Opinion polls have shown that, among all ethnic groups, the level of intolerance is highest toward Roma. Roma continued to be subject to violence and abuse by police (see Section 1.c.). The Constitution provides for the “free development, use, and protection of the Russian language and other minority languages.” This provision expanded a 1992 law on national minorities that played an instrumental role in preventing ethnic strife by allowing individual citizens to use their respective national languages to conduct personal business and by allowing minority groups to establish their own schools. However, some pro-Russian organizations in the eastern part of the country complained about the increased use of Ukrainian in schools and in the media. They claimed that their children were disadvantaged when taking academic entrance examinations, since all applicants were required to take a Ukrainian language test. According to official statistics on languages used in schools, 16,532 taught in Ukrainian, 2,215 in Russian, 97 in Romanian, 68 in Hungarian, 9 in Moldovan, 10 in Crimean-Tatar, and 3 in Polish.

Ukrainian and Crimean Tatar minorities credibly complained of discrimination by the ethnic-Russian majority in Crimea and demanded that the Ukrainian and Crimean-Tatar languages be given a status equal to Russian. Crimean Tatar leaders continued to call for changes in the electoral law that would allow them to achieve greater representation in the Crimean legislature.

The Crimean Government, pleading insufficient funds, did not assent to requests from the Crimean Tatar community for assistance in reestablishing its cultural heritage through Tatar language publications and educational institutions. However, the Government continued to work with the UNDP, OSCE, and the International Organization for Migration (IOM) on support for the Crimean Tatar community. According to the UNHCR, 98 percent of the approximately 260,000 Crimean Tatars who returned to the country from exile in Central Asia have received citizenship. However, Crimean Tatar leaders complained that their community has not received adequate assistance in resettling and that the previously onerous process of acquiring citizenship excluded many of them from participating in elections and from the right to take part in the privatization of land and state assets (see Section 2.d.).

Romanians continued to call for university-level instruction in Romanian or the establishment of a Romanian technical college. There were 86 Romanian-language schools in the Chernivtsi Oblast.

Rusyns (Ruthenians) continued to call for status as an official ethnic group in the country, noting that they are accepted as minorities in neighboring countries. Representatives of the Rusyn community have 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. 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;” however, certain categories of workers, for example, nuclear power plant employees, are prohibited from doing so. Under the Constitution, all trade unions have equal status, and no government permission is required to establish a trade union. The Law on Citizens’ Organizations (which includes trade unions) stipulates noninterference by public authorities in the activities of these organizations, which have the right to establish and join federations on a voluntary basis. There were both official and independent trade unions.

To acquire national status under the amendments, however, a union must either have branches in more than half of the administrative regions or have branches in more than half of the administrative regions where the enterprises of this sector are located. The amendments also granted labor unions the status of “legal entities,” allowing them to acquire property and open bank accounts without being registered at the Ministry of Justice. The amended law still requires that a union be registered before engaging in collective bargaining or participating in the management of social insurance funds. The Justice Ministry can deny registration if the union does not meet the requirements.

There were no reports during the year that the Ministry had denied registration to unions not loyal to the Government. All unions affiliated with the Federation of Trade Unions (FPU), which maintained strong ties to the Government and inherited assets from the official Soviet unions, as well as several new, independent, labor unions, were registered. However, some independent unions, including the Independent Miners Union of Ukraine (NPGU), initially chose not to register because the courts had declared that the registration requirement was unconstitutional. After changes in 2002 and during the year to legislation that granted labor unions

the status of “legal entities” and required only “notification of registration,” the NPGU proceeded to register with the Ministry of Justice.

Although the FPU often coordinates its activity with the Government, it continued to work independently on some labor matters and advocated workers’ right to strike. The FPU has supported the protests of some professions over unpaid wages; however, most FPU affiliates worked closely with management. Enterprise managers were free to join the FPU. The FPU leadership has a political party, the All-Ukrainian Party of Workers.

Independent unions provided an alternative to the official unions in many sectors of the economy. At year’s end, there were 101 registered trade unions, including 42 traditional (FPU) and 59 new trade unions. According to the Confederation of Free Trade Unions of Ukraine (CFTU), the latter was comprised of 28 CFTU member organizations, while the remaining 31 were affiliated with neither the FPU nor the CFTU. The NPGU, whose member unions represented pilots, civil air traffic controllers, locomotive engineers, aviation ground crews, and others, operated either independently or within one of three national confederations. While exact membership figures were unknown, there were estimated to be fewer than 2 million non-FPU members (down from 3 million in 2002) and 12 million (down from 14.5 million in 2002) members of FPU-affiliated unions. The drop in union membership was attributed to general apathy and cynicism regarding the benefits of union membership, as well as the fact that membership was no longer required for certain benefits, such as sick leave.

Independent unions were denied a share of the former Soviet trade unions’ huge property and financial holdings, particularly the social insurance benefits funds, a Soviet-era legacy on whose boards FPU-affiliated unions held the majority of seats. Independent trade union leaders complained that state representatives sought to influence union votes and pressure members to report on union activities. Independent trade union leaders also reported that they and their family members were subjected regularly to surveillance by law enforcement authorities.

According to additional provisions of the law, management no longer is obligated to provide free accommodations and telephone lines to unions. However, the law gives unions a say in labor safety and in the allotment of newly built public housing. These aspects of the law have not been contested.

There were no official restrictions on the right of unions to affiliate with international trade union bodies. The NPGU was a member of the Federation of Chemical, Energy, Mine, and General Workers’ Unions.

b. The Right to Organize and Bargain Collectively.—As a result of amendments to trade union law, which took effect in June, trade unions are no longer required to register or to obtain certificates of legalization; however, the Independent Coal Miners Union experienced problems creating new branches of their organization. The authorities refused to recognize them and continued unlawfully to require legalization certificates for their operations (opening accounts, renting offices, employing staff, etc.).

In the past, some authorities interpreted a provision in the Law on Public Organizations stating that public organizations are created to protect the interests of their members to mean that public organizations may offer services only to their members. However, there were no reports that this requirement was used to restrict the activities of any group during the year.

According to the law, joint worker-management commissions should resolve problems concerning wages, working conditions, and the rights and duties of management at the enterprise level. The Law on Collective Bargaining provides the right to collective bargaining; however, overlapping spheres of responsibility frequently impeded the collective bargaining process, and the manner in which the collective bargaining law was applied prejudiced the bargaining process against independent unions and favored the official unions (affiliates of the FPU). Most workers were not informed that they were not obligated to join the official union. Renouncing membership in the official union and joining an independent union could be bureaucratically onerous and typically was discouraged by management. The law provides that an independent union may be removed easily from the collective bargaining process at the enterprise level. Under earlier legislation, if several unions at an enterprise failed to agree on joint representation, the larger union—that is the FPU—represented labor in the bargaining process. Neither the 1999 law nor the January amendments to the Trade Union Law addressed this problem.

The Government, in a negotiation with trade unions in which all unions were invited to participate, established wages in each industrial sector in the form of a General Collective Bargaining Agreement, last signed in April 2001. In 2002, the agreement was extended for another year and, since October, official and independent trade unions have been negotiating with the Government and employers on

the signing of a new agreement. The Law on Labor Disputes Resolution establishes an arbitration service and a National Mediation and Reconciliation Service to mediate labor disputes. According to official statistics, the service resolved 244 out of 409 labor disputes during 2002, in which 2,169,941 employees from 9,446 enterprises were involved. During the first 9 months of the year, the service resolved 63 out of 231 labor disputes, in which 2,579,522 workers from 6,468 enterprises participated. The collective bargaining law prohibits anti-union discrimination. Under the law, the courts must decide discrimination disputes involving a union that is barred from participating in a collective bargaining agreement. There have been cases in which such disputes were not settled in a fair and equitable manner.

The Constitution provides for the right to strike "to defend one's economic and social interests," but states that strikes must not jeopardize national security, public health, or the rights and liberties of others. The law prohibits strikes that jeopardize life, health, or the environment or that might hinder disaster, accident, or epidemic-related operations. The law does not contain a specific prohibition on strikes based on political demands; however, it prohibits strikes based on demands to change the constitutional order, state borders, or the administrative division of the country, as well as on demands that infringe on human rights. The law does not extend the right to strike to members of the procuracy, judiciary, armed forces, security services, law enforcement agencies, or public servants. The law extends the right to strike to employees of "continuing process plants" such as metallurgical factories, provided that they give 15 days' advance notice of their intent to strike. According to the International Confederation of Free Trade Unions (ICFTU) 1999 annual report, the Law on Transportation does not allow strikes in the transport sector. Workers who strike in prohibited sectors may receive imprisonment of up to 3 years.

The Government has relied on 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. During 2002, there were 19 strikes in which 97 enterprises and 9,344 workers took part. As of October 1, more than 4,200 employees from 13 enterprises had taken part in 13 strikes. These figures illustrated a significant drop in strike participation from 2000, when an estimated 20,600 workers from 76 enterprises participated in strikes.

There are no export processing zones.

c. Prohibition of Forced or Bonded Labor.—The Constitution and the Labor Code prohibit forced or bonded labor, including by children; however, there were reports that such practices occurred (see Sections 6.d. and 6.f.). Human rights groups described as compulsory labor the common use of army conscripts in the alternative service for refurbishing and building private houses for army and government officials (see Section 1.c.).

d. Status of Child Labor Practices and Minimum Age for Employment.—The minimum age for employment is 16; however, in certain non-hazardous industries, enterprises may negotiate with the Government to hire employees as young as 15 with the consent of one parent. Children aged 14 can legally work on a short-term basis in the social sector and agriculture with the consent of one parent. The State Department for Monitoring Enforcement of Labor Legislation within the Ministry of Labor and Social Policy is responsible for enforcing child labor laws and was generally effective; however, some children under the minimum employment age worked in the informal sector. According to research conducted by the Ukrainian Institute of Social Research in cooperation with the International Labor Organization, 6.8 percent of children between the ages of 7 and 17 work.

The Criminal Code prescribes up to 5 years in prison for involving children in criminal activities, drinking, begging, prostitution, gambling, or other exploitation. Children worked in the agricultural sector, and child labor was also a trafficking issue (see Section 6.f.). Begging by children existed, although it was limited. During the first quarter of 2002, the latest year for which statistics are available, police identified almost 1,500 offenders for involvement in child labor, 111 of them for involvement in begging.

e. Acceptable Conditions of Work.—Working conditions and pay levels reflected the overall poor state of the economy. The minimum monthly wage was approximately \$31 (165 hryvnya) in May. Legislation provided for an increase to \$44 (235 hryvnya) beginning in December. The Rada amended the Law on Pensions to increase the minimum pension to approximately \$13 (70 hryvnya) from \$4.50 (24 hryvnya) in 2002; however, the President vetoed the amendment and the minimum pension is now less than \$10 (50 hryvnya). The amendment was intended also to bring the minimum pension into line with the minimum subsistence level of \$64.60 (342

hryvnya) per month; however, all increases have been halted pending the implementation of pension reform. Pensioners also receive a supplementary social benefit of less than \$4 monthly (20 hryvnya).

On January 1, the minimum average monthly wage increased to approximately \$35 (185 hryvnya). In 2002, the nominal average monthly salary stood at approximately \$71 (376 hryvnya), and for the first half of the year increased to approximately \$80 (424 hryvnya). During the year, the average monthly salary for the first time exceeded the subsistence level, which is expected to increase to approximately \$67 (357 hryvnya) by the end of the year.

While the government sector has repaid wage arrears in most areas, in some parts of the country teachers were not paid monetary benefits (back holiday pay and service bonuses) owed to them. Although wage arrears decreased by approximately 7 percent in 2002, they remain substantial. In the first 6 months of the year, these arrears increased by 1.3 percent to approximately \$440 million (2.34 billion hryvnya), or 3.7 percent of the payroll. Most wage arrears accumulated in industry (58.3 percent), agriculture (18.5 percent), and construction (7.8 percent). They remained a problem in the private sector (which includes large enterprises in which the State was a shareholder). The national pension system repaid all arrears during 2000. Average wages were not as low as these statistics suggest, since the untaxed and unreported shadow economy was estimated to account for 50 percent of total economic activity. Activity in the shadow economy tended to be concentrated in retail trade and services but touched every sector and provided a means for individuals to supplement their often-meager salaries. In rural areas, where reported incomes tended to be the lowest, families subsidized their incomes by growing fruit and vegetables and raising livestock.

The Labor Code provides for a maximum 40-hour workweek, a 24-hour period of rest per week, and at least 24 days of paid vacation per year. Stagnation in some industries, for example in defense, significantly reduced the workweek for some categories of workers. The law contains occupational safety and health standards; however, these frequently were ignored in practice. In particular, illegal coal mines connected to organized crime and corrupt leaders operated in unsafe conditions, resulting in scores of deaths. Lax safety standards and aging equipment caused approximately 26,000 injuries on the job each year. During the year, 24,848 people were injured (1,320 fewer than in 2002), including 1,230 job-related fatalities (55 fewer than in the previous year). Also during the year, 10,841 miners (down from 12,606 in 2002) were injured in the coal sector, including 217 fatalities (down from 267 in 2002). In the coal-mining sector, it was estimated that, in the first 9 months of the year, there were 2.57 deaths (down from 3.52 in 2002) for every million tons of raw coal extracted.

In theory, workers have a legal right to remove themselves from dangerous work situations without jeopardizing continued employment; however, independent trade unionists reported that, in reality, asserting this right would result in retaliation or perhaps dismissal by management.

f. Trafficking in Persons.—The law prohibits trafficking in persons; however trafficking in men, women, and girls remained a significant problem. There were reports that some local officials were involved in trafficking.

The Criminal Code imposes firm penalties for trafficking in human beings, including for sexual exploitation and pornography. Article 149 mandates 3 to 8 years in prison for trafficking. Under some circumstances—for example trafficking of minors or groups of victims—traffickers may be sentenced to prison terms from 5 to 12 years, and traffickers of minors or members of organized trafficking groups may be sentenced to terms from 8 to 15 years.

The Government improved its investigation and prosecution of suspected traffickers. According to statistics supplied by the Ministry of Interior to the IOM, 289 cases were filed against traffickers during the year, up from 169 in 2002. Since 1998, a total of 604 criminal trafficking cases were filed; these did not include cases opened under other applicable laws, such as brothel keeping, organized crime, and fraud. During the first 6 months of the year, 33 cases were prosecuted, with 15 cases fully concluded. Of these cases, 13 resulted in convictions, and 20 defendants were sentenced.

Trafficking was a national priority for law enforcement agencies, but these agencies often lacked the financial and personnel resources to combat well-established criminal organizations that ran trafficking operations. The Ministry of Internal Affairs established special anti-trafficking units at the national and oblast levels. These units became operational in 2000, and had a growing impact, although they suffered from lack of adequate resources and often were tasked to work on cases involving other crimes. The Government reported that it regularly reviewed the licenses of domestic employment agencies.

The Government generally cooperated with other governments in the investigation and prosecution of trafficking cases; however, efforts were hampered by a number of factors, including insufficient investigative resources, the reluctance of victims to give evidence against traffickers, and, in some cases, a lack of cooperation from officials in destination countries. The law permits the extradition of foreign nationals charged with trafficking when appropriate bilateral agreements with the country in question have been signed, when the crime was committed within the jurisdiction of another country, and when trafficking is a crime under the laws of the requesting country; however, there have been no cases of extradition of trafficking suspects. The Constitution prohibits the extradition of citizens. Government cooperation with NGOs improved during the year. A June 2002 decree of the Cabinet of Ministers mandated that central, regional, and local administrations develop and approve measures to combat trafficking in persons and mobilize funds to implement actions. The oblast governments responded quickly to the decree. For the first time, almost all the local and regional authorities included NGOs as partner organizations in their regional action plans. The relevant authorities, however, had yet to budget for any new activities. The Inter-Ministerial Coordination Council for Combating Trafficking in Persons had not yet held a substantive meeting.

The country was a major country of origin and transit for women and girls trafficked abroad for sexual exploitation. There were reports of men and boys being trafficked abroad primarily for labor purposes; however, the overwhelming majority of trafficking victims were women. No reliable figures were available on the extent of the problem, and estimates varied widely. There were reports that individual government employees (both law enforcement and other personnel such as orphanage employees) facilitated trafficking in persons.

Between January 2000 and year's end, the IOM assisted 1,153 trafficking victims (including 525 during the year) to return to the country and reintegrate into society. From January 2002 to September, the NGO La Strada assisted an additional 96 victims to return home and reintegrate. These numbers represented a small percentage of the total number of women trafficked abroad. In 1999, La Strada estimated that 420,000 women had been trafficked abroad between 1991 and 1998. In unofficial estimates, Winrock representatives conservatively projected that between 8,000 and 10,000 individuals were trafficked abroad during the year.

Women and girls were trafficked to Central and Western Europe (including the Balkans, Austria, Italy, France, Germany, Switzerland, the Czech Republic, Hungary, Portugal, Spain, Poland, Greece, and Turkey), the United States, and the Middle East (including Israel, Lebanon, and the United Arab Emirates) for sexual exploitation. There also were reports that women and girls were trafficked to Australia, Japan, and South Africa.

Women who were trafficked out of the country often were recruited by firms operating abroad and subsequently were taken out of the country with legal documentation. They were solicited with promises of work as waitresses, dancers, or housemaids, or were invited by marriage agencies allegedly to make the acquaintance of a potential bridegroom. Once abroad, the women found the work to be very different from what was represented to them initially. There were credible reports of widespread involvement of organized crime in trafficking.

Men were trafficked for agricultural labor and factory work. The main destination countries were Hungary, Poland, the Czech Republic, Slovenia, Russia and Western Europe. Men were promised reasonable wages, but were not paid and were frequently turned over to the police in the destination countries as illegal aliens if they complained. The Ministry of the Interior opened criminal cases against the employment agencies who organized the trafficking when they had a specific complaint from a victim.

There were unconfirmed reports that local officials abetted or assisted organized crime groups involved in trafficking. NGOs reported that local militia and border guards received bribes in return for ignoring trafficking. Some reports alleged that local public officials abetted or assisted organized criminal groups in trafficking women abroad. In a 1999 report, the UNDP identified graft of officials and political corruption as two of the factors causing the spread of trafficking and prostitution; however, data on the possible disciplining or prosecution of law enforcement and border control authorities for their involvement in trafficking was unavailable.

Although 278 victims testified against traffickers during the year, victims often were reluctant to seek legal action against traffickers out of fear of reprisals or unwillingness to tell their stories publicly. Societal attitudes toward trafficking victims often were harsh, deterring women from pursuing legal action against traffickers. In addition, law enforcement officials did not provide sufficient protection to witnesses to encourage them to testify against traffickers, and traffickers were able to intimidate victims to withdraw or change their testimony. A witness protection law

existed but was not fully effective because of shortages of funding. Under the law, names and addresses of victims of crimes may be kept confidential if they request protection due to fear for their lives.

The Government ordered rehabilitation centers to be opened in each of the 27 oblasts; however, the authorities remained unable to assist all victims effectively, primarily due to lack of funds. NGOs such as the domestic affiliates of La Strada and Winrock International offered some support services for victims of trafficking, but these groups also suffered from a shortage of funds. The IOM's Kiev mission, in cooperation with its missions in destination countries, provided return and reintegration assistance to victims. The IOM and NGOs, particularly La Strada and Winrock International, worked closely with government officials; however, NGOs reported that the lack of activity by the central government authority on trafficking issues could be frustrating. With foreign government assistance, nine regional trafficking prevention and women's support centers were in operation at year's end in Donetsk, Lviv, Dnipropetrovsk, Chernivtsi, Kherson, Rivne, Odessa, Chernihiv, and Zhytomyr. The centers offered job-skill training and telephone hotlines and served as referral centers for health, legal, and psychological counseling. The IOM continued to operate a comprehensive medical center and shelter for victims of trafficking in Kiev. The center provided medical and psychological services, including vocational counseling, to 173 trafficking victims in 2002 and to 144 individuals during the first 9 months of the year. These centers, as well as additional NGOs funded by the IOM, also played an important role in facilitating good relations and cooperation between victims, communities, and law enforcement organizations in addressing trafficking issues.

NGOs also operated hotlines in Luhansk, Odesa, Kharkiv, Ternopil, and Sevastopol. During 2002, La Strada hotlines received 4,061 calls, 72 percent of which concerned consultation on working abroad. From January through September, 3,614 hotline consultations were provided. Since November 1997, La Strada has received more than 16,141 calls. Winrock International reported 9,000 calls to its hotlines during the first 9 months of the year; 20 percent of which concerned trafficking. The majority of the callers were between 19 and 30 years of age. The Government worked to improve assistance provided by its diplomatic missions to victims in destination countries.

The Deputy Prime Minister for humanitarian affairs is responsible for implementing all anti-trafficking programs. The National Coordinating Council for the Prevention of Trafficking in Human Beings increasingly has become an outspoken and leading advocate in the Government for raising public and international awareness of the trafficking problem; however, the Ombudsman's office lacked enforcement powers and did not demonstrate its practical effectiveness (see Section 4). In June 2002, the Cabinet of Ministers approved a National Action Plan to Counter Trafficking for 2002–2005.

During the year, several television stations broadcast documentary films and informational programs highlighting the danger of trafficking. Additionally, several international roundtable discussions and a major conference on trafficking were held in Kiev. NGOs conducted general awareness campaigns throughout the country and the region, often in cooperation with government entities. For example, a regional conference on trafficking involving law enforcement officials from Ukraine, Belarus, Moldova, and Russia took place in Minsk in May. On May 29, representatives from the Ministry of Internal Affairs and the Ministry's Anti-Trafficking Division, the Security Service of Ukraine, the State Committee for Family and Youth, Rada deputies, the Supreme Court of Ukraine, Cabinet ministers, IOM, La Strada, Winrock, several foreign embassies, and the head of the State Border Committee took part in a roundtable on combating trafficking in persons. The roundtable focused on reviewing implementation of the comprehensive national plan to combat trafficking, practical and legislative issues related to investigation and prosecution of cases, and internal and cross-border cooperation between law enforcement bodies. These activities, together with the constant attention to the trafficking problem by the Ombudsman, helped to raise public awareness.

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.

In Northern Ireland, the 1998 Good Friday Agreement established local government institutions, including a legislative assembly and a power-sharing executive. In October 2002, the Northern Ireland Assembly and Executive were suspended, and the Government temporarily re-instituted direct rule. Elections were held on November 26, and the Government began to work with local political parties and the Government of Ireland to reestablish a devolved government.

The 1998 Scotland Act created a Scottish Parliament with responsibility for justice, policing, prisons, health, education, the environment, local transportation, and economic development in Scotland. The Scottish Parliament met for the first time on July 1, 1999. Following elections on May 1, a new parliament and government were seated.

The Home Office is responsible for internal affairs in England and Wales, including the protection and security of the public. The Ministers of the Scottish Executive, who answer to the Scottish Parliament, have policy responsibility for law and order in Scotland. In Northern Ireland, the Police Service of Northern Ireland (PSNI) has responsibility for maintaining law and order. Civilian authorities maintained effective control of the police forces. There were some complaints that individual members of the police committed human rights abuses.

A highly developed, diversified, market-based economy with extensive social welfare services provides most of the 58.8 million residents with a high standard of living.

The Government generally respected the human rights of its citizens; although there were some problems, the law and judiciary provide effective means of dealing with individual instances of abuse. There were some complaints that individual members of the police and military occasionally abused detainees and other persons. Prison conditions remained a problem, including overcrowding and instances of mistreatment by prison officials. Asylum seekers, women, and ethnic minorities faced isolated instances of violence and discrimination, which the Government continued to combat. Trafficking of persons into the country remained a problem, which the Government took steps to address.

Although many paramilitary organizations in Northern Ireland continued to maintain a cease-fire in accordance with the Good Friday Agreement, killings and "punishment attacks" continued to occur in some areas under the influence of paramilitary groups. Some republican dissident groups committed acts of violence aimed at disrupting the peace process.

RESPECT FOR HUMAN RIGHTS

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

a. Arbitrary or Unlawful Deprivation of Life.—There were no reports of political killings by the Government or its agents.

In April, the Home Office introduced new guidelines for reporting deaths during or after police contact to distinguish whether police had "real or potential control" over the contact. According to the restated count in the Annual Report of the Police Complaints Authority (PCA), 30 persons died in police care or custody during the 12 months ending in March. At year's end, the PCA estimated that 22 persons died in police care or custody between April and December. The PCA reported that 11 of the deaths since 2002 were due to alcohol or drugs, 9 were from natural causes, 4 were suicides, and 6 from other causes. The Home Office and the Police Complaints Authority have initiated policies to eliminate such deaths, including: Safer custody facilities; improved training; closed circuit television (CCTV) monitoring; new technologies; and emphasis on better care, assessment, and monitoring of detainees. In July, the House of Commons Joint Committee on Human Rights began collecting evidence for an inquiry into deaths of individuals while in police custody.

After a coroner's inquest in September into the 1999 death of Roger Sylvester, a disciplinary hearing issued a finding of neglect of duty in the cases of a superintendent and two detective sergeants who had been responsible for investigating the death.

In April, a High Court ruling overturned the 2002 open verdict in the inquest into the 1999 police shooting of Harry Stanley. A new inquiry was scheduled for June 2004.

An independent inquiry into allegations of state involvement, collusion, or culpability in six selected Northern Ireland and Republic of Ireland killings was completed in October. At year's end, the Government was reviewing the results of the inquiry to decide whether further, separate judicial inquiries were required into the four killings committed in Northern Ireland. The Bloody Sunday Inquiry, which was examining the events of January 30, 1972, continued at year's end (see Section 1.e.).

The nongovernmental organization (NGO) British Irish Rights Watch (BIRW) reported that paramilitary groups were believed to be responsible for at least eight killings in Northern Ireland from January 1 through August 17.

In August, the Government announced that it would provide approximately \$1.4 million (800,000 pounds sterling) to families of victims of the 1998 Omagh bombing in order to help them pursue a civil action against five individuals suspected of being behind the bombing carried out by the Real Irish Republican Army (IRA).

b. Disappearance.—There were no reports of politically motivated disappearances. The Commission for the Location of Victims' Remains, established jointly by the UK and Irish governments in 1999 to locate the remains of nine victims of IRA paramilitary violence from the 1970s, did not locate any bodies during the year.

In September, the remains of Jean McConville, who was killed and secretly buried by the Provisional IRA in 1972, were found in the Republic of Ireland. The Provisional IRA relayed new information to authorities regarding the alleged location of the remains of Columba McVeigh, a teenager missing since 1975. The unsuccessful search for McVeigh's remains was abandoned after 2 weeks.

On May 11, Armagh resident Gareth O'Connor disappeared on his way to a meeting with his bail officer in the Republic of Ireland. His family repeatedly claimed that members of the Provisional IRA abducted and killed O'Connor. PSNI Chief Constable Hugh Orde stated that it was "highly likely" that members of Provisional IRA were involved in O'Connor's disappearance; O'Connor's body has not been found.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.—The law prohibits such practices; however, there were complaints that individual members of the police and army occasionally abused detainees. Human rights organizations maintained that such abuse, while not widespread, was a matter of concern (see Section 1.a.).

Detainees who claimed 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.

There were 7,222 complaints filed against the police with the PCA from April 2002 through March. Of these, 3,547 were considered and finalized. In 26 percent of these cases, the PCA review resulted in some form of disciplinary or legal action.

The Independent Assessor of Military Complaints coordinates investigations into complaints of abuses committed by the Army in Northern Ireland. The Assessor's tenth annual report, released in July, noted that there were 534 complaints in 2002, a 21 percent reduction from the 676 complaints recorded in 2001. Twenty-five of the complaints recorded in 2002 were resolved through a formal reporting process, while the remaining complaints were resolved informally.

Human rights groups continued to call for an end to the use of plastic bullets, also known as baton rounds, which the police and military in Northern Ireland are permitted to use to control civil disturbances. The police have introduced safeguards on the use of plastic bullets, and the Police Ombudsman is required to review every instance when the police fire a plastic bullet. The Ombudsman's mandate does not extend to the army's use of plastic bullets. During the year, neither the police nor the army fired a plastic bullet. In each incident, investigators concluded that the discharge was justified and proportionate.

The Police Ombudsman for Northern Ireland, who has an independent staff, has extensive powers to investigate complaints in Northern Ireland filed against the police or referred by the PSNI Chief Constable, the Policing Board, or the Secretary of State for Northern Ireland. The Ombudsman is required to investigate cases involving death or serious injury where there may have been police involvement and may investigate all other cases of complaints against the police. The Ombudsman may 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.

Between April 2002 and March, the Ombudsman received 4,325 allegations that led to 3,193 complaints. Forty percent of the complaints concerned oppressive behavior, down from 48 percent during the previous 12-month period. As of March 31, 2,267 complaint investigations were closed. The Ombudsman made 41 referrals for disciplinary action to the Chief Constable, and referred 185 cases to the Director of Public Prosecutions for possible legal action.

Both loyalist and republican paramilitary groups in Northern Ireland continued to intimidate or carry out killings or "punishment attacks" in areas under paramilitary influence. The attacks often were intended to maintain or extend the con-

trol of paramilitary groups in a region. The PNSI reported that, as of July 12, there were 289 "punishment attacks" in Northern Ireland. Of these, 152 were shootings and 137 were assaults (beatings). Human rights groups stated that available statistics underreported the casualties because many victims were too intimidated to report the attacks.

Prison conditions generally met international standards; however, instances of mistreatment by prison officials, overcrowding, and suicides occurred. According to the Home Office, as of July, there were 73,894 prisoners in England and Wales. In England and Wales, an independent Prisons and Probation Ombudsman, appointed by the Home Secretary, investigates complaints from prisoners and those subject to probation supervision. According to the Scottish Prison Service, as of October, there were 6,475 prisoners in Scotland. A 2002 report by the Prison Reform Trust warned that prisons in England and Wales suffered from overcrowding, resulting in prisoners being held in inhumane and degrading conditions. The Prison Service attempted to correct the problems of overcrowding and poor facilities by providing funding for 2,320 new places. The Scottish Prison Service also noted pressures caused by record numbers of prisoners during the year.

Several prison disturbances were reported during the year; all were relatively small and quickly resolved. Some of the disturbances resulted in minor injuries to prison officials. The largest disturbances took place at the Shotts Prison in Lanarkshire, Scotland in January and April. In January, five prison officers were injured in disturbances involving approximately 50 inmates at the Shotts Prison. The disturbance occurred in a special unit that provides accommodation for those having problems coping with mainstream prison life. In April, approximately 35 prisoners were involved in unrest after which one prison officer received hospital treatment for minor injuries.

Amnesty International (AI) again reported that authorities were not sufficiently protecting the human rights of incarcerated minors with respect to inter-prisoner violence, suicides, investigations into deaths in prison, bullying and racial abuse, segregation, and prison conditions. In July, the Commission on Racial Equality (CRE) reported that the Prison Service had failed to protect Zahid Mubarek sufficiently from a racially motivated attack while in prison in 2000. In October, the Appellate Committee of the House of Lords ordered the Home Office to conduct a public inquiry into Mubarek's death; the terms of the investigation were under discussion at year's end.

During the year, the European Court of Human Rights ruled that the Government had breached the European Convention on Human Rights relating to the 1994 death of Christopher Edwards who was beaten to death by his cellmate; both were diagnosed as mentally ill. The Court ordered the Government to compensate his family approximately \$71,200 (40,000 pounds sterling).

After an inspection of Dartmoor prison during the year, the Chief Inspector of Prisons observed "no incidents where staff referred to prisoners in . . . overtly disrespectful language" but reported that 21 percent of prisoners alleged verbal bullying by the staff.

Human rights groups have been particularly critical of Special Security Units (SSUs), which were used to hold prisoners deemed to pose an exceptional risk of escape. Human rights monitors have criticized small group isolation; the lack of adequate exercise, work, and educational opportunities; the lack of natural daylight; and the strict enforcement of noncontact visits through a glass barrier. At year's end, there was only one SSU in operation, holding a small number of prisoners. Prisoners held in the SSU were provided with all the facilities required under Prison Rules, although those facilities were delivered within the Unit and not in the main part of the prison. The SSU was subject to independent inspection by the Chief Inspector of Prisons.

The number of female prisoners continued to rise. There were four Mother and Baby units in England and Wales, the capacity of which increased to 78 places for mothers to keep their children with them while in prison.

In the prison system, women were held separately from men, juveniles from adults, and pretrial detainees from convicted prisoners. In a 2002 report to the U.N. Committee on the Rights of the Child, the Howard League for Penal Reform complained that juvenile prisoners faced high levels of assault and suicide that there were inadequate complaints procedures and protections.

People held solely under immigration legislation were accommodated in Immigration Service removal centers under detention center rules, unless they had completed a sentence of 12 months or more in a British prison or were held for reasons of security and control.

There were a number of deaths of incarcerated persons due to suicide and natural causes. The inquest into the 1996 death in prison of Jim McDonnell continued at year's end.

Separate and distinct prison regimes exist for Northern Ireland and Scotland, administered through the Northern Ireland Office and the Scottish Parliament, respectively. In Scotland, the Scottish Prisons Complaints Commissioner's Office deals independently with prisoners' complaints.

In September, John Steele, a former head of prisons in Northern Ireland, issued a report reviewing the safety of prisoners and jail staff in Maghaberry Prison. The report followed a violent clash in August between republican and loyalist inmates, threats against prison officers by both republican and loyalist paramilitary prisoners, and a "dirty protest" by five dissident republican paramilitary prisoners in which they smeared excrement on their cell walls. Based on Steele's report, the Government began a \$25 million (14 million pound sterling) renovation of two prison blocks that should hold up to 192 inmates, and separate loyalist and republican paramilitary prisoners from each other and from other inmates.

The Government permits independent human rights observers to visit prisons and immigration detention centers.

d. Arbitrary Arrest, Detention, or Exile.—The law prohibits arbitrary arrest or detention, and the Government generally observed these prohibitions. However, arrests may be made without judicial warrants, particularly in Northern Ireland, when police have reasonable cause to suspect wrongdoing and antiterrorism legislation gives authorities broad powers of arrest, detention, and interrogation.

In Great Britain, regional police forces are responsible for maintaining law and order. There are 44 regional police services covering England and Wales and 8 policing Scotland. In Northern Ireland, the PSNI has that responsibility. In some areas of Northern Ireland, because of the continuing threat of violence, army units reinforce the PSNI. There were approximately 13,400 British troops stationed in Northern Ireland, one of the lowest levels since the early 1970s.

There were isolated cases where police corruption was alleged. The authorities actively investigated these cases. Home Office figures for 2001–2002 revealed that 7 of the 898 substantiated complaints against police officers were related to corruption. The provisions of the 2002 Police Reform Act introduced a program for reforming a wide range of practices and powers. It requires the Government to produce an annual National Policing Plan and a nationwide Code of Practice for Chief Officers and institutes a new national system for responding to complaints against police officers.

Reports by official bodies and NGOs suggested that the public lacked confidence in existing procedures for making complaints against the police. The Police Reform Act provides that the Independent Police Complaints Commission (IPCC) will replace the PCA in April 2004. The legislation grants the IPCC its own body of civilian investigators with the power to investigate allegations of police misconduct completely separately from the police. The IPCC provides for: Greater involvement of the complainant in the investigation; greater openness in disclosing materials to the complainant; more effective powers to direct that disciplinary charges be laid against police officers; and greater independence of the person carrying out the IPCC investigation. All deaths in police custody will be referred to the IPCC. The Act also provides for a National Policing Plan to set priorities for policing and measures to ensure the most effective methods are used by all police forces.

The armed forces have a procedure to handle complaints of racial and other forms of harassment. Military personnel also have the right to submit complaints to employment tribunals. In 1998, the armed services entered into a 5-year agreement with the CRE to promote racial equality practices. In 2002, the Crown Prosecution Service entered into a partnership with the CRE designed to assist in its continued progress towards the elimination of racial discrimination.

In October, the Crown Prosecution Service released its first report on England and Wales under the Diversity Monitoring Project. The report's findings suggest that African Caribbean and Asian defendants tended to be prosecuted on the basis of weaker evidence than white defendants. The study recommended the appointment of specialist prosecutors for racist and religious crimes to oversee the prosecution and monitoring of such cases, as well as the establishment of a "common standard" to allow prosecuting advocates and Chief Crown Prosecutors to improve the quality of case review.

During the year, the Government began consultations to review, among other things, whether to extend hiring quotas in the PSNI. The quotas were scheduled to expire in March 2004. The Patten Report on Policing in Northern Ireland, released in 2000, established hiring quotas to increase Catholic representation in the PSNI, and also introduced new human rights standards and wider use of commu-

nity policing practices. Respect for human rights was part of the appraisal process for staff evaluation. A cross-community Policing Board holds the Chief Constable Hugh Orde and the police service accountable. Sinn Fein has refused to participate in the Board and has declined to encourage Catholics to join the police, as called for in the Patten Report.

In a December report, the Oversight Commissioner charged with reviewing the implementation of the 175 Patten recommendations which stated that “all of the institutions (involved in the policing of Northern Ireland) continued to make excellent progress in implementing a program of change in policing that may be the most sweeping and complex ever attempted in a modern society.” The Commissioner noted areas of progress such as the introduction of “a human rights-based approach to policing,” the establishment of District Policing Partnerships to help hold the PSNI accountable to citizens, the introduction of community policing, and “improved methods of public order policing.” However, the Commissioner criticized the failure to implement fully all sections of the Patten Report, and noted the lack of government funding to address the deteriorating conditions of police facilities, the lack of a “concrete plan for the implementation of an early warning system on police conduct,” and delays in restructuring the Special Branch. The Commissioner also stated that “there is no reasonable explanation for (the) delay in providing a new training center for police officers.”

In October, a North Wales Police officer, three Greater Manchester officers and a Cheshire officer resigned after the airing of a British Broadcasting Corporation (BBC) documentary program that included hidden-camera footage of the officers making explicitly racist statements and expressing hostility towards an Asian recruit. Another North Wales officer and two more from the Manchester force were suspended. All three police forces involved strongly condemned the behavior shown on the film and promised to do more to eliminate racism. Home Secretary David Blunkett said the footage was “horrendous” and urged better diversity training for recruits. The CRE opened an investigation into racism in the police service, which remained ongoing at year’s end.

The 2000 Terrorism Act, which entered into force in 2001, widened the definition of terrorism and extends mechanisms that deal with terrorism in Northern Ireland, to all of the United Kingdom. It provides for emergency powers specific to Northern Ireland for a period not exceeding 5 years, including special entry, arrest, search, and seizure authority without a warrant under certain circumstances.

Article 44 of the Terrorism Act allows senior police officers to designate areas where police have exceptional power to stop and search wherever a senior police officer considers it expedient for the prevention of acts of terrorism. The designation lapses after 48 hours unless confirmed by a Cabinet minister, such as the Home Secretary. There is no provision for judicial review of Article 44 designations and no requirement that the public be informed an area has been so designated until an actual search takes place. After protesters were stopped and searched in London’s Docklands, in September, Scotland Yard confirmed that all of greater London has been continuously under Article 44 designation since 2001. The NGO Liberty challenged Scotland Yard and the Home Secretary in court, arguing the designation is unlawfully broad; it remained pending at year’s end.

Police officers may only stop and search vehicles and pedestrians if a senior police officer “reasonably believes” it is expedient to do so to prevent acts of violence. Article 44 of the Terrorism Act provides law enforcement authorities with the power to detain without charge individuals suspected of having committed a terrorism-related offense for up to 48 hours. This period may be extended by court order for a maximum of seven days.

The Anti-Terrorism, Crime, and Security Act of 2001 includes provisions to cut off terrorist access to funds; ensure better information sharing between agencies; enhance police investigative powers, tighten security in relation to aviation, civil nuclear sites, and laboratories; prevent terrorists from abusing immigration and asylum laws; and enable swift action to implement European Union (EU)-agreed anti-terrorism measures.

This Act also allows for extended detention of immigrants and asylum seekers suspected of being terrorists but who cannot be removed from the country immediately. Human rights groups object to provisions of these laws, arguing that they reverse the burden of proof and provide inadequate safeguards against abuse by law enforcement officials. These objections focused on the broad definition of terrorism employed in the law, the proscriptive powers of the state, and the powers of arrest, detention, and interrogation. The Special Immigration Appeals Commission ruled in 2002 that these detention powers were unlawful and violated the Government’s obligation under the European Convention of Human Rights. The Government appealed

the ruling, and in 2002, the Court of Appeals ruled that the detention powers complied with the European Convention on Human Rights.

Defendants awaiting trial have a statutory right to bail except when there is a risk that they would flee, commit another offense, or in other limited circumstances. Defendants who are remanded into custody are covered by statutory custody time limits, which restrict the period for which they can be held while awaiting trial to a maximum of 16 weeks, unless the court grants an extension.

The law gives administrative detention power to immigration officers. There is no time limit to such detention, but detainees have the right to request a judicial review or an application for habeas corpus (see Sections 1.c. and 2.d.). The Government provided all immigration detainees with written notice specifying the reasons for their detention at the time they are detained and provided detainees with automatic monthly updates on their case. The law permits all detainees to apply for bail. There were no set levels of surety for bail, and surety was not required in every case.

While there is no law prohibiting forced exile, the Government did not employ it.

e. Denial of Fair Public Trial.—The law provides for an independent judiciary, and the Government generally respected this provision in practice. There are several levels of courts. In England and Wales, most criminal cases are heard by Magistrates' Courts, which were managed by locally based committees. Their decisions may be appealed to the Crown Courts, which also hear criminal cases requiring a jury trial, or to the High Courts. Crown Court convictions may be appealed to the Court of Appeal, which may in turn refer cases involving points of law to the House of Lords. The Appellate Committee of the House of Lords (which consists of senior judges and is functionally distinct from the legislative arm) is the final court of appeal. The Criminal Cases Review Commission operates as an additional appellate body in England, Wales, and Northern Ireland and considers cases after the judicial appeals process is exhausted and where there is significant new evidence that casts doubt on the conviction.

In Scotland, the High Court of Justiciary, established in 1672, acts as a court of first instance for serious crimes such as rape and murder. The High Court also serves as an appellate body. Forty-nine Sheriff Courts handle lesser crimes. Sheriff Courts have restricted sentencing power but can remit cases to the High Court for disposal if they so choose. District Courts sit in each local authority and handle crimes such as breach of peace, minor assaults, and petty theft. Civil matters can be handled in the first instance by either the Court of Session, which is the supreme civil court in Scotland, or by Sheriff Courts. The Court of Session also serves as the appellate court for civil matters. Decisions by the Court of Session can be appealed to the House of Lords.

The Criminal Justice Act, which took effect in November and applies to England and Wales, allows for: Criminal trials to take place without juries where the jury has been intimidated; allows double jeopardy in certain cases where "compelling new evidence" arises after a previous acquittal; and changes rules of evidence to allow introduction of evidence of a defendant's previous misconduct (including previous convictions). Human rights NGOs criticized the Act, claiming that its double jeopardy provisions potentially make any acquittal conditional, and that allowing evidence of prior misconduct could unfairly prejudice defendants.

The law provides for the right to a fair trial, and an independent judiciary generally enforced this right. Defendants enjoy a presumption of innocence until proven guilty, the right to question witnesses against them, and the right of appeal to successively higher courts. Indigent defendants have the right to free counsel of their choice, with some exceptions. The UNHCR reported that the right of asylum seekers to free legal advice was severely limited by a shortage of competent legal advisors outside of urban centers and a shortage of funding for legal advice in urban centers.

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 England and Wales, the law empowers judges to instruct juries that they may draw an inference of guilt from a defendant's refusal to answer questions during interrogation or trial, although no conviction can be based solely on such an inference. Human rights groups and the U.N. Human Rights Committee have criticized this provision, which they considered an abrogation of the right against self-incrimination. A similar provision is in effect in Northern Ireland, but the law prohibits the drawing of an inference from silence when a suspect is questioned before being permitted access to an attorney. The European Court of Human Rights has ruled that, taken in isolation, drawing inferences from silence did not contravene the accused's right to a fair trial provided for by the European Convention on Human Rights and Fundamental Freedoms. However, the Court decided that the possibility of infer-

ences being drawn from the silence of an accused while he was denied access to legal advice constituted a breach of the requirement for a fair trial under the Convention. In Scotland, a trial judge may report to a jury that a defendant has refused to answer some or all of the investigating prosecutor's questions. However, the judge must mention this in a cautious manner, and generally does not instruct the jury on how to react toward the defendant's choice not to answer certain questions.

A small percentage of defendants faced lengthy pretrial detention (see Section 1.d.). The Crime and Disorder Act includes measures to reduce delays in criminal proceedings by introducing procedural reforms and further limiting the time allowed for the prosecution of cases.

The 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.

The 2000 Terrorism Act contains a provision for Northern Ireland whereby the opinion of a senior police officer that an individual is a member of a terrorist organization is admissible as evidence in criminal proceedings, although an individual cannot be charged or convicted solely on this basis. This provision of the Act is a temporary measure that requires annual renewal and has not been used to date (see Section 2.b.).

In Northern Ireland, trials for certain terrorist-related offenses are conducted automatically as "scheduled cases," also referred to as "Diplock cases," and are conducted without a jury unless they specifically are "scheduled out" for trial before a jury. If "Diplock" 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. From January 1 through August, 70 persons were listed as "scheduled cases," of whom 63 either pled or were found guilty. A person convicted in a "scheduled case" has an automatic right of appeal. Human rights groups widely criticized the Government's continued reliance on "scheduled cases." In July the Government repealed Section 76 of the 2000 Terrorism Act, which meant that the standard for admissibility of confession in the "scheduled cases" is now the same as that in ordinary criminal courts.

The PSNI introduced a Police Order regulating the relationship between police officers and defense lawyers. The NGO BRIW stated that some NGOs had reported that threats against lawyers had ceased due to new interview procedures, but that in non-interview situations some lawyers continued to receive threats. BRIW further stated that many lawyers were reluctant to take cases involving members of paramilitaries because of such threats.

In 2001, the UK and Irish Governments appointed the Honorable Judge Peter Cory to "establish the facts and report with further recommendations" regarding allegations of state involvement, collusion, or culpability in six Northern Ireland and Republic of Ireland killings. These cases included the killings of: Billy Wright in 1997, Robert Hamill in 1997, Pat Finucane in 1989, Rosemary Nelson, Lord Justice, and Lady Gibson in 1987, and police officers Harry Breen and Bob Buchanan in 1989. On October 7, Judge Cory turned over his reports to the British and Irish Governments. The Irish Government published two of the reports in December; the British Government is expected to publish the four reports that it received, after reviewing them for sensitive security information. The Government pledged to conduct a public inquiry into any of these cases if the judge recommended that it do so.

Hearings continued in the judicial inquiry into the events in Northern Ireland on January 30, 1972—"Bloody Sunday"—when 13 unarmed civil rights demonstrators in Londonderry/Derry were killed by British soldiers, but for which no member of the security forces was held accountable. The inquiry, which usually sits in Londonderry/Derry, heard testimony of military witnesses in London in the fall due to concerns for their safety.

The Human Rights Act and the Scotland Act require all public bodies to act in a manner compatible with the European Convention on Human Rights. The law provides citizens with the right to take alleged violations of the convention by a public authority into domestic courts.

There were no reports of political prisoners.

f. Arbitrary Interference with Privacy, Family, Home or Correspondence.—The law prohibits such actions, and the Government generally respected these prohibitions in practice. Warrants normally were required for a police search of private premises. A police officer may enter and search without a warrant "any premises if he or she reasonably suspects a terrorist is to be found there." The Government compensated persons whose houses or property are damaged during house searches. Police stopped minorities for searches more often than whites (see Section 5).

Under the Regulation of Investigatory Powers Act (RIPA), the Government may monitor the content of private electronic communications after obtaining a warrant.

Law enforcement agencies may require individuals and businesses to disclose encryption keys under certain circumstances. Businesses may monitor the electronic communications of employees.

A case brought by three NGOs—BIRW, Liberty, and the Irish Council for Civil Liberties—before the European Court of Human Rights in 2002, stating the Government had intercepted their telephone calls to clients in Ireland without a warrant, remained pending at year's end.

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Speech and Press.—The law provides for freedom of speech and of the press, and the Government generally respected these rights in practice. An independent press, an effective judiciary, and a functioning democratic political system combined to secure freedom of speech and of the press, including academic freedom. Viewpoints critical of the Government were well represented.

Press organizations and human rights groups continued to criticize 1981 legislation that allows courts to order a journalist to disclose a source if it is deemed to be in the interests of justice and 1984 legislation that compels journalists to give evidence in cases where police can prove it is necessary to their investigation. Journalists and open media advocates cited the Official Secrets Act as unduly restrictive by prohibiting the legal defense that the information provided by a source is already in the public domain or that its publication is in the public interest.

The print media was dominated by more than a dozen national daily and Sunday newspapers, all privately owned and independent (although often generally aligned with a political party). Approximately one-half of the electronic media was run by the BBC, which was funded by the Government but enjoyed editorial independence. Corporations under renewable government licenses operated the remainder.

The investigation into the 2001 drive-by shooting in Northern Ireland of journalist Martin O'Hagan continued at year's end. In a statement marking the second anniversary of O'Hagan's death, the National Union of Journalists (NUJ) claimed that O'Hagan was killed by members of the Loyalist Volunteer Force (LVF) to stop him from writing. The NUJ further alleged that the identity of O'Hagan's killers was known to the police, but lack of forensic evidence prevented them from arresting the perpetrators. In September, the NUJ issued a statement expressing concern at the lack of progress in the investigation into O'Hagan's murder. Journalists from the Sunday World—O'Hagan's employer—reported receiving death threats from loyalist paramilitaries.

In April, the PSNI arrested and briefly detained journalists Liam Clarke and his wife Kathryn Johnston under the Official Secrets Act, after the two revealed transcripts of tape-recorded telephone conversations between Mo Mowlam, then-Secretary of State for Northern Ireland, Jonathan Powell, the Prime Minister's chief of staff, and Martin McGuinness, Sinn Fein Member of Parliament. Police searched Clarke and Johnston's home, as well as Clarke's offices at the Sunday Times, seizing papers and computers that were later returned. Two other journalists at the Times and the Observer respectively were also questioned about the transcripts. A judicial proceeding regarding the PSNI action remained at the end of the year.

In July, police searched the home of journalist Anthony McIntyre and seized papers, a computer, mobile phones, and a digital camera because McIntyre was allegedly suspected of possessing stolen documents relating to the management of the prison service.

The Government did not restrict Internet access. The Internet Watch Foundation, a web industry self-monitoring group, worked with Internet providers to minimize the availability of illegal Internet content, particularly child abuse images.

b. Freedom of Peaceful Assembly and Association.—The law provides for the right of peaceful assembly; however, the Government may limit that right if it would impose a cost on public convenience.

In Northern Ireland, the annual "marching season" poses problems as residents in some Catholic communities perceive the parades as threatening and provocative. The Public Processions (Northern Ireland) Act grants responsibility for ruling on "contentious" marches to a Parades Commission. The Commission may not ban marches, but may only impose conditions on them, such as route restrictions. Of the 3,280 notified parades held between April 2002 and March, 191 were considered contentious; the Parades Commission imposed restrictions on 137. This was a reduction from the previous 12-month period, when 220 of 3,301 parades were considered contentious, and restrictions were imposed on 152 parades. According to the Parades Commission, the numbers of both contentious parades and restrictions imposed were somewhat distorted by the notification of a Drumcree return parade virtually every week, contributing about 40 parades to both the "contentious" and "imposed restrictions" categories. Some parades by the "Loyal Institutions" (i.e., the Royal

Black Preceptory, Orange Order, and Apprentice Boys), whose membership is almost exclusively Protestant, have been prevented from passing through nationalist areas because of public order concerns.

The law provides for freedom of association, and the Government generally respected this right in practice. Under the 2000 Terrorism Act, it is an offense, punishable by up to 10 years' imprisonment, to belong to or to profess to belong to a terrorist organization proscribed by the Home Secretary. Individuals also were subject to prosecution for supporting or inviting support for a proscribed terrorist organization, arranging or addressing meetings by proscribed organizations, or wearing clothing or carrying or displaying articles that would reasonably arouse suspicion of membership in a proscribed organization. The Act allows for the seizure and forfeiture of assets belonging to a person convicted of fundraising or otherwise assisting or supplying property to be used for the purposes of terrorism.

Civil liberty groups have complained that anti-terrorism legislation was wrongly used against peaceful demonstrators. In July, police arrested anti-war demonstrators under Article 44 of the 2000 Terrorism Act at the Royal Air Force Base at Fairford in Gloucestershire. The NGO Liberty called on the House of Commons Home Affairs Committee to investigate whether charges under the Terrorism Act were proper; the decision to investigate remained pending at year's end.

In September, police used anti-terror laws to arrest demonstrators at an arms fair in London. Home Secretary David Blunkett requested a report from the Metropolitan Police's Counterterrorism branch as to why the 2000 Terrorism Act was used rather than public order legislation. The report remained pending at year's end.

c. Freedom of Religion.—The law provides for freedom of religion, and the Government generally respected this right in practice. The Government at all levels strives to protect this right in full and does not tolerate its abuse, either by governmental or private actors. There were two established churches: The Church of England (Anglican) and the Church of Scotland (Presbyterian). There are no established churches in Wales or Northern Ireland. Two Anglican Archbishops and 24 Bishops receive automatic membership in the House of Lords, while prominent clergy from other denominations or religions are not afforded this privilege. Other than in the House of Lords, membership in a given religious group does not confer a political or economic advantage.

The Government did not recognize Scientology as a religion for the purposes of charity law. Scientology ministers were not considered ministers of religion for the purpose of immigration relations or facilitating prison visits. However, prisoners were free to register their adherence to Scientology; this is reflected on their records.

The law requires religious education in publicly maintained schools throughout the country. The shape and content of religious instruction is decided on a local basis and must be nondenominational and refrain from attempting to convert pupils. All parents have the right to withdraw a child from religious education, but the schools must approve this request.

In addition, schools have to provide a daily act of collective worship, which may be waived if a school's administration deems it inappropriate for some or all of the students. Under some circumstances, non-Christian worship may be allowed. Teachers' organizations have criticized school prayer and called for a government review of the practice.

While the majority of state-supported schools were Protestant or Roman Catholic, there were a number of state-supported Muslim, and Jewish schools, as well as two Sikh schools, one Greek Orthodox, and one Seventh-day Adventist school.

NGOs reported an increase in negative attitudes towards Islam and attacks against Muslims after September 11, 2001. Isolated incidents targeting Muslims, including assaults and acts of vandalism, occurred during the year. In June, anti-Muslim slogans were painted on walls at Birmingham's Central Mosque soon after the airing of a fictional BBC television program depicting the recruitment of suicide bombers in a Birmingham mosque. The Government condemned the violence.

According to the Community Security Trust, there were 116 anti-Semitic incidents reported in the first 3 months of the year, including 23 assaults. In May, vandals desecrated 386 graves at a Jewish cemetery in east London. Although public manifestations of anti-Semitism were confined largely to the political or religious fringes, religious leaders expressed concern that public statements of political "anti-Zionism" could cross the line into anti-Semitism.

The 1998 Good Friday Agreement aimed to create a lasting settlement to the conflict in Northern Ireland and a society based on equality of opportunity and human rights. However, fear of intercommunal violence has, over the years, contributed to a pattern of segregated communities in Northern Ireland. Many Protestant and Catholic families have moved away from mixed-religion or border areas.

The police in Northern Ireland reported approximately 150 attacks against both Catholic and Protestant churches, schools, and meeting halls through November. Such sectarian violence often coincided with heightened tensions during the spring and summer marching season (see Section 2.b.).

The Holy Cross girls primary school in the predominantly Protestant Glenbryn area of north Belfast received sporadic bomb threats. Violence occurred in other interface areas dividing predominantly Protestant and predominantly Catholic areas in North Belfast and in Short Strand. Notable incidents included bricks thrown at a school bus carrying students to the Girls' Model School, 11 of whom were hospitalized following the attack, a suspected arson attack on Strandtown Primary School, and armed men vandalizing and setting fire to cars in the parking lot of Our Lady of Mercy girls' school. Residents complained of uneven policing.

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

d. Freedom of Movement within the Country, Foreign Travel, Emigration, and Repatriation.—The law provides for these rights, and the Government generally respected them in practice. Citizens enjoyed freedom of movement within the country, foreign travel, emigration, and repatriation.

Paramilitary organizations in Northern Ireland continued to threaten individuals and families to compel them to leave the Province. For example, the family of Joseph McCloskey remained in exile in England after a Provisional IRA death threat in 2001 (see Section 1.a.). In another high profile incident, a feud between convicted terrorist Johnny "Mad Dog" Adair's faction of the Ulster Defence Association and other UDA members caused Adair's wife and a number of his associates and their families to flee to Scotland in February.

The law provides for the granting of asylum and refugee status to persons who meet the definition in the 1951 U.N. Convention Relating to the Status of Refugees and its 1967 Protocol. In practice, the Government provided protection against refoulement and granted refugee status or asylum. The Government also grants asylum based on fear of persecution by non-state actors where the authorities are satisfied that the asylee's home state is either unable or unwilling to offer protection. The Government cooperated with the office of the UNHCR and other humanitarian organizations in assisting refugees.

Applicants may apply for asylum or refugee status upon arrival or after entering the country. The law permits all asylum seekers to remain temporarily in the country at least until immigration authorities consider their application and, if they are refused asylum, until their rights of appeal are exhausted. Some asylum seekers were detained while the Government reviewed their cases. According to the Home Office, as of June, approximately 26,585 principal applications for asylum (excluding dependents) were made, and the Government granted asylum in 6,530 cases. At the end of June, decisions were pending in 31,800 asylum cases. During the first 6 months of the year, the backlog had fallen to its lowest level in over a decade.

In December, the Government introduced the Asylum and Immigration (Treatment of Claimants, etc.) Bill of 2004 to Parliament. The Bill, based on Home Office recommendations, contains provisions to limit asylum seekers' access to appeal; withdraw public support from failed asylum seekers; create a specific criminal offense of entering the country without a passport; and broaden the circumstances under which failed applicants may be deported to safe third countries. Parliament plans to continue consideration of the Bill in its 2004 session.

Guidelines for use by the courts in considering asylum claims by women urge judges to consider situations more likely to be faced by female asylum applicants, including female genital mutilation (FGM) and trafficking (see Sections 5 and 6.f.).

The Government also provides temporary protection to certain individuals who do not qualify as refugees or asylees. Approximately 6,545 persons were not recognized as refugees but were granted leave to remain in the country. In March, the Government began forced repatriations of persons denied asylum.

The Nationality, Immigration, and Asylum Act of 2002 reformed the asylum system by establishing a system of induction, accommodation, and removal centers to expedite the process and reduce abuses (see Sections 1.c. and 1.d.). NGOs have criticized the Act for its provisions to educate children of asylum seekers in accommodation centers rather than in local schools. The Government dispersed detainees throughout the country, in housing estates or government facilities. As of June 28, 1,230 asylum seekers were in reception or removal centers, and 125 were in prison establishments where they were held separately from convicted prisoners and those awaiting trial.

The treatment of asylum seekers continued to be the subject of media attention and political debate during the year (see Section 1.d.). The Yarl's Wood Center, which closed after a riot and fire in February 2002, admitted 60 single female asy-

lum seekers after reopening in September. In August, asylum seekers were convicted of violent disorder and sentenced to jail in connection with the fire and mass breakout at the center.

In September, the Prison Ombudsman began reviewing claims by some former detainees at Yarl's Wood that they were denied food for 3 days and were seriously injured by guards in the aftermath of the riot in February 2002. Several detainees also filed a civil case alleging abuse by the private firm responsible for security at the center. Decisions were pending at year's end.

In March, a court sentenced 18-year-old Steven Roberts to a life sentence for the 2002 murder of Iranian asylum seeker Payman Bahmani; the court treated the crime as having a racial motive.

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

Citizens have the right to change their government peacefully, and citizens exercised this right in practice through periodic, free, and fair elections held on the basis of universal suffrage.

The 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. The upper chamber, the House of Lords, has the power to revise and delay, but not block the implementation of laws. Participation in the political process is open to all persons and parties. All citizens 18 years of age and older may vote. Other elected bodies such as the Scottish Parliament, the Welsh Assembly, and (prior to its dissolution in 2002) the Northern Ireland Assembly, have control over matters of regional importance, such as education, health, and some economic matters. Foreign affairs and defense continued to be the responsibility of the central government. As in the rest of the country, Northern Ireland has city and district councils but with fewer powers. England and Wales also have county councils.

In October 2002, the Northern Ireland Assembly and Executive were suspended. The suspension came in the wake of October 2002 raids on homes belonging to Sinn Fein members and a Sinn Fein office at the seat of Northern Ireland's devolved government, the Parliament Building. The raids were prompted by an alleged Sinn Fein/IRA spy operation inside the Northern Ireland Office in Belfast. The Government temporarily re-instituted direct rule headed by the Secretary of State for Northern Ireland and four ministers. The Government held new elections in Northern Ireland on November 26, and subsequently undertook efforts with local political parties and the Irish Government to reestablish devolved government.

The Scottish Parliament, which met for the first time on July 1, 1999, is led by a First Minister (similar to a prime minister) and a cabinet known as the Scottish Executive. The Parliament holds full responsibility in Scotland for justice, policing, education, health, local transport, the environment, economic development, agriculture, fisheries, housing, local government, and tourism. Under the 1998 Scotland Act, the Scottish Parliament is authorized to increase or decrease Scottish revenue by adjusting UK income tax rates for persons resident in Scotland by up to 3 percent in either direction.

The small number of remaining overseas British territories have an aggregate population of approximately 190,000. They enjoyed varying degrees of self-government based on the UK model, with appointed governors.

Women did not face any legal constraints on voting or holding office. Women constituted 18 percent of the members of the House of Commons, and 17 percent of the House of Lords. Twelve members of Parliament have identified themselves as members of minority ethnic groups.

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

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

Proceedings under the Human Rights Act—which incorporated the provisions of the European Convention on Human Rights into domestic law—may be brought only by victims of a breach of convention rights by a public authority. While cases may be taken to the European Court of Human Rights, all domestic remedies under the Human Rights Act must be exhausted first.

The Home Office has a human rights unit with responsibility for human rights policy and legislation in England and Wales. NGOs have criticized the Government for its failure to create a government-wide human rights commission. In 2001, the Scottish Executive announced that it would establish an independent and statutory

Scottish Human Rights Commission. During the period of this report, the Scottish Executive held consultations on the establishment of the commission.

In Northern Ireland, the Human Rights Commission was established as an outcome of the peace process to provide legal advice and assistance to citizens. The Commission continued to consult on a bill of rights specific to Northern Ireland, pursuant to the Good Friday Agreement, which also mandated wide-ranging reforms in policing and criminal justice. A summary of submissions for the Bill of Rights was published in July, and the Commission expected the consulting process to last at least 1 more year. Commissioner Patrick Yu resigned from the Commission in July, joining Christine Bell and Inez McCormack, who resigned in 2002. Two other commissioners have withdrawn from the Commission's day-to-day operations, but have not resigned their positions. The three former commissioners, as well as some Northern Ireland political parties, have criticized the Commission's work and cited the Government's failure to provide adequate resources. In November, another commissioner resigned to run for public office.

A number of international human rights NGOs were based in the country. The Government cooperated fully with international inquiries into alleged violations of human rights.

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

The law prohibits incitement to racial hatred and discrimination on the basis of race, color, nationality, or national or ethnic origin; however, some groups continued to experience official and societal discrimination. The Fair Employment and Treatment Order extended the prohibition on discrimination to the provision of goods, facilities, services, and premises. The Northern Ireland Equality Commission oversees antidiscrimination policy. Section 75 of the Northern Ireland Act places all public authorities under a duty to promote equality of opportunity.

Women.—Violence against women continued to be a problem. According to Home Office statistics, from May 2002 through April, police recorded 11,441 rapes and 24,811 indecent assaults. Police and government action to support the victims of sexual offenses was likely to have increased the number of such offenses brought to the attention of police.

Criminal penalties for rape, including spousal rape, sexual assault, and domestic violence, are substantial, and these laws were enforced strictly; however, conviction rates for rape tended to be lower than for other crimes. The law provides for injunctive relief, personal protection orders, and protective exclusion orders (similar to restraining orders) for women who are victims of violence. The Government provided shelters, counseling, and other assistance for battery or rape and offered free legal aid to battered women who were economically reliant on their abusers. The law prohibits defendants themselves from conducting cross-examinations of complainants in rape and sexual offense trials. The Youth Justice and Criminal Evidence Act includes a provision that restricts the admissibility into evidence of a complainant's previous sexual history.

The Female Genital Mutilation Act, which took effect in October, makes it a crime to practice FGM, or to assist another person in its practice, either in the country or in another country. The extent to which the procedure took place was unknown, but NGOs reported that the practice continued in isolated incidents during the year.

Women continued to be trafficked into the country (see Section 6.f.).

No law specifically prohibits sexual harassment; criminal action for sexual harassment cases must be prosecuted under assault legislation. Women's groups have complained that civil suits concerning sexual harassment and discrimination on the basis of gender can take up to 3½ years to appear before an industrial tribunal.

The law provides for equal opportunity between the sexes; however, in practice, women experienced some discrimination. The law prohibits both direct and indirect discrimination in training, housing, and the provision of goods and services, as well as in employment. Women have equal rights regarding property and divorce. The Government's Equal Opportunities Commission supported persons who bring discrimination cases before industrial tribunals and courts and produced guidelines for employers. The Government's Women and Equality Unit reported that women's hourly earnings were, on average, 81 percent of men's. Women's issues were represented at the cabinet level by the Minister for Women, who headed the Women and Equality Unit. The Women and Equality Unit engaged in dialogue with women and advised the Government but had no authority for direct action.

Children.—The Government was strongly committed to children's rights and welfare; it amply funded a system of public education and medical care. The Government provided free, compulsory education until age 16 and further free education until age 18 if a student so desires. In June, the Government created the post of Minister of Children, Young People and Families within the Department of Edu-

cation and Skills. The Minister coordinates government policy concerning children and young persons, including: Policy on children's social service and child protection; children in state care; parental responsibility and the role of parents in education; careers service for young people; and protecting young people at risk, including homelessness and social inclusion. In Scotland, the Minister for Education and Young People and the Minister for Communities oversee similar programs.

The law prohibits corporal punishment in state schools. Corporal punishment is allowed at non-state schools in England and Wales provided it is not inhuman and degrading. Child welfare groups have called for all corporal punishment of children to be outlawed.

Although there were indications that child abuse was a problem, there was no pattern of abuse directed against children. A lack of reliable data made analysis more difficult.

Concern and publicity surrounding pedophiles continued to grow. As part of a government drive to protect children from child abusers, previously secret registers of pedophiles were 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 were banned from working with children. Childcare organizations must consult a list of banned individuals before offering anyone a job, paid or otherwise, and it was illegal for them to hire anyone named on it. The Home Office strengthened the Sex Offenders' Register by giving police expanded powers to force those convicted of relevant sex offences outside the country to register as offenders in Britain. All sex offenders on the register must report to a police station in person every 12 months to confirm their whereabouts. The Government's Task Force on Child Protection on the Internet organized educational campaigns, developed proposals on stiffer penalties against pedophile activities, developed models and good practices for protection, and worked on a global strategy to combat the problem.

A 2002 joint report, "Safeguarding Children," issued by the Chief Inspectors of Social Services, concluded that, in the vast majority of cases, government agencies protected children from the risks of further harm, with good working relationships between agencies at all levels. However, the report noted concerns that the services were under pressure for resources and management on some levels and made numerous recommendations for further safeguards. Two NGOs, the Refugee Council and Save the Children, claimed in a 2001 report that many social services agencies provided inadequate care to unaccompanied minors seeking asylum.

Children have been trafficked into the country for sexual exploitation and forced labor (see Sections 6.d. and 6.f.). In December, Luan Plakici was convicted for procuring a teenager to have unlawful sex and incitement to rape, as well as other counts of kidnapping and trafficking (see Section 6.f.).

The Armed Forces accept recruits from age 16. NGOs including the Child Soldiers Coalition and Amnesty International have criticized this practice.

Under the 2000 Terrorism Act, the police may arrest and detain children as young as 10 years of age for up to 7 days, although no children were detained under the Act during the year.

Persons with Disabilities.—The Disability Discrimination Act (DDA) prohibits discrimination against persons with disabilities in the provision of access to public facilities by employers of more than 15 workers, service providers (apart from those providing education or running transport vehicles), and anyone selling or renting property. In addition, all businesses are required to accommodate customers with disabilities. Adaptations must be "reasonable," bearing in mind the circumstances and size of the business. The Education Act requires local education authorities to make provision for the special educational needs of children with disabilities.

The Government responded to a 2001 disability rights task force report by announcing new measures to cover nearly 7 million jobs previously excluded from the DDA, such as police, firefighters, and prison officers. At year's end, the Government was consulting on its plans for implementing these measures for implementation in 2004. This would significantly change the DDA, including ending the exemption of small employers and bringing within scope of the Act a number of new occupations such as fire fighters, police, and prison officers. The Special Educational Needs and Disability Act enhances civil rights for persons with disabilities in education.

The DRC provided a hotline for persons with disabilities and employers, legal advice and support for individuals, and policy advice to the Government. The DRC also has the power to conduct formal investigations, arrange conciliation, require persons to adopt action plans to ensure compliance with the 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 acces-

sible; similar regulations were in force for sensory-impaired persons. Access to many buildings, particularly older buildings, including transportation centers, remained inadequate. New measures introduced in March require all businesses to make “reasonable” modifications for persons with disabilities by 2004.

National/Racial/Ethnic Minorities.—Despite legal prohibitions against racial discrimination, persons of African and Afro-Caribbean, South Asian, or Middle Eastern origin, and Travellers— itinerant populations consisting of Roma, Irish, and other ethnic groups estimated to number 300,000 persons—faced occasional acts of societal violence and some discrimination.

Incitement to racial hatred is a criminal offense punishable by a maximum of 2 years’ imprisonment. The Government strictly enforced the laws and regulations in this area. Isolated incidents of racially motivated violence continued to occur.

In November, two youths were convicted of manslaughter for the death in May of 15 year-old Johnny Delaney. Delaney, who lived in a Travellers’ site in Liverpool, died after the youths attacked him and kicked him in the head. According to press reports, the court heard that one defendant said Delaney deserved the attack because “he was only a Gypsy.”

In June, a riot involving local youths and Kurdish asylees took place in Wrexham, North Wales, that left one Kurd injured. In April, approximately 15 persons attacked three Ghanaian men in a South Yorkshire village.

A complaint against the police in the inquest into the 1997 death of a young Asian, Lakhvinder “Ricky” Reel, found drowned in the Thames River in what his family believes was a racial attack, concluded in an open verdict. The Police Complaints Authority, who supervised the inquest, found that there was no proof that the police acted improperly in deciding not to investigate Reel’s death as a murder.

According to the Office of the Deputy Prime Minister by the end of July, there were approximately 300,000 Travellers, itinerant people often of Roma or Irish ethnicity, living in the country. They have experienced marginalization, educational discrimination, and police and societal harassment greater than that of the settled population, according to human rights groups. In June, the Scottish Parliament published a report citing evidence of institutional discrimination, racism, and harassment of Travellers in Scotland. The Race Relations (Northern Ireland) Order provided specific legal protection to minority ethnic groups in Northern Ireland, including the Traveller community. The Government also instituted the Gypsy Sites Refurbishment Grant to refurbish the existing network of local authority Gypsy sites. Since 2001, the Government has paid approximately \$30 million (17 million pounds sterling) for the Gypsy Site Refurbishment Grant to 150 successful bidders. The funds have been used to rehabilitate substandard facilities on existing sites and to improve derelict sites, which were abandoned due to acts of vandalism or due to poor onsite facilities, for use.

The CRE is government-appointed but independent; it provides guidelines on anti-discrimination practices, supports persons taking court action, and may initiate its own court actions. After investigating a complaint, the CRE may issue a notice requiring that the discrimination be stopped. The CRE monitors the response to such notices for 5 years. The CRE’s code of practice places a statutory duty on public authorities to promote racial equality. In January, the Scottish Parliament approved the Local Government in Scotland Bill that requires the government in Scotland to promote equal opportunity and anti-discriminatory practices at all levels.

Section 6. Worker Rights

a. The Right of Association.—The law provides for the right to organize and protects the rights of union members. Workers have the right to form and join unions, and workers exercised this right in practice. Just under 30 percent of the workforce was unionized. Coverage was most widespread in the public sector, where 60 percent of workers were organized. In contrast, 19 percent of private sector workers were unionized. Unionization of the work force is prohibited only in the armed forces, public sector security services, and police force. Unions, although often affiliated with political parties, were free of government control. The 1999 Employment Relations Act affords protection to union organizing efforts and sets minimum employment standards. Workers are protected by law against dismissal or other retaliation for campaigning or voting for or against recognition. The law also prohibits the compilation of lists of union members and labor activists for use by employers and employment agencies.

The law protects union members against “being subject to any detriment” due to union activity or membership, and this was generally observed in practice. The law also covers contract and part-time workers.

Unions may join federations and participate freely in international organizations. The largest federation was the Trades Union Congress. Former British union leaders frequently occupied leadership positions in international labor organizations.

b. The Right to Organize and Bargain Collectively.—Collective bargaining is a long-standing right and covers approximately 30 percent of the work force. Under the Employment Relations Act, labor-management contracts are enforceable legally.

Under the Act, unions may file a request for recognition, identifying the proposed bargaining unit to the Central Arbitration Committee (CAC), a tripartite group that includes representatives from government, business, and labor. The Act covers employers with more than 20 workers and encompasses an estimated two-thirds of all workplaces. Once the CAC determines the appropriate bargaining unit, it assesses whether a union is likely to have majority support. If union members already make up a majority of the bargaining unit, the CAC may issue a declaration that the union is recognized for collective bargaining without a ballot. In those instances where the CAC orders a ballot (typically, when the majority of bargaining unit employees are not already union members), the employer must cooperate by providing a list of names and giving the union access to the workplace to campaign. Unions win recognition when a majority of those voting agree, including at least 40 percent of those in the bargaining unit; these rules were enforced in practice.

Although the law encourages voluntary agreements between employers and unions, the CAC may, if necessary, impose a legally binding procedure for bargaining about pay, hours, and holidays.

The Employment Relations Act provides for the statutory right to strike and the law prohibits retaliation by strikers. Dismissed strikers were able to claim unfair dismissal if fired within 8 weeks of when they first undertook a legal strike or “trade dispute.” The law defines a “trade dispute” in great detail; in summary, a strike must be confined to workers and their own employers (“secondary boycotts” are illegal), the dispute must be wholly or mainly about employment-related matters (e.g., pay and conditions), workers must be properly and secretly balloted before striking (with notice to the employer), and mass picketing is prohibited. These rules were enforced in practice.

There are no export processing zones.

c. Prohibition of Forced or Bonded Labor.—The Government prohibits forced or bonded labor, including by children; however, there were reports that such practices occurred (see Section 6.f.).

d. Status of Child Labor Practices and Minimum Age for Employment.—Children under age 16 are not permitted to work in an industrial enterprise except as part of an educational course.

There were reports that children were trafficked into the country and forced to work as domestic servants, drug couriers, in sweatshops and restaurants, or as beggars or pickpockets (see Section 6.f.).

e. Acceptable Conditions of Work.—The adult minimum wage was \$8.00 (4.50 pounds) per hour after the latest increase on October 1. A separate minimum wage for 18- to 21-year-olds (the Development Rate) was also increased to approximately \$6.76 (3.80 pounds) per hour. The Development Rate may also apply to workers aged 22 and over who are receiving accredited training during the first 6 months in a new job. The Low Pay Commission also was reviewing proposals for a third tier for 16- to 17-year-olds and was expected to issue a report on its findings by February 2004. According to government figures released in October, 330,000 people were not receiving the adult rate. However, approximately 160,000 of those were employees in training status or receiving other types of subsidies. Trade union organizations estimated that only approximately 170,000 were cases of illegal underpayment; the Government has aggressively monitored employer efforts to bring pay practices into compliance. Unions and NGOs were also actively involved in ensuring employees are aware of their rights. The national minimum wage did not provide a decent standard of living for a worker and family; however, other benefits of the welfare state filled the gap. Of nearly 28 million workers, approximately 6 million (21 percent) benefit from a social insurance scheme, in addition to receiving free universal access to the National Health Service. The tax credits for working families and persons with disabilities were designed to ensure a working family a weekly income of \$319 (214 pounds), which constituted a living wage. No family earning less than \$380 (255 pounds) per week is obligated to pay income tax. The Government also provided a minimum income guarantee for low-income pensioners, which increased the basic state pension that all retired employees received.

Domestic legislation limits the workweek to 48 hours, in compliance with EU standards. However, an individual employee may agree through contract to work in excess of that limit under the terms of government derogation to the EU rules. Ex-

emptions allowing overtime were fairly common, but the Government's derogation was under review. The maximum compensation level for unfair dismissal claims was approximately \$89,000 (50,000 pounds). The Employment Act of 2002, major provisions of which took effect on April 6, expanded parental leave provisions, providing options for maternity, paternity and adoptive parent leave. It also allows employees to request flexible work and created company-level dispute resolution mechanisms.

The Health and Safety at Work Act stipulates that the health and safety of employees not be placed at risk, and in practice the Act was updated regularly to reflect new safety issues. The Health and Safety Executive effectively enforces regulations on these matters and may initiate criminal proceedings in appropriate cases. Workers' representatives actively monitored enforcement of the Act. Workers may remove themselves from dangerous work conditions without jeopardy to their continued employment.

Foreign workers are protected by the same labor laws and have the same rights as other workers, and foreign workers exercised these rights in practice. Some unions have outreach support and counseling programs specifically targeting foreign workers in the country who may be at higher risk of exploitation.

f. Trafficking in Persons.—The law specifically prohibits trafficking in persons for sexual exploitation; however, trafficking in persons for prostitution remained a problem. Besides the specific prohibition of trafficking for sexual exploitation, many other human trafficking offenses are punishable under existing laws.

The criminal penalty for trafficking in prostitution with a maximum sentence of 14 years was part of the Nationality, Immigration, and Asylum Act of 2002. The new Sexual Offences Act, which was passed in November, introduces three specific crimes of: "Trafficking into the UK for sexual exploitation," "Trafficking within the UK for sexual exploitation," and "Trafficking out of the UK for sexual exploitation." These crimes carry a maximum sentence of 14 years and are a crime if committed abroad by a British citizen or resident. Other sections of the law such as the crime of "Arranging or facilitating commission of a child sex offence," which carries a maximum penalty of 14 years, may also apply to trafficking situations. Other provisions of the Sexual Offences Bill and Nationality, Immigration and Asylum Act may be used in trafficking situations. Prior to the new legislation, traffickers, depending on the scope of their illegal activity, could be prosecuted under some provisions of the old Sexual Offences Act and Immigration Act, including such crimes as running a brothel and specific sexual offenses that might be committed against trafficking victims such as forcible rape. The maximum penalty for keeping brothels is 7 years and for forcible rape is life imprisonment.

During the year, the Government introduced a bill to Parliament that would criminalize bringing individuals into or sending individuals out of the country for purposes of exploitation, including forced labor or the provision of services under force, threat, or deception. The maximum penalty under the Bill would be 14 years in prison.

There have been prosecutions under the Sexual Offences Act of 1956 for human trafficking situations. Because there had been no specific offense of trafficking before the recent change in law, it was not possible to provide comprehensive statistics on prosecutions.

On December 22, a north London Court sentenced Luan Plakici, an Albanian immigrant, to a 10-year prison sentence for kidnapping and trafficking approximately 50 to 60 women and girls to the country from July 2000 to October 2002 (see Section 5).

In July, more than 200 police officers raided properties in London and arrested a gang of Nigerian persons suspected of bringing children and adults into the country illegally. A police investigation resulted in the arrest of 19 persons in connection with the 2001 discovery of the torso of a Nigerian boy's body in the Thames River. Authorities believed the boy may have been brought into the country and used in a ritual killing.

The cabinet level departments engaged in anti-trafficking efforts include the Home Office, Foreign and Commonwealth Office, Department of Trade and Industry, Department for Education and Employment, and the Department for International Development. Specific agencies involved include the Police, the National Criminal Intelligence Service, the National Crime Squad and the Immigration and Nationality Directorate. The Policing Organized Crime Unit in the Home Office has the lead on the issue of human trafficking, although due to the cross-cutting nature of the crime of human trafficking, other Home Office units and other government departments are also closely involved in developing a comprehensive response to the problem.

A task force called "Reflex" brought together all of the agencies involved in combating trafficking and migrant smuggling. These included the National Crime Squad, the National Criminal Intelligence Service, the Immigration Service, the Foreign and Commonwealth Office and the major police forces, including the Metropolitan Police and the British Transport Police. All operational initiatives combating organized immigration crime are targeted through Reflex. Reflex also worked with regional police forces to raise awareness about trafficking.

The Government participates in multinational and international working groups and efforts to prevent trafficking through EU, U.N. and Organization for Security and Cooperation in Europe (OSCE) mechanisms. The Reflex taskforce works closely with several EU partners and third countries. In line with an EU Council Resolution of 2001, the Government has placed Immigration Liaison Officers in other European countries where they work with local law enforcement to develop intelligence and disrupt the effort of organized criminal groups involved in migrant trafficking. From April through December, Reflex's work resulted in 67 arrests and 19 convictions for organized immigration crime, and has disrupted 27 organized criminal gangs.

The country was a destination for trafficking of women and girls for prostitution and in men and women for manual labor. There were no definitive figures on the extent of the problem. A report by the Home Office in 2000 estimated that less than 1,500 women were brought into the country each year. They were destined primarily for work in the sex industry. The trafficked population included children, though the numbers appeared to be small. The country was also a destination country for trafficked men who work in agriculture and industry. The country was not a country of origin for human trafficking, although there were some indications it played a minor role as a transit country.

Law enforcement authorities indicated that women were trafficked for sexual exploitation from Central and Eastern Europe (Albania, Kosovo, Romania, Bulgaria, Lithuania, Moldova, Russia). Some also come from East Asia (Thailand, China) and Africa (Nigeria, Liberia, Sierra Leone).

In July, UNICEF published a report on trafficking of children that indicated that "at least 250 children have been trafficked into the UK" since 1998. Because many cases may evade detection, the report concluded "there may well be literally hundreds, if not thousands, of children" who have been trafficked to the UK. The UNICEF report referred to incidents of trafficked children being used for sexual exploitation and forced to work as domestic servants, drug couriers, in sweatshops and restaurants, or as beggars or pickpockets. The establishment of Reflex has led to better coordination arrangements for police investigations into trafficking and also improvements in jointly working on child protection issues. For example, a child protection officer from the Kent Police force has been temporarily assigned to the Joint Immigration Service/Police Debriefing Team based in Dover.

Laborers were trafficked actively by China-based criminal gangs, called "snakeheads" and through deception. In general migrants paid high fees to enter the country; however, those who could not pay were forced into servitude, often in London sweatshops run by the gangs. Some also worked in agriculture. The problem of "gangmasters" exploiting illegal migrant laborers in the agricultural sector received attention in the press, and led to calls for better protection for migrant laborers.

Some female victims were lured into the country by deception. The victims often agreed to pay off the balance by working in the sex industry; however, upon arriving, they were required to perform sexual services that they had not agreed to, their documents were confiscated, they were forced to work a longer time than anticipated, and they were deceived into not seeking help. In addition, there was evidence that a small number of victims were forcibly abducted and brought into the country against their will.

The police suspected that international organized crime was behind much of the trafficking for commercial sexual exploitation but believed freelancers and small-time criminals were also involved. Victims often were subjected to threats against themselves and their families in the country of origin, coercion, and the withholding of travel documents.

The Government recognized the need to offer the victims of trafficking support to help them escape their circumstances and, in certain cases, help law enforcement tackle organized criminal gangs. The Government provided for special arrangements for their protection and considered whether it was appropriate to allow victims to leave or remain in the country. When victims were not entitled to remain, or wished to return to their country of origin, the Government assisted them to do so and provided them with initial counseling. The Government also ensured that victims had

suitable accommodation to return to, and helped with enabling them to reintegrate into their own community.

The Government implemented an outreach program that provided professional guidance for immigration officers, police, and others potentially dealing with trafficking and its victims to raise awareness of the difference between people who were trafficked into the country, and those who sought to enter the country illegally of their own will, as well as to help police, immigration officers, and community workers treat trafficking victims appropriately.

The Government assisted victims with a full range of social and health care services and provided temporary residence status. The Home Office has a comprehensive approach for victims of trafficking to protect them and to assist them in giving evidence against the traffickers who have exploited them. In December, the Government announced additional funding of approximately \$1.25 million (700,000 pounds) to extend a pilot program that supports victims of trafficking for sexual exploitation for an additional year. In conjunction with Social Services, safe accommodation, medical care, and other services were provided to child victims of trafficking. There were standard police procedures to prevent the intimidation and harassment of witnesses.

A number of NGOs assisted in anti-trafficking efforts. The authorities were responsive to NGOs regarding the development of anti-trafficking policy and legislation in the country. NGOs such as Anti-Slavery International and End Child Prostitution, Pornography and Trafficking (ECPAT UK) have published studies and critiques on legislation, policy, and practice in the country, which were widely disseminated. The Government also worked in conjunction with Eaves Housing, a voluntary organization providing specialist support to victims of domestic violence, in the establishment of a pilot project to support victims of trafficking. The Government has also worked closely with various NGOs in the production of an awareness raising 'toolkit' on trafficking in persons. NGOs that dealt specifically with the issue of individuals trafficked or smuggled into the country to perform labor, such as the NGO Kayalaan, continued to operate. The Foreign and Commonwealth Office also conducted campaigns abroad in countries of origin, primarily by disseminating anti-trafficking materials.

UZBEKISTAN

Uzbekistan is an authoritarian state with limited civil rights. The Constitution provides for a presidential system with separation of powers among the executive, legislative, and judicial branches; however, in practice, President Islam Karimov and the centralized executive branch that serves him dominate political life and exercise nearly complete control over the other branches. Following a January 2002 referendum judged to be neither free nor fair, the President's term in office was extended by 2 years. Previous elections were neither free nor fair. The Oliy Majlis (Parliament) consists almost entirely of officials appointed by the President and members of parties that support him. Despite constitutional provisions for an independent judiciary, the executive branch heavily influenced the courts in both civil and criminal cases and did not ensure due process.

The Ministry of Interior (MVD) controls the police and is responsible for most routine police functions. The National Security Service (NSS)—the former KGB—deals with a broad range of national security questions, including corruption, organized crime, and narcotics. Civilian authorities maintained effective control over the military. The police and the NSS committed numerous serious human rights abuses.

Progress towards economic reform was mixed, including implementation of commitments to transition to a free market. The country had a population of approximately 25,400,000. The economy was based primarily on agriculture and agricultural processing. The Government restored free convertibility of its currency in October. Restrictions on trade were severe, and interference with economic activity by the Government continued. The International Monetary Fund estimated that GDP growth was 1 percent. There were no reliable unemployment statistics, but the number of unemployed and underemployed was widely considered to be high and growing.

The Government's human rights remained very poor, and it continued to commit numerous serious abuses. Citizens could not exercise the right to change their government peacefully. Security force mistreatment likely resulted in the deaths of at least four citizens in custody. Police and NSS forces tortured, beat, and harassed persons. Prison conditions remained poor. Serious abuses occurred in pretrial detention. Those responsible for documented abuses rarely were punished. Police and

NSS arrested persons the Government suspected of extremist sympathies, although fewer than in previous years. Police routinely and arbitrarily detained citizens to extort bribes. Several human rights activists and journalists were arrested in circumstances that suggested selective law enforcement. The number of persons in prison for political or religious reasons, primarily individuals the Government believed were associated with extremist Islamic political groups but also members of the secular opposition and human rights activists, was estimated to be between 5,300 and 5,800. Police and NSS forces infringed on citizens' privacy.

The Government employed official and unofficial means to restrict severely freedom of speech and the press, and an atmosphere of repression stifled public criticism of the Government. Although the law prohibits formal censorship, the Government warned editors that they were responsible for the content of their publications, and new amendments to the media law encouraged self-censorship. Ordinary citizens remained circumspect in criticizing the Government publicly. The Government continued to ban unauthorized public meetings and demonstrations, and police forcibly disrupted a number of peaceful protests, although the number of peaceful demonstrations on specific grievances increased during the year. Although the Government registered one independent domestic human rights group during the year, it continued to deny other groups registration. The Government restricted freedom of religion and harassed and arrested well over 100 Muslims it suspected of extremism. The Government tolerated the existence of minority religions but placed limits on their activities. The Government restricted freedom of movement within the country; exit visas were required to travel abroad. The Government denied the registration applications of two opposition parties and harassed opposition members; however, three opposition parties were able to organize at the local level, conduct signature drives, and hold regional and party congresses. The Government harassed and abused members of domestic human rights groups. Societal violence against women was a problem. Trafficking in women and children to other countries for prostitution was a problem, which the Government took steps to address.

RESPECT FOR HUMAN RIGHTS

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

a. Arbitrary or Unlawful Deprivation of Life.—There were no confirmed reports of political killings; however, in three separate incidents in May and December, prisoners died in custody, apparently as a result of torture. Another suspicious death occurred in August.

On May 3, Otzama Gafarov, who was finishing a 7-year sentence on charges of stealing state property, died in Chirchik prison. Family members reported that the body showed signs of torture, including bruising and a large laceration on the head and severe bruises to the chest, ribs, and throat.

On May 15, Orif Ershanov, a member of the banned extremist Party of Islamic Liberation (Hizb ut-Tahrir), died at a hospital in Karshi as a result of beatings and torture suffered while in NSS detention. Photographs provided by relatives showed evidence of a severe beating: Bruises to the chest, legs, and soles of the feet, as well as broken ribs and wounds on the back and arm. There was also evidence that sharp objects had been inserted under the fingernails.

On August 1, the parents of Nodir Zamonov found his body in the family cowshed in Bukhara shortly after police detained him on charges of breaking a shop window. A picture taken by the father showed a wide diagonal abrasion across the throat. Local authorities contended that Zamonov hanged himself, while family members maintained that police killed him while he was in custody.

On December 6, Kamalodin Djumaniyozov, a 25-year-old man from Karakalpakstan, died in pretrial detention. A videotape of the body, taken by family members after an autopsy was performed and the body returned, appeared to show bruising on the right and left sides of the torso and on the right upper arm, as well as possibly on the right hip and upper chest. The right shoulder appeared to be dislocated. The videotape also showed two semi-circular indentations, with what appeared to be fresh lesions, on the corners of the temples.

Human rights observers believed that many more prisoners died as a result of poor prison conditions aggravated by severe mistreatment (see Section 1.c.). In some cases, law enforcement officials warned families not to talk about their relatives' deaths, which were often attributed by government officials to purely natural causes. The country's regulations require that a medical examiner investigate every death in custody; however, examiners' reports routinely misstated the cause of death or covered up abuses. In many cases (including death penalty cases), families were not told of their relative's death until after the body had been buried, making independent forensic investigation almost impossible. As a result, rumors of detainees

dying in custody as a result of mistreatment abounded but were generally impossible to confirm. In no case in which a death in custody appeared to be due in whole or in part to torture or other mistreatment was the death officially attributed to such causes. In the cases described above, authorities denied that any physical mistreatment had taken place and ascribed the cause of death to a heart attack (Gafarov), high blood pressure (Ershanov), and suicide (Djumaniyozov and Zamonov).

The Government reported that the MVD disciplined several officers in connection with Kamalodin Djumaniyozov's death. The officers associated with the Djumaniyozov death were punished for official negligence, not for murder or assault; the investigating authorities did not dispute the conclusion reached by local investigators that Djumaniyozov hanged himself in his cell. In late December, the Office of the General Prosecutor opened an official criminal investigation into Djumaniyozov's death. The investigation was continuing at year's end.

In December, the General Prosecutor reopened the investigation into Nodir Zamonov's death; however, no charges were filed by year's end.

By year's end, the Government did not bring charges against those responsible for the apparent torture deaths in custody during the year of Otzama Gafarov and Orif Ershanov.

During the year, there were no developments or investigations in the following 2002 deaths in custody: Mirzakomil Avazov and Khusnuddin Olimov, members of Hizb ut-Tahrir who were tortured to death in Jaslyk prison in Karakalpakstan resulting in extensive bruises and burns, the latter reportedly caused by immersion in boiling water; Izatulla Muminov, a taxi driver who was beaten to death while in police detention in Tashkent; and Musurmon Kulmuradov, who was beaten and tortured to death in front of his mother, wife, and two children while in police custody in Surkhandarya. However, Avazov's mother was arrested in October, allegedly for possessing extremist literature, a charge that she and her family disputed (see Section 1.d.).

An MVD investigation into the 2001 death in custody of Uzbek writer Emin Usman, the results of which were released in December, concluded that he committed suicide, reportedly because he regretted having translated Hizb ut-Tahrir literature. This contradicted the view of human rights activists and at least one family member, who claimed at the time that Usman had been tortured to death.

There were reports of at least seven deaths as a result of landmine explosions along the Tajik and Kyrgyz borders. Uzbek military forces placed landmines in a number of border areas after the Islamic Movement of Uzbekistan (IMU) staged armed incursions in August and September 2000. The Ministry of Defense asserted that all minefields were marked clearly and that it had informed the Tajik and Kyrgyz Governments of their locations, which local residents disputed.

During the year, border patrols killed one Kazakh citizen and injured another in shooting incidents along the border with Kazakhstan. There were credible reports that two Kyrgyz citizens were shot and killed in separate incidents in July and August along the border with the Kyrgyz Republic. The Government confirmed that on October 10 its border guards shot and killed two Uzbek citizens and injured a Kyrgyz citizen, who were trying to smuggle cotton across the border into the Kyrgyz Republic. Kyrgyz press reported that Uzbek border guards killed a total of eight Kyrgyz citizens during the year.

b. Disappearance.—On March 23, police in Chirchik detained Hasan Kambarov, a member of the opposition Erk party, and held him incommunicado until May 14. Relatives alleged that police subjected Kambarov to electric shock and suffocation. Family and associates in Erk report that he was re-arrested on May 22. On July 15, relatives reported meeting a man who claimed to have shared a cell with Kambarov and stated that he appeared to have been beaten. Officials later acknowledged that Kambarov had been in custody from July 10 to 15, allegedly serving an administrative sentence for insulting a shopkeeper in a bazaar. Officials filed no other charges against Kambarov and denied that he was in their custody at any other time. There were reports that Kambarov escaped custody in November and left the country.

Kyrgyz sources reported that members of the Uzbek security services abducted Sadykjan Rahmanov, a Kyrgyz citizen who served as the mullah of a mosque in a southern region of the Kyrgyz Republic. Rahmanov reportedly remained in Uzbek custody at year's end; however, the Government denied this allegation. Unconfirmed reports in the Kyrgyz media alleged that Uzbek security services kidnapped other Kyrgyz citizens, most of whom had earlier lived in Uzbekistan.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.—Although the law prohibits such practices, both police and the NSS routinely tor-

tured, beat, and otherwise mistreated detainees to obtain confessions or incriminating information. Police and the NSS allegedly used suffocation, electric shock, rape, and other sexual abuse; however, beating was the most commonly reported method of torture. Torture was common in prisons, pretrial facilities, and local police and security service precincts, and the severity of torture did not decrease during the year (see Section 1.d.). In November 2002, the U.N. Special Rapporteur on Torture, Theo Von Boven, visited the country and concluded in his February report that "torture or similar ill-treatment is systematic." The Government initially informed Von Boven that it had investigated all cases in his report and could not confirm any of the allegations. However, in a statement to the press on March 19, then State Advisor for Foreign Policy Abdul Aziz Kamilov acknowledged that serious abuses occurred in Uzbek prisons and pretrial detention facilities and pledged that the Government would "use all the resources in its possession" to combat abuses.

Authorities reportedly routinely beat and treated prisoners suspected of extremist Islamic political sympathies, particularly alleged members of Hizb ut-Tahrir, more harshly than criminals, regardless of whether investigators were seeking a confession. A majority of the cases over the past few years in which persons were likely tortured to death while in custody involved suspected Hizb ut-Tahrir members. Local human rights workers reported that common criminals—known as "prison boxers"—were often paid or otherwise induced to beat Hizb ut-Tahrir members.

There were numerous credible reports that authorities in several prisons mistreated Hizb ut-Tahrir members in connection with a series of prison demonstrations that took place during the month of Ramadan. According to relatives of prisoners and local human rights activists, well over 100 inmates jailed on charges of Hizb ut-Tahrir membership staged hunger strikes and other protests in October to demand that prison authorities adjust labor and eating schedules to accommodate the Ramadan fast. The protests began in the Jaslyk prison in Karakalpakstan, but spread to penal facilities in Karshi, Zarafshan, and Navoi. In response to these demonstrations, several prisoners were reportedly beaten in Jaslyk, while in Karshi more than 100 Hizb ut-Tahrir prisoners were placed in punishment cells, where the heat was turned off and the prisoners made to sleep on the floor; many of these prisoners were also reportedly beaten.

On January 21, NSS officers arrested Imam Toshmuhammad Abilov and seven other men in the town of Istikhan, near Samarkand. While in pretrial detention, NSS interrogators reportedly subjected them to regular beatings, some lasting several hours, in attempts to force the men to write letters implicating themselves and the Imam. Several other Hizb ut-Tahrir suspects held in the same facility were reportedly subjected to the same treatment. The men were later found guilty of violating several articles of the criminal code, including anti-constitutional activity and illegal religious activities, and sentenced to prison terms ranging from 4 to 11 years. As a result of the beatings and the prisoners' 11-month incarceration in damp concrete cells, the men suffered a number of health problems, among them chronic dizziness, damaged hearing, and heart, lung, and liver problems. The Imam suffered a broken bone in his chest following one of the beatings. The men were released in late December, when the Chairman of a regional court in Samarkand ruled that the charges under which they were originally convicted were groundless.

Human rights activist Akhmed Madmarov reported that his three sons, imprisoned in 1999, 2000, and 2001 on charges of Hizb ut-Tahrir membership, continued to be mistreated in prison; the eldest, Abdullo Madmarov, was held in solitary confinement in a Tashkent Oblast prison from May to October and was believed to be suffering from tuberculosis.

Allegations of torture also emerged in connection with the case of independent journalist and human rights activist Ruslan Sharipov (see Section 2.a.).

There were continued reports that police detained and in some cases beat members of the opposition Erk Party (see Sections 1.b. and 3).

There were reports that police beat journalists and members of Jehovah's Witnesses (see Sections 2.a. and 2.c.).

Authorities released human rights activists Elena Urlaeva in December 2002 and Larissa Vdovina on January 29, both of whom were detained for involuntary psychiatric treatment in 2002. The two women were detained for a number of hours on several occasions during the year in connection with their anti-government protests (see Section 2.b.). Urlaeva continued at year's end to fight government efforts to have her declared legally incompetent. Vdovina reportedly lost her appeals and left the country.

Defendants in trials often claimed that their confessions, on which the prosecution based its cases, were extracted by torture (see Section 1.e.).

In May, the Government formed an inter-agency committee, chaired by Akmal Saidov of the National Center for Human Rights, to develop an action plan to ad-

dress the recommendations made by the U.N. Special Rapporteur on Torture in his February report. In September and October, drafts of the action plan were discussed at meetings of foreign embassies and local and international nongovernmental organizations (NGOs). The Government did not release the final version of the action plan by year's end, despite its previous announcement that it would do so by the end of November. Nevertheless, the Government began to implement some of the Rapporteur's recommendations during the year. In August, Parliament passed an amendment to the section of the Criminal Code that deals with torture, encompassing a broader range of maltreatment and spelling out more precisely the subsequent punishments. According to information provided by the Ministry of Foreign Affairs, 15 law enforcement officers were convicted under the revised law. The MVD and the Ministry of Justice (MOJ) have established internal human rights bodies to vet promotions and to investigate specific instances of human rights abuse. It was unclear whether either body was involved in these convictions.

Prison conditions remained poor, and there continued to be reports of severe abuses in prisons. However, anecdotal evidence from former prisoners and local human rights workers suggested that there were limited improvements in some prisons, which they attributed to the international community's monitoring activities. Prison overcrowding was a problem, with some facilities holding 10 to 15 persons in cells designed for 4. Overcrowding may have been one of the reasons for annual large-scale amnesties since 2001, but the problem remained severe. Tuberculosis and hepatitis were epidemic in the prisons, making even short periods of incarceration potentially deadly. Reportedly there were shortages of food and medicines in several prisons, and prisoners often relied on visits by relatives to obtain both.

In the early part of the year, the Government completed an amnesty of 5,000 prisoners that was announced in December 2002 (see Section 1.e.). Most of these were ordinary criminals, but it is likely that a substantial number of the 4,400 to 4,900 individuals who had been arrested since 1999 for suspected religious extremism but convicted under other charges also received amnesty. Another amnesty was declared on December 1; by year's end, several thousand prisoners had been released. In all of these amnesties, prisoners were reportedly forced to sign letters of repentance to be released under the amnesty; there were allegations that some prisoners who refused to do so were subjected to physical mistreatment.

Conditions remained particularly poor in Jaslyk Prison, a maximum-security facility that held approximately 450 inmates. Authorities specifically built the prison to hold political or religious prisoners arrested since 1999. A large majority of Jaslyk's inmates were charged with membership in banned Islamic extremist organizations. The prison is located in a remote area of Karakalpakstan, where temperatures can exceed 120 degrees in the summer and 10 degrees in the winter. There were numerous reports of severe mistreatment at Jaslyk, the most serious of which involved the 2002 deaths of Mirzakomil Avazov and Khusnuddin Olimov, who were likely tortured with boiling water.

Men and women were held in separate facilities. Conditions were worse for male than for female prisoners, although a local human rights activist in frequent contact with the families of female prisoners reported that some held in a women's prison in the Tashkent area were in ill health as a result of unsanitary conditions. Juveniles were held separately from adults. Conditions in juvenile facilities were generally much better than in adult prisons, although there were reports of inmates working in harsh circumstances. Pretrial detainees were held separately from those convicted of crimes; many of the worst incidences of abuse occurred during pretrial detention. The Government also operated labor camps, where conditions of incarceration were reported to be less severe than in prisons.

There were reports, as in previous years, that inmates died of tuberculosis, attributable in large part to poor prison conditions.

The Organization for Security and Cooperation in Europe's Office for Democratic Institutions and Human Rights (OSCE/ODIHR) initiated a prison reform program in cooperation with the Ministry of Interior.

After a series of delays since 2001, the International Committee of the Red Cross (ICRC) began an intensive regime of prison visits in September 2002. In June, the ICRC reported that it was receiving satisfactory cooperation from authorities: The ICRC's visits were made on short notice and its teams of investigators were given adequate access to all prison facilities and could meet with prisoners without third parties. As of December, the ICRC had conducted more than 30 visits to prisons and other places of detention, including Jaslyk Prison in Karakalpakstan, and had conducted a number of repeat visits. Foreign observers have also gained access to prisons to meet with individual detainees.

d. Arbitrary Arrest, Detention, or Exile.—The law does not provide adequate protection against arbitrary arrest and detention, and these remained problems.

The MVD controls the police, which is organized regionally. Impunity remained a problem, and those responsible for abuses were rarely punished (see Sections 1.a. and 1.c.). However, the Government reported that it dismissed 22 investigative officers of the MVD during the year for violating citizens' constitutional rights. The Government undertook investigations and disciplinary actions in connection with the deaths in custody of Kamalodin Djumaniyozov and Nodir Zamonov and sentenced an MVD investigator in connection with the beating of Ravshan Tozhiev.

Corruption among security forces remained a problem. Police routinely and arbitrarily detained and beat citizens to extort bribes. Police in the past routinely planted narcotics, weapons, ammunition, or Islamic literature on citizens either to justify arrest or to extort bribes; however, the number of reports of such cases decreased during the year.

The law provides that police, MVD investigators, and the Procuracy may arrest a person suspected of committing a crime without formal charges being filed, and security forces continued to arrest and detain individuals arbitrarily, without warrants or just cause. A report showing the grounds for arrest must be drawn up immediately and forwarded to the prosecutor; however, the law provides for wide discretion as to what constitutes proper grounds for arrest. This initial period of arrest is limited to 72 hours, but the Prosecutor may extend it for an additional 7 days. At the end of this period, the person must be officially declared a suspect and charged with a crime, or he must be released. Once formal charges are filed, a suspect may be held at the Prosecutor's discretion while an investigation is conducted. At his discretion, the Prosecutor may release a prisoner on bond pending trial. In practice, authorities frequently ignored these legal protections. There is no judicial supervision of detention, such as habeas corpus.

Prosecutors enjoyed near total discretion over most aspects of criminal procedure, including pretrial detention; once charges are brought, suspects may be held in pretrial detention for up to a year. Persons under arrest have no access to a court to challenge the length or validity of pretrial detention. Even when no charges are filed, police and prosecutors sought to avoid restrictions on the length of time a person can be held without charges by claiming that the individual was being held not as a suspect, but as a potential witness, who can be held indefinitely. A defendant has a right to counsel from the moment of arrest, but in practice access to counsel was often denied.

As in previous years, there were reports that police arrested citizens to extort bribes from them or from their family members. On February 23, police arrested 15-year-old Ravshan Tozhiev on charges of colluding in a group robbery scheme at a Tashkent bazaar. Four days later, an officer from the Yunusabad District Police Station approached Tozhiev's mother at the station and reportedly demanded the equivalent of \$600 (600,000 soum). When she refused, Tozhiev was taken by two officers into another room, where they allegedly kicked him in the stomach and groin and made him wear a gas mask and stand leaning with his forehead against a wall, after which they hit him repeatedly on the back of the head. After an hour, his mother was brought into an adjoining office, where she could hear her son's screams; she then agreed to pay. On March 23, a third officer of the Yunusabad Station demanded another \$500 (500,000 soum) to secure Tozhiev's release. At that point, the mother took the case to the Tashkent City Procuracy, which investigated the allegations of police brutality and corruption. On May 27, one of the officers was sentenced to 7 years' imprisonment for attempted bribery; no charges were brought on the accusations of police brutality. On June 16, Tozhiev, who had been released on a suspended sentence, was re-arrested on charges of stealing a necklace. His mother claimed that when she arrived at the Yunusabad Police Station, she found that her son's torso was covered in bruises and that the right side of his face and neck showed long black and blue marks. Authorities later harassed the mother and threatened to arrest her, implying retribution for her successful complaint regarding police mistreatment of her son.

There were also reports that police arrested persons on falsified charges as an intimidation tactic to prevent them or their family member from exposing corruption or interfering in local criminal activities. On May 8, police arrested 17-year-old Chingiz Suleimanov, without a warrant, on charges of having been involved in a fight. (Suleimanov has mental disabilities, and his parents claimed that he was at home on the night the fight allegedly took place.) The parents speculated that the real reason for the arrest was that earlier in the year they had written to the prosecutor about alleged criminal activities taking place under the protection of local police. The parents stated that they arrived at the Akhangaran District Police Station in time to see their son, whose head was bleeding, being forced into a car.

Suleimanov screamed that he was being beaten and begged his parents to help. The parents reported that they were unable to meet with their son but that investigators told them that their son had been arrested to silence the family and would be beaten to death if they persisted in interfering in matters that were none of their concern or complained about their son's treatment. During his trial, Suleimanov maintained his innocence and that he had been beaten. The parents reported that the judge dismissed the allegations, responding that the country's police do not beat people (see Section 1.e.). On June 25, the judge sentenced Suleimanov to 5 years' imprisonment on charges of hooliganism and theft. Before transferring him to the Tashkent Youth Prison, authorities took him back to the Akhangaran Police Station on the judge's orders, where his parents claim he was beaten again.

In most ordinary criminal cases, police generally identified and then arrested persons who could be reasonably suspected of the crime; however, both the police and the NSS were far less discriminating in cases involving perceived risks to national security.

Authorities continued to arrest many individuals associated with Islamic groups that were not approved by the Government (see Section 2.c.). During the year, the Government arrested an estimated 300 to 500 persons on suspicion of Islamic extremism, a decrease from previous years. In general, the Government believed these individuals to be associated with Hizb ut-Tahrir, although often the individuals had merely attended Koranic study sessions with the group (see Section 2.c.). Since such sessions are an integral part of Hizb ut-Tahrir's recruitment mechanism, authorities made little distinction between actual members and those with marginal affiliation. Several young men testified at their trials that they attended the sessions only because they wanted to learn about Islam. Officially approved mosques were incapable of meeting the demand for Koranic instruction, and there were few other officially approved forums for such instruction. As in previous years, there were reports that authorities arrested and prosecuted persons based on the mere possession of Hizb ut-Tahrir literature, which observers claimed was often planted. Coerced confessions and testimony were commonplace. Even persons generally known to belong to Hizb ut-Tahrir stated that the cases against them were built not on real evidence, which would have been abundantly available, but on planted material or false testimony.

On October 19, after searching her house and allegedly discovering Hizb ut-Tahrir literature, police arrested Fatima Mukhadirova, the mother of Muzafar Avazov, who died in Jasyk Prison in August 2002 after apparently being submerged in boiling water (see Sections 1.a. and 1.e.). Mukhadirova claimed that the materials were not hers. Persons familiar with the family maintained that authorities had warned her not to speak about her son's case. At year's end, Mukhadirova remained in prison, awaiting trial on charges of anti-constitutional activities and religious extremism.

Authorities continued to arrest and detain human rights activists arbitrarily. Many observers described the arrest and conviction of human rights activist and independent journalist Ruslan Sharipov as an example of selective prosecution (see Sections 1.c. and 2.b.). On August 28, four masked men abducted and severely beat Surat Ikramov, a prominent human rights activist who had been representing Sharipov. The Ministry of Interior launched a high-level investigation of Ikramov's beating; the results of the investigation were pending at year's end. On August 28, a court in Andijon arraigned Saidjahon Zainabitdinov, Chairman of the Andijon branch of the Human Rights Society of Uzbekistan (HRSU), on charges of criminal defamation in relation to two articles that he wrote about police corruption. His case was dismissed in December, and Zainabitdinov continued his active human rights advocacy, meeting frequently with international observers both in the country and abroad. Police have detained other human rights activists for short periods of time, and on occasion handled them roughly, in the course of public demonstrations (see Section 2.b.).

In early April, police arrested a farmer from Kashkadarya who had championed land reform initiatives and became active in rural human rights on charges of economic mismanagement. Numerous credible reports indicated that he, along with another prominent local activist, had run afoul of a politically connected collective farm manager. Later that month, neighbors of the second activist assaulted two of his brothers, sending them to the hospital with serious injuries. The neighbors reportedly were acting under orders from the collective farm manager. The first activist was released on appeal in July but immediately came under renewed pressure from local authorities. Facing harassment from local police and prosecutors, the two activists and several members of their families left the region.

The Government on occasion arrested, detained, and mistreated both immediate and extended family members of individuals wanted in connection with Islamic activities or already jailed in connection with those activities, even if there was scant evidence of their individual involvement (see Section 1.f.).

The Government released all six of the human rights activists whose conviction and imprisonment were reported in 2002. On January 3, the Government amnestied Yuldash Rasulov, an HRSU member who was sentenced in September 2002 to 7 years' imprisonment on charges of anti-constitutional activities and distributing extremist literature. On July 22, Norpolat Rajabov and Musulmonqul Hamroyev, HRSU activists from Kashkadarya who were sentenced in September 2002 to 4 and 6 years' imprisonment on charges stemming from their roles in organizing protests against a corrupt collective farm manager, were released from prison. Their colleague Jora Murodov, who was convicted at the same time and given a similar sentence, was released on August 22. HRSU activist Tursunbay Utamuratov, who was sentenced in November 2002 to 9 years' imprisonment for tax evasion, assault, resisting arrest, and forgery, was released on October 6. Human rights activists Elena Urlaeva and Larissa Vdovina, who had been committed in August 2002 to involuntary psychiatric treatment, were released in December 2002 and January 29, respectively (see Sections 1.c. and 2.b.) Jakhongi Shosalimov, a member of the Independent Human Rights Organization of Uzbekistan (IHROU) who was convicted in September 2002 of inciting public unrest and disobeying police orders, was released after 15 days' imprisonment (see Section 4).

During the year, pretrial detention for individuals suspected of Islamic extremism typically ranged from 2 to 4 months, a decline from previous years due in large part to reduced case loads. (Previously, pretrial detention was known to last as long as 2 years.) The number of such prisoners in pretrial detention was unknown.

Members of the opposition Erk Party were subject to severe harassment, including arbitrary detention, surveillance, and physical abuse (see Sections 1.c. and 3). On October 13, two prominent Erk activists, Oygul Mamatova and Abdulhashim Gafurov, were taken into detention after police discovered a large quantity of books written by Erk's exiled leader Muhammad Solih in their car. Police also confiscated from their homes a large sum of cash, as well as Erk Party literature, membership lists, computer hard-drives, and other material related to their political and human rights work. The two Erk activists were later released and staged brief hunger strikes to protest their detention and the seizure of party property. Authorities informed Mamatova and Gafurov that they would face prosecution for anti-constitutional activities; at year's end, no formal charges had been filed and the two remained free.

There were reports that authorities detained Judge Abduzhashe Alikulov under house arrest, after allegedly forcing him to resign because he dismissed charges against five persons accused of murder, on the grounds that testimony coerced during pretrial detention was inadmissible (see Section 1.e.).

Following fighting with the IMU in 2000, the Government forcibly resettled 5 villages in the Surkhandarya region and tried and convicted 73 villagers for crimes against the Constitution and aiding terrorists. The villagers were not released by year's end.

According to human rights activists, police arrested eight women during the year in connection with peaceful demonstrations protesting the imprisonment of their male relatives on charges of Hizb ut-Tahrir membership (see Section 2.b.). All were given suspended sentences and released, although one was re-arrested on an unrelated charge later in the year. Many more were detained briefly without charge and released soon after. There were reports that many of these women were given administrative fines.

Neither the Constitution nor the law explicitly prohibits forced exile; however, the Government did not employ it. Government harassment of the Erk and Birlik opposition political parties drove their leaders—including Mohammed Solikh and Abdurakhim Polat, respectively—into voluntary exile in the early 1990s (see Section 3). The de-facto leader of the newly formed Free Farmer's Party, Babur Malikov, remained in voluntary exile at year's end, as did the chairman of the HRSU, Abdumannob Polat, Abdurakhim's brother (see Section 4).

e. Denial of Fair Public Trial.—The Constitution provides for an independent judiciary; however, the judicial branch takes its direction from the executive branch, particularly the Office of the Procuracy, and had little independence in practice. Under the Constitution, the President appoints all judges for 5-year terms and has the power to remove judges. Removal of Supreme Court judges must be confirmed by Parliament. Judges may be removed for crimes or failure to fulfill their obligations. The process of appointing and removing judges is non-transparent and largely non-objective. Corruption among judges remained a problem.

Judges continued to have little independence. Judges deferred to the decisions of prosecutors, with relatively few exceptions such as the release of eight men convicted of Hizb ut-Tahrir membership and the dismissal of a case involving a member of the Jehovah's Witnesses (see section 2.c.). Legislative reforms aimed at strength-

ening the independence of the judiciary were enacted in 2000 and 2001 but have produced few results.

Courts of general jurisdiction are divided into three tiers: District courts, regional courts, and the Supreme Court. In addition, a Constitutional Court is charged with reviewing laws, decrees, and judicial decisions to ensure their compliance with the Constitution. Military courts handle all civil and criminal matters that occur within the military. There is a system of economic courts at the regional level that handles economic cases between legal entities. Decisions of district and regional courts of general jurisdiction may be appealed to the next level within 10 days of ruling. Crimes punishable by death are murder, espionage, and treason.

Three-judge panels generally preside over trials. The panels consist of one professional judge and two lay assessors who serve 5-year terms and are selected by either workers' collectives' committees or mahalla (neighborhood) committees. The lay judges rarely speak, and the professional judge often defers to the recommendations of the prosecutor on legal and other matters.

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. In the past, judges whose decisions were overturned on more than one occasion could be removed from office. In 2001, Parliament repealed this provision of the law, but other institutional controls remained in place, such as the executive's authority to decide which judges to reappoint. Consequently, judges in most cases continued to defer to the recommendations of prosecutors. As a result, defendants almost always were found guilty.

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, victims, or witnesses. Unlike in past years, when trials of alleged Islamic extremists were often closed, local and international trial monitors and journalists were generally permitted to observe court proceedings during the year.

Defendants have the right to attend the proceedings, confront witnesses, and present evidence. The accused has the right to hire an attorney, and the Government provides legal counsel without charge when necessary. However, state-appointed attorneys, whom the Government contracts and pays, routinely acted in the interest of the state rather than of their clients. Nonetheless, authorities often violated the right to an attorney in the pretrial stage, and judges in some cases denied defendants the right to their attorney of choice. Defense counsel was often incompetent, and effective cross-examination of even the most fatally flawed prosecution witnesses rarely occurred. In most cases, the role of defense counsel was limited to submitting confessions and pleas for mercy. Lawyers from the privately funded Legal Aid Society of Tashkent were much better trained, but their resources were extremely limited; their five lawyers typically only took more high-profile political cases. Prosecutors normally only attended those sessions of the court in which they were scheduled to speak. Court reporters tended to take poor notes and very often put down their pens when the defense was speaking. Some courts reportedly refused to allow defense counsel access to trial transcripts on appeal.

The Government announced trials, including those of alleged religious extremists, only at the court in which the trial was to take place and only a day or two before the trial began. International observers generally were allowed to attend even the most sensitive trials. However, during the trial of Ruslan Sharipov, the presiding judge closed the court to all but Sharipov's defense team and close family members, citing the need to protect underage witnesses and testimony (see Sections 1.c. and 2.a.).

Defendants often claimed that the confessions on which the prosecution based its cases were extracted by torture. On August 11, the Government tried 12 men at Tashkent's Akmal Ikramov District Court in connection with their alleged membership in Hizb ut-Tahrir. During the trial, which was attended by members of the diplomatic and NGO community, one of the principal witnesses recanted his previous written testimony, alleging in court that he had been forced to write his statement after being beaten severely at a local MVD office. Three of the defendants stated that they had been tortured in the course of their interrogations. A family member of a fourth defendant, Mukhammad Rashidov, later claimed that he had been badly beaten in pretrial detention (see Section 1.f.). The presiding judge did not follow up on these allegations and all 12 were convicted.

The presiding judge dismissed allegations of torture that emerged in the June trial of Chingiz Suleimanov (see Section 1.d.).

In other cases, particularly those of suspected members of Hizb ut-Tahrir, the prosecution failed to produce confessions and relied solely on witness testimony,

which was reportedly often coerced. The accused were almost always convicted. Typical sentences for male members of Hizb ut-Tahrir ranged from 7 to 12 years' imprisonment.

Lawyers may, and occasionally did, call on judges to reject confessions and to investigate claims of torture; however, in almost all cases, the judge simply ignored claims of torture, or dismissed them as groundless. The one reported exception to this occurred on March 10, when a court in Fergana City dismissed charges against five persons charged with murder on the grounds that testimony that had been coerced during pretrial detention was inadmissible under the law. However, the next day representatives of the administration apparently visited Judge Abduzhashe Alikulov and forced him to resign. There were reports that Judge Alikulov has been put under house arrest and that the prosecutor was also disciplined.

The Constitution provides a right of appeal to those convicted; however, appeals rarely, if ever, resulted in convictions being overturned in politically sensitive cases, such as those involving individuals accused of membership in Hizb ut-Tahrir. More often, a successful appeal resulted in a reduced sentence. An exception to this occurred in late December, when the chairman of a regional court in Samarkand released eight alleged members of Hizb ut-Tahrir imprisoned for long terms at the beginning of the year (see Section 1.c.). In releasing the men, the judge essentially ruled that the charges under which they were originally convicted were groundless.

Even in the rare instance when defendants were acquitted or win an appeal, no protection exists against double jeopardy. The five defendants acquitted of murder charges in Fergana City in March were reportedly under investigation once again for the same crime.

Unlike in past years, most persons arraigned on political crimes during the year were charged with the actual crime for which they were arrested, particularly anti-constitutional activity, involvement in illegal organizations, including banned religious or political groups, and the preparation or distribution of material threatening to public security. An estimated 5,300 to 5,800 political prisoners, including alleged members of Hizb ut-Tahrir, remained in prison at year's end. The ICRC conducted regular prison visits throughout the year and reported that it was given access to political prisoners (see Section 1.c.).

In late 2002 and early in the year, the Government released 923 political prisoners. The convictions of the political prisoners released in these amnesties were specifically for anti-constitutional activity. Their release came as part of a broader amnesty of approximately 5,000 prisoners (see Section 1.c.). An additional 391 political prisoners were released in the first month of a 3-month amnesty declared on December 1, the vast majority of whom were sentenced for membership in Hizb ut-Tahrir or other extremist groups labeled under the general rubric of "Wahabbi." More than half of these had originally been sentenced to jail terms exceeding 10 years. Although the December 1 decree lays out in strict terms which inmates were eligible for release, in practice, local prison authorities had considerable discretion in determining who was reviewed for amnesty. As in previous years, political prisoners were required to demonstrate that they had "firmly repented," usually expressed in the form of a letter. Many inmates reportedly refused to sign such letters, in spite of considerable pressure for them to do so. Prisoners released under the amnesty reported that imams had been sent to the prison to make the final determination as to which prisoners had truly repented; this decision was reportedly frequently taken in consultation with local mahalla committees.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence.—The Constitution provides for the inviolability of the person and prohibits unlawful detentions and searches; however, in practice, authorities infringed on these rights. The law requires the issuance of a search warrant for electronic surveillance by the relevant Prosecutor; however, there is no provision for a judicial review of such warrants. There is an assumption that security agencies routinely monitor telephone calls and employ surveillance and wiretaps in the cases of persons involved in opposition political activities.

Government officials interfered with correspondence sent to and by members of the opposition Erk Party.

The Government continued to use mahalla committees, of which there were an estimated 12,000, as a source of information on potential extremists. Neighborhoods are tightly knit communities, where residents have few secrets. Shortly after the February 1999 Tashkent bombings, the President directed that each committee assign a "neighborhood guardian," or "posbon," whose job it was to ensure public order and to maintain a proper moral climate in the neighborhood. In practice, this meant in particular preventing young persons in the neighborhoods from joining extremist Islamic groups. According to a report on mahalla committees released by Human Rights Watch (HRW) in September, the committees kept extensive files on families

in the neighborhood and collected information on individual family members' religious practices. Mahalla committees frequently identified for police those residents who appeared suspicious. Some of these individuals were then arrested or detained, sometimes more than once.

The HRW report documented several instances in which local authorities forced relatives of alleged religious extremists to undergo public humiliation at assemblies organized for that purpose. Human rights activists in the Fergana Valley claimed that officials from the local MVD often joined mahalla committee members in these denunciation sessions.

The Government on occasion arrested, detained, and mistreated both immediate and extended family members of individuals wanted in connection with Islamic activities or already jailed in connection with those activities, even if there was scant evidence of their individual involvement (see Sections 1.c. and 1.d.). Local human rights activists reported that officials of the security service, acting under pressure to break up Hizb ut-Tahrir "cells," often targeted family members and close associates of suspected members, even if there was no direct evidence of their involvement. Seven male relatives of Imam Farhod Usmanov, a member of Hizb ut-Tahrir who died in pretrial detention in 1999, remained in jail at year's end. On August 11, Mukhammad Rashidov, Usmanov's 17-year-old nephew, was convicted with 11 other defendants on charges of Hizb ut-Tahrir membership (see Section 1.e.). Serious allegations of torture emerged, both in the course of court testimony and in discussions with family members (see Section 1.c.), with the principal witness denying that he had ever seen Rashidov.

Unlike in previous years, there were no reports that police arrested, detained, and beat family members of suspects they were seeking. However, there were numerous credible reports that police, employers, and mahalla committees increasingly harassed the family members of human rights activists, including those who participated in the EBRD meeting in May, (see Section 4). According to several sources, authorities harassed human rights advocates with less frequency than in previous years, focusing attention instead on their family members.

There were reports that on occasion police arrested, detained, and beat persons to intimidate family members to prevent them from exposing corruption or interfering in local criminal activities or for extortion (see Section 1.c.).

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Speech and Press.—The Constitution provides for freedom of speech and the press; however, in practice, the Government continued to restrict these rights severely. Although the Government ended the formal requirement of press censorship in 2002, a number of new amendments to the press law passed shortly afterward hold editors and publishers responsible for the content of articles that appear in their publications.

The law limits criticism of the President. Ordinary citizens generally did not criticize the President or the Government on television or in the newspapers, although they continued to do so more freely in less public settings. The law also specifically prohibits stories that incite religious confrontation and ethnic discord or advocate subverting or overthrowing the constitutional order (see Section 2.b.).

The Cabinet of Ministers owned and controlled the country's three national daily newspapers, *Pravda Vostoka*, *Halq Sozi*, and *Narodnoe Slovo*. Their combined readership likely did not exceed 50,000. The Government owned or controlled several other weekly publications. Newspapers, which cost between 5 and 15 cents (50–150 soum), were too expensive for most citizens.

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 naming a board of directors acceptable to the Government. A small number of private newspapers containing advertising, horoscopes, and similar features, but no news or editorial content, were allowed to operate. There were three private national newspapers, *Novosti Uzbekistana*, *Noviy Vek*, and *Noviy Den*, and one publicly owned newspaper, *Hurriyat*. Circulation was no more than 3,000 each. At year's end, a fifth daily, *Mohiyat*, with a circulation of less than 2,000, was in the process of separating from the Government-controlled *Turkiston Press*. *Novosti Nedelya* and *Vremya I Mi* ceased operations during the year, reportedly for financial reasons. The last opposition newspaper to be published, the *Erk* party's, was banned but was published abroad and occasionally smuggled in. The opposition parties *Birlik*, *Erk*, and the Party of Agrarians and Entrepreneurs operated websites, to which the Government reportedly blocked access sporadically.

The Government controlled information even more tightly in the broadcast media than in print journalism. Four state-run channels that fully supported the Government and its policies dominated television broadcasting. A cable television joint ven-

ture between the state broadcasting company and a foreign company broadcast the Hong Kong-based Star television channels, including the British Broadcasting Company (BBC), Deutsche Welle, and Cable News Network World News, to Tashkent and a few other locations. Access to cable television was beyond the financial means of most citizens. There were between 30 and 40 privately owned local television stations and 7 privately owned radio stations. These broadcasters practiced self-censorship but enjoyed some ability to report critically on local government. For the most part, television programming consisted of rebroadcasting Russian programming.

The Government did not allow the general distribution of foreign newspapers and other publications; however, two or three Russian newspapers and a variety of Russian tabloids and lifestyle publications were available. A modest selection of other foreign periodicals was available in Tashkent's major hotels, and authorized groups could obtain foreign periodicals through subscription.

There were numerous cases of government harassment of editors and journalists in what appeared to be an effort to limit the publication of overly critical stories. As in the past, Uzbek authorities harassed members of the Independent Union of Journalists of Uzbekistan (IUJU). On May 29, police arrested the former head of the IUJU, Ruslan Sharipov, on allegations of sodomy, corruption of youth, and sex with underage persons, charges that many observers saw as either fabricated or selective prosecution. Sharipov himself maintained that prosecuting him was punishment for his critical articles. Sharipov claimed that at the time of his arrest, police denied him access to a lawyer, hit him several times, and threatened to rape him with a bottle. Sharipov maintained an active defense during the first stages of his trial, but on August 8 he dismissed his defense team and stated his intention to plead guilty. In letters published on the Internet after his trial, Sharipov claimed that his abrupt confession had been coerced and that he had been subjected to asphyxiation with a gas mask and a plastic bag and told that he would be infected with the AIDS virus. The chair of the panel of judges considering Sharipov's appeal took note of Sharipov's allegations, questioned prison guards and police with access to Sharipov, and ruled that the allegations had no merit.

On August 26, police detained and intensively questioned two of Sharipov's associates, Sukhrat Erzahnov and Alex Surapulov, about their connections to Sharipov. On August 28, masked assailants badly beat Surat Ikramov, a human rights activist who served on Sharipov's defense team; the case was under investigation by the Ministry of the Interior at year's end (see Section 1.d.).

On February 17, police in the Fergana Valley arrested Ergash Bobojanov, a member of the Birlilik party, on charges of criminal defamation for writing newspaper articles in 1999 and 2001 that criticized the Government and official corruption. On February 19, the editor-in-chief of the newspaper Adolat, Tuhtamurad Toshev, was arrested on charges of bribery; he was sentenced to 8 years' imprisonment. On May 12, a correspondent of the newspaper Mulkdor, Boimamat Jumaev, was arrested on similar charges; no verdict was reached by year's end. Observers speculated that these represented cases of selective prosecution.

On August 13, an unknown person flagged down Shahnazar Yormatov, a journalist from Koshkuyr in the Khorezm region, on the road near the house of Yormatov's late father. Yormatov stated that the person, who was later revealed to be an MVD officer, pulled Yormatov from his car, punched him in the face, and kicked him several times. After the beating, the officer searched Yormatov's car and pulled out a packet, which the officer stated was heroin. According to Yormatov, his assailant told him that the 15-year sentence that could result would be just punishment for a troublesome journalist. Shortly after, two other officers from the Koshkuyr MVD arrived on the scene and took Yormatov to the local police station. The prosecutor refused to prosecute the heroin charges, and Yormatov was released after 5 days' detention; however, he claimed that police continued to harass him.

A number of other journalists reported receiving threatening phone calls and e-mails throughout the year warning them to be cautious in how they report events. Several of these journalists signed an open letter to the European Bank of Reconstruction and Development (EBRD) criticizing human rights abuses in the country. Some journalists reported that they were warned not to cover demonstrations.

Journalists are responsible for the accuracy of the information contained in their news stories, which potentially subjects them to prosecution. The new amendments to the press law also established the right of the boards of directors of newspapers, whose appointment is effectively subject to government veto, to affect editorial content. The net effect of the changes was an abolition of prior censorship, tempered by new possibilities for both hostile board interference and legalized retribution against media outlets and their employees. Essentially, the burden of censorship shifted from the Government to the publishers and editors—and ultimately to the journalists themselves. Self-censorship was an inevitable byproduct.

Even with the end of official press censorship, information remained very tightly controlled. The Uzbekistan Information Agency cooperated closely with the presidential staff to prepare and distribute all officially sanctioned news and information. After the end of prior censorship, a new organization—the Press and Information Agency—replaced the State Press Committee and became responsible for observing all media. Most editors and journalists continued to express concerns about potential consequences of conducting serious investigative journalism.

Despite the evident risks, a number of print journalists have endeavored to push the boundaries of self-censorship with several critical pieces appearing in newspapers during the year on such topics as local corruption, official malfeasance, and economic difficulties. A few journalists have produced articles critical of the Government. The state-run *Pravda Vostoka* published articles on official malfeasance, prison conditions, and corruption in the Prosecutor General's office. *Vremya I My* has reported on the country's economic problems, trafficking in persons, and the inefficient management of the agricultural sector. The Uzbek-language newspaper *Mohiyat* has published articles criticizing district governors (*hokims*), bribery among the faculty of tertiary educational institutions, and trafficking in women. In March, another Uzbek-language newspaper *Fidokor* mentioned a foreign ambassador's critical comments on the slow pace of economic reform.

The Mass Media law established the Interagency Coordination Committee (MKK), which issues both broadcast and mass media licenses to approved media outlets. The law provides for a 1- to 5-year term of validity for broadcast licenses; however, mass media licenses, also required, must be renewed annually. The MKK is empowered to revoke licenses and close media outlets without a court judgment. Another government agency, the Center for Electromagnetic Compatibility, issues frequency licenses. No television stations applied for new licenses during the year. Unlike in previous years, there were few incidents in which independent television stations were forced to operate with expired licenses.

The Government refused to renew the registration of International War and Peace Reporting (IWPR), a London-based NGO dedicated to the training and protection of journalists in areas of real or potential conflict. In explaining its decision, the Government stated that the IWPR was engaged in journalism, not training. The Government later singled out personally IWPR's Project Director in the country with strong criticism. IWPR responded that training of journalists entails on-the-job reporting. Despite the NGO's ambiguous status, IWPR's Project Director continued to work with local and international journalists to produce critical stories about the country's politics, judicial system, and human rights practices. However, IWPR chose to pull its project director out of the country, following a scuffle with MVD officers that occurred as she was reporting on a very small demonstration calling for President Karimov's resignation and the Government's personal criticism of her.

Internews, a foreign funded organization working to enhance the capacity of independent media in the region, continued to provide training and support for independent media. However, its continued inability to obtain accreditation for its local journalists limited its ability to cover governmental functions.

The Government continued to refuse to allow Radio Free Europe/Radio Liberty (RFE/RL) and the Voice of America (VOA) to broadcast from within the country, despite the Government's agreement with RFE/RL to allow this activity. The Government has denied accreditation to RFE/RL and VOA's journalists. As a result, the radio stations relied on unaccredited stringers. Both stations broadcast on short-wave from outside the country. The Government allowed the organizations to hire local correspondents. The BBC World Service was permitted to broadcast on a very low FM frequency and only in the Fergana Valley, which limited the potential audience. The BBC, when it began operations, consented to restrictions that amounted to self-censorship; however, observers agreed that there was no evidence that the BBC actually engaged in self-censorship. The BBC's World Service was permitted to broadcast an additional hour per day, bringing the total to 3: Two 1-hour broadcasts per day in Uzbek, and two 30-minute broadcasts per day in Russian, 7 days per week.

On March 7, several assailants reportedly assaulted Husniddin Kutbiddinov and Yusuf Rasulov, journalists working for RFE/RL and the VOA, respectively, who were covering a demonstration in Tashkent's Old City. In May, Akhmadjon Ibragimov, a producer for the state television was allegedly fired from his job because his network aired footage of persons sleeping during President Karimov's speech to the EBRD; he was subsequently reinstated. On September 29, a group of 20 women, described as prostitutes, reportedly threatened to break the camera of cameraman Dilmurod Toshboyev; he and Internews correspondent Zohkiron Ibrohimov were interviewing a local man in Andijon who had been sacked from his

mahalla committee. In August, similar tactics were used to break up a demonstration in Fergana City (see Section 2.b.).

Although television and radio programming remained staunchly pro-government and broadcast journalists ran the same risks as their counterparts in the print media, there was on occasion some critical reporting. During the year, Radio Grand aired programs on topics such as the plight of collective farmers who did not receive their salaries and women whom the country's dire economic conditions forced to become prostitutes in the bazaar. Orbita, an independent television station operating in the Angren region, produced relatively objective reports on such topics as the trial of independent journalist Ruslan Sharipov. During the year, Internews began to produce a number of high-quality news programs such as Zamok, which was broadcast in Russian and Uzbek and patterned after the popular Russian program Vremya.

There were no private publishing houses. Generally state-owned printing houses printed newspapers. Religious writings required approval by the Religion Committee censor, which was regarded as being quite strict (see Section 2.c.).

On September 30, the Cabinet of Ministers issued a decree that applies the same requirements to bulletins and newsletters published by NGOs as to other publications. These bulletins and newsletters typically had extremely small print runs, seldom exceeding several dozen, but they were generally among the most critical in their coverage of human rights issues. The Government did not enforce this decree by year's end, but some observers speculated that it could potentially be used to keep unregistered NGOs from publishing information.

In October 2002, the Government formally ended its official monopoly of the Internet. In the past, all Internet service providers were required to route their connections through a state-run server, Uzpak, and the Government filtered access to content that it considered objectionable. The availability of Internet access expanded as the number of service providers and Internet cafes grew. Foreign embassies and local Internet users observed that Internet providers frequently blocked access to websites that the Government considered objectionable. Despite these restrictions, Internet users continued to find ways to defeat these attempts at censorship.

The Government granted academic institutions a degree of autonomy, but freedom of expression remained limited. University professors generally were required to have their lectures or lecture notes approved before the lectures were given; however, implementation of this restriction varied. University professors practiced self-censorship.

Representatives of foreign research organizations have been subject to harassment. On January 18, authorities deported Nikolai Mitrokhin, a researcher with the Moscow-based human rights organization Memorial who has done extensive work documenting the arrest and detention of political prisoners. On August 28, Azizulla Gaziev, an analyst for the International Crisis Group left the country after several hours of intensive questioning by the NSS. The NSS also harassed Gaziev's family for a short period; however, after the harassment stopped, his family was allowed to join him abroad.

b. Freedom of Peaceful Assembly and Association.—The Constitution provides for the freedom of peaceful assembly; however, it also states that authorities have the right to suspend or ban rallies, meetings, and demonstrations on security grounds. In practice, the Government often restricted the right of peaceful assembly. The Government required approval for demonstrations and did not routinely grant permits to demonstrators. Nevertheless, the number of peaceful protests, which ranged from less than a dozen participants for most human rights demonstrations to well over a hundred in demonstrations protesting economic conditions, increased considerably. In some cases, police forcibly disrupted demonstrations; however, members of the security service usually simply observed the demonstrations.

Authorities continued to detain women briefly for organizing protests demanding the release of their jailed male relatives accused of membership in Hizb ut-Tahrir or protesting the conditions of their detention (see Section 1.d.). On May 26, police forcefully broke up a demonstration of approximately 30 female relatives of suspected religious extremists. Police reportedly beat and detained the women in the Khamza District Police Station in Tashkent. Small groups of female relatives held sporadic demonstrations throughout the year in the oblasts of the Fergana Valley; local human rights activists reported that local authorities used pressure from mahalla committees to contain the protests.

On June 9, police in Fergana City forcefully dispersed a dozen or so female protestors, organized by Mutabar Tojibaeva. On August 20, more than two dozen women beat a group of female protestors in Fergana City calling for the resignation of a regional prosecutor. Media accounts describe the attackers as prostitutes hired by local authorities to disrupt the protest. The organizer of the demonstration,

human rights activist Mutabar Tojibaeva, reportedly suffered serious injuries to her head and was hospitalized for more than a week. Observers speculated that the August 20 attack was in retribution for Tojibaeva's role in the August 11 strike at the Fergana Oil Refinery (see Section 6.b.).

During the year, human rights activists held a number of very small demonstrations in Tashkent. The demonstrations, which typically numbered no more than a dozen protesters, addressed police abuse, official corruption, housing problems, and economic conditions. The protestors also picketed several times in support of Ruslan Sharipov, and on September 16 held a demonstration in front of the Russian embassy calling for the release of Bakhrom Khamroev, a former leading figure in the opposition Birlik party who was arrested in Moscow on July 20.

For the most part, the authorities appeared content to keep a watchful eye on the proceedings, although there were increased reports of rough handling in the lead-up to Independence Day celebrations on August 31 and September 1. On April 10 and 17, police took a small number of protestors into custody en route to demonstrations at the Presidential Administration; one protestor was beaten. Human rights activists Larissa Vdovina, Elena Urlaeva, and Yuri Konopulov have on more than one occasion suffered minor injuries as police broke up their demonstrations. Police prevented a number of protests, both by refusing to allow potential demonstrators to leave their homes and by blocking access to planned demonstration sites. Authorities effectively kept under house arrest individuals planning to take part in a protest at the Parliament building on the weekend of the Independence Day celebrations until the holiday was over. Police immediately rounded up the few protestors who made it to the demonstration site and detained them for several hours.

The Constitution provides for freedom of association; however, the Government continued to restrict this right in practice. 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. While the Law on Political Parties permits the existence of independent parties and permits a wide range of fundraising, it also gives the MOJ broad powers to interfere with parties and to withhold financial and legal support to those opposed to the Government. There were five registered political parties, all controlled by the Government, and four opposition parties, none of which were registered at year's end (see Section 3).

The Government rejected attempts by the opposition Birlik Party and the Party of Agrarians and Entrepreneurs (PAPU) to register but allowed them to hold regional and national congresses during the year (see Section 3). On September 22, Birlik submitted its registration papers to the MOJ. The party resubmitted a revised application on November 24, after its first application was rejected. A final decision on the party's registration was pending at year's end. PAPU received notification on October 22 that its registration application was denied; the party chose not to resubmit its application. The Free Farmer's Party, a spin-off of PAPU, held a national congress on December 6 and gathered signatures in preparation for submitting its registration application. The Government effectively stripped the registration of opposition political party Erk in the mid-1990s, and the party has refused to attempt to reregister, insisting its previous registration remained valid. Erk held a national congress on October 22, its first public event in more than a decade.

The Law on Public Associations and the Law on Political Parties prohibit registration of organizations whose purpose includes subverting or overthrowing the constitutional order, as well as organizations whose names already were registered. In the past, officials used the latter provision to block human rights NGOs and independent political parties from registering by creating another NGO or party with the identical name. No such practice was reported during the year.

The process for government registration of NGOs and other public associations was difficult and time-consuming, with many opportunities for obstruction. Officials at the MOJ stated that the law on nongovernmental, noncommercial organizations, which provides for simple registration requirements, was fully implemented during the year. While NGOs verified that the mechanics of the registration procedure were greatly simplified, the Government clearly retained the ability to hamper registration of organizations that it deemed undesirable. On March 19, the Government officially registered the country's second independent human rights group, Ezgulik, following the 2002 registration of the IHROU.

Other human rights groups, such as the HRSU, Mazlum, and the Mothers Against the Death Penalty and Torture, have been denied registration. Although they did not exist as legal entities, they continued to function (see Section 4). Unregistered NGOs such as these continued to face difficulties operating their organizations during the year. In October, the HRSU resubmitted its registration application, its sixth; results were pending at year's end. The MOJ rejected the registration

application of Mothers Against the Death Penalty and Torture in February, reportedly because the organization's name was considered too controversial. The NGO's founder subsequently changed the name to Mothers Against Crimes Against the Individual, but the MOJ had not ruled on the NGO's application by year's end. A December 5 conference featuring the NGO was cancelled when the hotel where the meetings were to be located withdrew its facilities, citing the NGO's unregistered status. The NGO continued to advocate actively on behalf of families of executed prisoners.

A resolution passed by the Cabinet of Ministers on September 30 could potentially disrupt the work of NGOs that rely on newsletters and bulletins to publicize information on their activities. The resolution, which was not enforced by year's end, could also potentially be used to stop the publication of information by unregistered NGOs (see Section 2.a.).

Nonpolitical associations and social organizations usually were allowed to register, although complicated rules and a cumbersome government bureaucracy often made the process difficult. Some evangelical Christian churches and Jehovah's Witnesses congregations found it difficult to obtain registration (see Section 2.c.).

c. Freedom of Religion.—The Constitution provides for freedom of religion and for the principle of separation of church and state; however, in practice, the Government restricted this right.

The Government 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 Muslim Board of Uzbekistan (the Muftiate), which in turn controls the Islamic hierarchy, the content of imams' sermons, and the volume and substance of published Islamic materials. A small but growing number of unofficial, independent mosques were allowed to operate quietly under the watch of official imams.

The Government continued its harsh campaign against unauthorized Islamic groups it suspected of extremist sentiments or activities. During the year, the Government arrested an estimated 300 to 500 alleged members of these groups, a decrease from previous years, and sentenced them to lengthy jail terms (see Sections 1.d. and 1.e.). The scarcity of independent media and the absence of a centrally located and readily accessible register of court cases made it difficult to determine how many persons were incarcerated for religious reasons. Most of these were suspected members of Hizb ut-Tahrir, a banned extremist party. Although Hizb ut-Tahrir maintained that it was committed to non-violence, the political party's strongly anti-Semitic and anti-Western literature called for secular governments, including in Uzbekistan, to be replaced with a world-wide Islamic government called the Caliphate.

Individuals arrested on suspicion of extremism often faced severe mistreatment, including torture, beatings, and particularly harsh prison regimens and conditions of confinement (see Sections 1.a., 1.c., and 1.d.), and were typically sentenced to between 7 and 12 years in jail. There were credible reports that one known member of Hizb ut-Tahrir died in custody as a result of torture and beatings during the year. Prison authorities reportedly continued to deprive many prisoners suspected of Islamic extremism of the right to practice their religion freely and did not allow them to own a Koran, to pray five times a day, or to observe the Ramadan fast. Those who persisted were reportedly subjected to punishment.

In March, a member of an evangelical Christian church in Karakalpakstan reportedly died of heart failure hours after police badly beat him at a police local station.

Authorities often harassed or arrested family members of individuals wanted in connection with Islamic activities, or already jailed in connection with those activities. Eight women were tried for participating in or organizing demonstrations demanding the release of male relatives jailed on suspicion of Islamic extremism; all of the women were convicted but received suspended sentences. This represented a decline from 2002, when more than 20 such women were convicted.

In late December, the Chairman of a regional court in Samarkand released eight alleged members of Hizb ut-Tahrir imprisoned for long terms at the beginning of the year, essentially ruling that the charges under which they were originally convicted were groundless (see Section 1.d.). One of these men was the Imam Khatib (head imam) of Samarkand's Istihkan District.

Other than the arrest of Toshmuhammad Abilov, there were no credible reports of security services arresting, detaining, or harassing Muslim leaders perceived to be extremists. However, the Government's campaign against suspected Islamic extremists had repercussions in the wider Muslim community. The Government did not consider repression of these groups to be a matter of religious freedom but, rath-

er, to be directed against those who allegedly wanted to foment armed resistance to the Government. Authorities, often acting on information provided by mahalla committees, remained highly suspicious of those who were more religiously observant than is the norm, including frequent mosque attendees, bearded men, and veiled women. In practice, this approach resulted in abuses against observant Muslims for their religious beliefs, rather than actions.

The Law on Freedom of Conscience and Religious Organization requires all religious groups and congregations to register and provides strict and burdensome criteria for their registration. Among its requirements, the law stipulates that each group must present a list of at least 100 citizen members to the local branches of the Ministry of Justice. This provision enabled the Government to ban any group simply by finding technical grounds for denying its registration petition. This has had the effect of suppressing the activities of those Muslims who sought to worship outside the system of state-sponsored mosques.

At year's end, the Government had registered 2,153 religious congregations and organizations, 1,965 of which were Muslim. Some churches continued to face obstacles in obtaining registration from the Government. Local authorities continued to block the registration of evangelical Christian congregations in Tashkent, Samarkand, Guliston, Gazalkent, Andijon, Nukus, and Novaya Zhizn.

Jehovah's Witnesses in Tashkent have still been unable to obtain registration, and their members throughout the country claimed that they were subjected routinely to police questioning, search, and arbitrary fines. Police beat a 17-year-old member of the Jehovah's Witnesses in Bukhara region in March. In May, in two separate instances, four members of the Jehovah's Witnesses were detained in Kogan (Bukhara Province) while proselytizing door to door; they later claimed that city police beat them. In early October, the Jehovah's Witnesses reported that a Tashkent high court overturned the conviction for inciting religious hatred of 27-year-old Marat Mudarisov, whom authorities allegedly targeted due to his membership in the Jehovah's Witnesses.

Any religious service conducted by an unregistered religious organization is illegal. Police occasionally broke up meetings of unregistered groups and, according to news reports, members of some Christian evangelical congregations were detained during the year (see Section 1.c.). In August, authorities arrested five men and three women members of the unregistered Baptist Church in the village of Khalkabad in Namangan. The men were sentenced to 10 days' imprisonment for attending services in a private home and reportedly made to pay for the costs of their time in jail. The women were fined \$7 (6,770 soum).

Religious groups are prohibited from forming political parties and social movements (see Section 2.b.).

The religion law prohibits proselytizing and severely restricts activities such as importing and disseminating religious literature. Christians who tried to convert Muslims or who had among their congregations members of traditionally Muslim ethnic groups often faced official harassment, legal action, or, in a number of cases, mistreatment. Christians who avoided any association with proselytizing generally had no problems, and Jews generally were able to practice their religion.

The teaching of religion in schools, as well as to minors without their parents' permission, has been banned since early Soviet times. During the year, the Government began a small religious education pilot program in elementary schools and, in a very limited number of schools around the country, instruction of Islam and Arabic several times a week.

The Government requires that the religious censor approve all religious literature and controls the publication, importation, and distribution of religious literature. The Government discouraged and occasionally blocked the production or importation of Christian literature in the Uzbek language, although Bibles in many other languages were available in Tashkent bookstores. The Muftiate sporadically issued an updated list of all officially sanctioned Islamic literature. Possession of literature deemed extremist might lead to arrest and prosecution. Religious literature imported illegally was subject to confiscation and destruction. Hizb ut-Tahrir leaflets were categorically prohibited. The Government controlled the content of imams' sermons and the substance of published Islamic materials.

The Government's harsh treatment of suspected religious extremists has generally tended to suppress outward expressions of religious piety. A vague provision of the Religion Law, which did not appear to have been enforced during the year, may serve to suppress outward expressions of religious belief. Nevertheless, women were seen wearing the hijab (the headscarf many local Muslims associate with female modesty) and, less frequently, the veil on the street. Most female university students did not wear the hijab, although there were no known expulsions of women wearing headscarves during the year. There were reports that at least one univer-

sity had begun readmitting women who were expelled in 1997 and 1998 for wearing the hijab; however, many of the women expelled for wearing religious clothing continued to encounter difficulty gaining readmission. Most young men did not wear beards, which the Government regarded as a sign of extremism.

There was no pattern of discrimination against Jews: Synagogues functioned openly and Hebrew education, Jewish cultural events, and the publication of a community newspaper took place undisturbed. Many Jews have emigrated to Israel and the United States, but this is most likely because of bleak economic prospects and connections to families abroad rather than because of anti-Jewish sentiment. Hizb ut-Tahrir distributed anti-Semitic fliers, the text of which generally originated from abroad; however, these views were not seen as representative of the feelings of the vast majority of the country's population. Christians were generally very well tolerated, provided they did not engage in active proselytizing. However, there were reports of discrimination against Muslims who converted to Christianity.

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

d. Freedom of Movement within the Country, Foreign Travel, Emigration, and Repatriation.—The Constitution provides for free movement within the country and across its borders; however, the Government severely limited this right in practice. Permission from local authorities was required to resettle in a new city. The Government rarely granted permission to those who wished to move to Tashkent, and local observers reported that a \$100 bribe (97,500 soum) was necessary to obtain the required registration documents. The Government required citizens to obtain exit visas for foreign travel or emigration, but it generally granted these permits routinely for approximately \$5 (4,875 soum). However, during the year several persons whom the Government considered politically sensitive and their families experienced difficulties obtaining visas. An exit visa was not required for travel to most countries of the former Soviet Union; however, beginning in December 2002, the Government severely restricted the ability of its citizens to travel overland to the neighboring countries of the Kyrgyz Republic and Kazakhstan. Overland travelers to Turkmenistan also faced restrictions, while the border with Afghanistan remained closed to ordinary citizens. Citizens attempting to cross the border to neighboring Tajikistan continued to experience significant delays and some restrictions.

All citizens have the right to a passport, and the Government did not restrict this right. Passports serve as both internal identity cards and, when they contain an exit visa, as external passports. Every citizen must carry a passport when traveling inside or outside the country. Police occasionally confiscated these documents. In the past, authorities were more likely to confiscate the passports of political opponents than other citizens. There were no reports during the year of confiscation of political opponents' passports. After International Crisis Group analyst Azizulla Gaziev fled the country on August 28, members of the NSS briefly threatened to confiscate the passports of his family; Gaziev's wife refused to surrender her or her children's passports, and authorities eventually gave the family exit visas and allowed them to leave the country (see Section 2.a.).

Movement within the country by foreigners with valid visas generally was unrestricted; however, visitors required special permission to travel to certain areas, such as Termez, in Surkhandarya Province on the Afghan border.

The Law on Citizenship stipulates that citizens do not lose their citizenship if they reside overseas; however, since the country does not provide for dual citizenship, those acquiring another citizenship lose Uzbek citizenship. In practice, the burden was on returning individuals to prove to authorities that they did not acquire foreign citizenship while abroad.

Following the summer 2000 fighting with the IMU in the Surkhandarya region, the Government forcibly resettled residents of a number of villages from the mountainous border area (see Section 1.d.). The villagers faced permanent impediments to returning to their homes, and the Government built permanent structures in several new settlements approximately 120 miles away. International observers reported that conditions were acceptable in all of the villages but Sherabad, where one half of the village required outside assistance.

The population includes large numbers of ethnic Tajiks, Kyrgyz, and Kazakhs, as well as ethnic Koreans, Meskhetian Turks, Germans, Greeks, and Crimean Tartars deported to Central Asia by Stalin during World War II. Russians and other Slavs also are well represented. These groups enjoyed the same rights as other citizens.

There is no law that provides for the granting of asylum or refugee status to persons who meet the definition in the 1951 Geneva Convention Relating to the Status of Refugees and its 1967 Protocol. In practice, the Government provided some protection against refoulement but forcibly returned some persons to a country where they feared persecution, and it did not grant asylum. In August 1999, the Govern-

ment agreed that it would not force persons given refugee status by the UNHCR to leave the country. Nonetheless, the Government forcibly returned 11 Afghans who had registered with the UNHCR. Of these, 6 were UNHCR mandated refugees and 5 were asylum seekers.

There were no official statistics, but observers, including the U.N. High Commissioner for Refugees (UNHCR), estimated that there were 6,000 to 7,000 Afghans resident in the country, 2,500 of whom the UNHCR recognized and registered as refugees. Afghans comprised almost all of the UNHCR's refugee caseload. Although the Government in general tolerated the presence of Afghan refugees, the population faced protection problems. The UNHCR reported 32 Afghans in detention, of whom 19 were released after the UNHCR intervened, 2 remained in detention, and the remaining 11 were deported. The UNHCR reported that Afghan refugees had no access to the legal labor force and therefore limited means to earn a livelihood. The UNHCR reported that police rarely harassed mandated refugees.

The UNHCR estimated that there were an estimated 39,000 Tajik refugees in the country. The Government considered asylum seekers from Tajikistan and Afghanistan to be economic migrants and subjected them to harassment and bribe demands when seeking to regularize their status. Such persons could be deported if their residency documents were not in order. The overwhelming majority of the Tajik refugees were ethnic Uzbeks; unlike their Afghan counterparts, the Tajiks were able to integrate into and were supported by the local population. Although most Tajik refugees did not face discrimination and were generally tolerated by the Government, a great number of them only carried their old USSR passport and, under Uzbek and Tajik law, faced the possibility of becoming officially stateless.

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

The Constitution provides citizens with the right to change their government; however, in practice, citizens could not change their government through peaceful and democratic means. The Government severely restricted freedom of expression and repressed opposition groups and individuals (see Sections 1.c., 1.d., and 2.a.). No independent opposition political parties participated in government or were registered, although the Government allowed unregistered opposition political parties to hold regional and national congresses during the year. The Government is highly centralized and is ruled by a strong presidency. President Karimov and the executive branch maintained control through sweeping decree powers, primary authority for drafting legislation, and control of all government appointments, most aspects of the economy, and the security forces. The Parliament (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 was to confirm laws and other decisions drafted by the executive branch.

President Karimov was elected in a limited multi-candidate election in 1991. A 1995 referendum and subsequent parliamentary decision extended his first term until 2000. He was reelected in 2000 to a second term with 92.5 percent of the vote. The OSCE declined to monitor the presidential election on the grounds that the preconditions did not exist for it to be free and fair. Following a January 2002 referendum, which multilateral organizations and foreign embassies refused to observe, the term of the presidency was extended from 5 to 7 years.

The OSCE and many international observers concluded that the 1999 legislative elections were neither free nor fair because the voters lacked a choice. Local and regional governors (hokims), whom the President appointed, 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. Citizens' initiative groups nominated only 16 of the 250 candidates who won. These candidates generally were allowed on the ballot only if the hokims approved them. Elections for a new bicameral legislature are scheduled for December 2004.

Four registered government-controlled political parties held the majority of the seats in Parliament, and government officials held most remaining seats. These four parties, created with government assistance and loyal to President Karimov, were the only ones permitted to participate in the 1999 parliamentary elections, which did not represent a real choice for voters. Many government officials were members of the People's Democratic Party of Uzbekistan, formerly the Communist Party and still the country's largest party. The party did not appear to play a significant role in the Government, and the President resigned his chairmanship of the party in 1996. A fifth pro-government, pro-Karimov party—the Liberal Democratic Party of Uzbekistan (LDPU)—was formed during the year and quickly registered. There

were reports that government employees were under pressure to support the newly founded LDPU.

The laws that govern the conduct of parliamentary and presidential elections and the Law on Political Parties make it extremely difficult for opposition parties to develop, nominate candidates, and campaign. The procedures to register a candidate are burdensome and the Central Election Commission (CEC) has authority to deny registration. A presidential candidate is prohibited from campaigning before being registered but must present a list of 150,000 signatures to be registered. Under the law, the CEC must deny registration of presidential candidates who are found to "harm the health and morality of the people." There is no appeal to the Supreme Court for candidates whose parties were denied registration. The MOJ has the right to suspend parties for up to 6 months without a court order.

Citizen initiative groups of 100 members or more may nominate candidates to Parliament by submitting signatures of at least 8 percent of the voters in the electoral district. Organizations other than those registered as political parties or initiative groups were prohibited from participating in campaigns, and candidates were allowed to meet with voters only in forums organized by precinct election commissions. The law prohibits parties from funding their candidates' campaigns directly; parties must turn over all campaign money to the CEC, which then distributes the funds equally among the candidates. Only the CEC may prepare and release presidential campaign posters.

According to the Law on Political Parties, judges, public prosecutors, NSS officials, servicemen, foreign citizens, and stateless persons (among others) cannot join political parties. The law prohibits formation of parties based on religion or ethnicity; those that oppose the sovereignty, integrity, and security of the country and the constitutional rights and freedoms of citizens; or those that promote war, or social, national, or religious hostility. Political organizations that seek to overthrow the Government or incite national or racial hatred are prohibited.

Membership in unregistered political organizations is not officially prohibited (see Section 2.b.). During the year, the Birlik opposition political party held a series of regional and national congresses and gathered more than 5,000 signatures. According to Birlik officials, unlike previous years, the party encountered only occasional resistance from local officials. The party had not held a congress since 1991, and harassment by security forces drove its leaders into voluntary exile in the early 1990s (see Section 1.d.). In September and November, the party applied for registration, which the MOJ rejected (see Section 2.b.).

The Government also permitted the newly constituted PAPU to hold a series of regional congresses throughout the country, culminating on August 2 in a national congress, where the party approved a charter and elected an executive committee. Like Birlik, PAPU encountered only minor obstacles in its organization campaign and was able to gather more than 10,000 signatures, more than twice the number required by law for registration. In October, the MOJ rejected PAPU's registration application (see Section 2.b.).

After significant difficulties, Erk held its party congress on October 22. This, along with a press conference held on October 2, was Erk's first public event in a decade. Media reports alleged that the Government forced Erk to postpone its most recent party congress. Erk party members continued to face arrest and physical mistreatment, as well as surveillance (see Sections 1.b. and 1.d.). On August 18, two masked assailants beat Tashpulat Yuldashev, a prominent Erk party member, in his home, resulting in a concussion and bruising; police called to the scene reportedly were interested only in asking about Yuldashev's political activities. General Secretary Atanazar Arifov and other Erk members reported receiving telephone calls warning them not to attend Erk meetings. There were no developments in the case of Erk member Ilkhom Salayev and his wife Khovajon Bekjanova, who were arrested in September 2002 in connection with a civil complaint; Bekjanova was reportedly raped and beaten, and her husband, who was forced to watch, committed suicide. Erk did not apply for registration, believing its previous registration remained valid (see Section 2.b.).

On December 6, the Free Farmers Party, an opposition party that broke away from PAPU, held its organizing congress. The party reported difficulties in securing a venue for its congress, although it was eventually able to meet in a restaurant. The Free Farmers had not submitted registration papers by year's end.

The leaders of three of the four unregistered opposition political parties—Mohammed Solikh of Erk, Abdurakhim Polat of Birlik, and Babur Malikov of the Free Farmers Party—went into voluntary exile in the early 1990s. After the February 1999 Tashkent bombings, government targeting of members of these groups intensified. The Government repeatedly accused Solikh, who ran against Karimov for the presidency in 1992, of being a leader of the terrorist plot behind the bombings.

Solikh was 1 of 9 defendants tried in absentia in a 2001 trial of 12 alleged conspirators. He was convicted and sentenced to 15 years in prison. Two of Solikh's brothers—Komil and Rashid—remained in prison at year's end. In February, the Government amnestied a third brother, Muhammed Bekjonov (a.k.a. Bekzhon); a fourth brother lived in exile with Solikh abroad.

Traditionally, women participated much less than men in government and politics. There were 20 female deputies among the 212 members serving in Parliament. There was one woman among the 28 members of the Cabinet: Dilbar Gulyamova, who held the rank of Deputy Prime Minister, was charged specifically with women's issues.

In the 250-member parliament, there were 190 ethnic Uzbeks, 5 Karakalpaks, 4 Russians, 4 Tajiks, 3 Kazakhs, 3 Ukrainians, 1 Armenian, and 1 Korean.

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

A number of domestic and international human rights groups operated in the country; however, security forces continued to harass and abuse domestic human rights activists. Several human rights activists reported significant harassment during the year; some were detained and beaten (see Sections 2.b.). During the year, the Government arrested and convicted human rights activist and independent journalist Ruslan Sharipov, and unknown persons abducted and beat his defense advocate Surat Ikramov, who is also a prominent human rights activist (see Sections 1.c, 1.e., and 2.a.). During the year, several persons the Government considered politically sensitive and their families experienced difficulties obtaining exit visas (see Section 2.d.).

There were numerous credible reports that several human rights activists who participated in the May meeting of the EBRD were harassed. The security services prevented a number of activists from attending meetings, effectively placing them under house arrest. Activists who did attend the meetings reported being followed by members of the security services. There was speculation that the eldest son of Human rights activist Akmadjon Madmarov, in jail for alleged Hizb ut-Tahrir membership, was sent into an isolation cell as retribution for his father's participation in the meeting.

The following human rights activists, arrested in 2002, were released and remained free at year's end: Jakhongir Shosalimov, Tursunbay Utamuratov, Yuldash Rasulov, Musulmonqul Hamroyev, and Jora Murodov (see Section 1.d.).

In March, the Government registered a second independent human rights organization, Ezgulik. This followed the March 2002 registration of the IHROU (see Section 2.b.). Two other organizations that work on human rights issues, the Committee for Protection of Individual Rights (CPRI) and the Legal Aid Society (LAS), continued to operate as registered groups. CPRI was formed with government support in 1996, and some of its members have cooperated with the HRSU, Ezgulik, and IHROU. The LAS shifted its focus from low-level police abuse and government corruption cases and took on more high-profile human rights cases during the year, including the defense of Ruslan Sharipov and the mother of Khusnuddin Olimov.

The leadership of Ezgulik and Mazlum overlap with those of Birlik and Erk, respectively, although the two human rights groups for the most part functioned independently of the opposition parties. The CPRI, which was registered as the Uzbek affiliate of the Germany-based International Society for Human Rights, has been engaged in legitimate human rights work, although it was careful not to criticize the Government. Observers from time to time questioned the CPRI's independence from the Government; its former leader, Marat Zakhidov, had for a time engaged in progovernment propaganda. Zakhidov was serving as the Chairman of PAPU. The IHROU went through a bitter internal struggle in the spring and early summer, with a large number of its members accusing the IHROU's long-serving leader Mikhail Ardzinov of an authoritarian management style and increasingly pro-government leanings. Nevertheless, many IHROU members—both those who supported Ardzinov and a larger number who opposed him—continued to do human rights work, particularly in the regions outside Tashkent.

Other human rights groups, such as the HRSU, Mazlum, and the Mothers Against the Death Penalty and Torture have faced problems with registration but have continued to function, albeit with some difficulty (see Section 2.b.). Renting office space and conducting transactions in an unregistered NGO's name can be legally problematic; and opening bank accounts was impossible, making receiving funds from overseas very difficult. Activists of unregistered organizations tended to encounter more difficulties with authorities than their colleagues at registered NGOs. Unregistered NGOs also had problems finding venues for public events, as occurred when the hotel originally booked to host a seminar on the death penalty

scheduled for December 3 abruptly cancelled, citing the unregistered status of the NGO organizing the event. International and local journalists met frequently with members of these organizations, but state-controlled media rarely mentioned them.

The Government generally did not obstruct the work of international human rights NGOs. HRW maintained an office and operated independently in the country. Freedom House, which began operations in Tashkent in 2002 and opened a branch office in the Fergana Valley in June, continued to be active in training human rights defenders; in July, it began a program to provide legal assistance to local human rights defenders. The Government was increasingly willing to work with international governmental organizations such as the OSCE, which has been involved in such human rights problems as prison reform and combating trafficking in persons, as well as with foreign embassies, the ICRC and UNHCR. At the end of December, the Government informed a number of international NGOs that they must reregister with the MOJ, rather than with the Ministry of Foreign Affairs (MFA), as they had done previously. At year's end, it remained unclear what impact this would have, although some NGO representatives voiced concern that apparently burdensome reporting and coordination requirements associated with the MOJ's new registration procedures would make it difficult for the NGOs to work effectively.

After the U.N. Special Rapporteur on Torture released his report in February stating that torture was systematic in the country and State Advisor for Foreign Policy Kamilov's public statements in March on abuses in prisons and pretrial detention facilities, officials from the MVD met with foreign ambassadors and U.N. officials to discuss the Rapporteur's recommendations (see Section 1.c.).

A human rights Ombudsman's office affiliated with the Parliament may make recommendations to modify or uphold decisions of government agencies, but the recommendations are not binding. The Ombudsman is prohibited from investigating disputes within the purview of courts. The Ombudsman has eight regional offices outside Tashkent. During the year, the Ombudsman's office handled hundreds of cases, a large majority of which dealt with contested court decisions, abuse of power, and various labor and social welfare issues. The Ombudsman published reports identifying the most serious violations of human rights by government officials; the majority of these involved allegedly unjust court decisions and claims of abuse of power by police and local officials. Most of the successfully resolved cases appeared to have been relatively minor.

The National Human Rights Center of Uzbekistan, created by presidential decree, is responsible for educating the population and government officials about the principles of human rights and democracy, as well as for ensuring compliance with its international obligations in providing information on human rights.

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

Both the Constitution and the law prohibit discrimination on the basis of sex, language, or social status; however, societal discrimination against women persisted.

Women.—Violence against women was a problem and spousal abuse was common, although no statistics were available. Wife beating was considered a personal family affair rather than a criminal act; such cases usually were handled by family members or elders within the community (mahalla) and rarely came to court. Emphasis was placed on reconciling husband and wife, rather than addressing the abuse. The law punishes physical assault; however, no legal provisions specifically prohibit domestic violence. Police often discouraged women from making complaints against abusive husbands and abusers were rarely taken from home or jailed. A September HRW report on mahalla committees concludes that although neighborhood committees played no formal role in divorce proceedings, in practice, women frequently were unable to obtain a divorce without the committee's approval, which was seldom granted even in cases of obvious abuse.

A 2000 NGO study on domestic violence in the country concluded that domestic violence was widespread. Winrock International, which helps develop women's organizations in the country, noted that public officials were willing to speak openly about the problem of domestic violence. Most NGOs who worked on domestic violence issues reported that local government cooperation on education programs had increased, with a number of initiatives taken to increase cooperation with mahalla committees. Some police participated in NGO training on this issue.

The law prohibits rape. Marital rape appears to be implicitly prohibited under the law, but no known cases have been tried. Although statistics were unknown, cultural norms discouraged women and their families from speaking openly about rape.

Although the law prohibits prostitution, it was a problem in the country, and many observers believed that deteriorating economic conditions led to an increase in prostitution. There were more ethnic minorities engaged in prostitution. Police enforcement of laws against prostitution was uneven, and some police officers used

the threat of prosecution and other forms of harassment to extort money from prostitutes.

The Government made progress in combating trafficking in women to other countries for the purpose of prostitution (see Section 6.f.).

The law does not prohibit sexual harassment. Social norms and the lack of legal recourse made it difficult to assess the scope of the problem.

Although the law prohibits discrimination against women, traditional, cultural, and religious practices limited their role in everyday society. For these reasons, women were severely underrepresented in high-level positions. In accordance with tradition, women—particularly in rural areas—usually married before the age of 20, bore many children, and confined their activities to within the family. In rural areas, women often worked in the cotton fields during the harvest season. However, women were not impeded formally from seeking a role in the workplace, and women who opened businesses or sought careers were not hindered legally. Women were underrepresented in the industrial sector; however, they were fairly well-represented in the agricultural and small business sectors. A deputy prime minister at the cabinet level was charged with furthering the role of women in society and also was head of the National Women's Committee.

Several dozen NGOs addressed the needs of women. NGOs in Tashkent, Termez, and Fergana conducted seminars on sexual harassment, domestic violence, and the legal rights of women. Another NGO in Tashkent operated a hotline for women involved in prostitution. A center in Samarkand operated a crisis hotline and provided educational services on alcoholism, sexually transmitted diseases, and family counseling. The American Bar Association operated programs that focused on protecting women's legal rights in the Fergana region. A women's group in Surkhandarya worked with women with disabilities and promoted their rights. Another organization, Women's Integrated Legal Literacy, worked in the following areas: Legal literacy training, small grants for women's NGOs, cultural events to educate women on their rights, and advocacy on women's issues.

In parts of the country, some women and girls resorted to suicide by self-immolation. There were no reliable statistics on the extent of this problem because most cases went unreported. After marriage many women or girls moved into the husband's home, where they occupied the lowest rung on the family social ladder. A conflict with the husband or mother-in-law, who by tradition exercised complete control over the young bride, usually was the stimulus for suicide. The NGO "Umid" (also known as the Interregional Rehabilitation Center) in Samarkand ran a shelter for victims of self-immolation. UMID also worked with trafficking victims and was involved in the rehabilitation of commercial sex workers. The NGO reported varying degrees of cooperation from individual officials and local governments.

A 1997 research study indicated that the number of women enrolling in higher education was diminishing; women's enrollment in the finance and banking institute dropped from 65 percent in 1991 to approximately 25 percent in 1997. The report stated that university faculty "steer" women into occupations traditionally performed by females and suggested that administrators may have deliberately barred entrance to women in some fields. A steep, government-mandated increase in university fees enacted in 2002 forced many more families to decide which, if any, of their children they would educate, possibly affecting women's access to higher education. This trend has continued as the number of "contract students," those who pay full tuition at universities, continued to grow.

Children.—The Constitution provides for children's rights, stating that parents are obliged to support and care for their children until they reach age 18. Traditional values reinforced the cohesion of families; in most cases, several generations of a family lived together. Article 41 of the Constitution provides for free compulsory education through secondary school; however, in practice, shortages and budget difficulties meant that many expenses related to education must be paid for privately. Likewise, teachers, who earned extremely low salaries, routinely demanded regular payments from students and their parents. Twelve years of formal schooling are compulsory, and the average length of schooling is more than 11 years. According to the Government, 98.1 percent of children completed secondary school. Anecdotal evidence indicated that more children continued to drop out of high and middle schools as economic circumstances continued to deteriorate. There also was evidence that earlier marriages among young rural women contributed to a higher drop out rate for young women. The Government granted monetary allowances to families based on their number of children. The country had a very high birth rate; more than one-half of the population was under the age of 18.

There were reports of abuse of children. Child abuse was generally considered an internal family matter, although elders on mahalla committees frequently took an interest at the local level. There were no government-led campaigns against child

abuse, although efforts to combat human trafficking involved the protection of underage victims.

There were reports that some girls were trafficked from the country for the purpose of prostitution (see Section 6.f.). Teenage girls were engaged in prostitution. During the harvest, some school children, particularly in rural areas, were forced to work in the cotton fields (see Section 6.c.).

Information on displaced children was difficult to obtain. There were reports of displaced persons, including children, in Surkhandarya, along the border with Tajikistan (see section 1.d.). Conditions in these villages reportedly have improved, and children had access to schooling.

Persons with Disabilities.—The law provides for support for persons with disabilities and is aimed at ensuring that these persons have the same rights as other citizens; however, little effort was made to bring persons with disabilities into the mainstream. There was some societal discrimination against persons with disabilities. Children with disabilities were generally segregated into separate schools. The Government cared for the persons with mental disabilities in special homes. The Government has not mandated access to public places for persons with disabilities; however, there was some wheelchair access throughout the country.

National/Racial/Ethnic Minorities.—Government statistics dating from 1992 show that the population was approximately 71 percent Uzbek, 8 percent Russian, 5 percent Tajik, 4 percent Tatar, and 3 percent Kazakh, with many other ethnic groups represented as well. During the year, the percentage of Russians and Tatars decreased through emigration, but a number of Russians returned to the country. Exact percentages of ethnic minorities were unknown but were certainly lower than in 1992. Available statistics almost certainly underestimated the actual number of ethnic Tajiks; the figures treated ethnic Tajiks whose native language was Uzbek as ethnic Uzbeks. In addition, some members of other ethnic groups chose for a variety of reasons to declare themselves to be ethnic Uzbeks.

Ethnic groups other than Uzbeks, particularly Russians, frequently complained that job opportunities were limited for them. Senior positions in the government bureaucracy and business generally were reserved for ethnic Uzbeks, although there were numerous exceptions to this rule.

The citizenship law does not impose language requirements for citizenship; however, the language issue remained very sensitive. Uzbek was 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 was spoken widely in the main cities, and Tajik was spoken widely in Samarkand and Bukhara. The law originally required that Uzbek would be the sole method of official communication by 1998 but subsequently was modified to remove a specific date. The Government also began the process of replacing the Cyrillic alphabet with the Latin alphabet; however, realizing the difficulties for Uzbeks and minorities alike, the Government delayed the full transition to both the Uzbek language and the Latin alphabet to 2005.

In the past, the Government’s suppression of groups and individuals tied to the IMU included a small number of Uighur separatists, primarily from China, who fought with the IMU in Afghanistan. However, as a group, the Uighurs have not suffered harassment or social or political discrimination based on their ethnic identity. Linguistically, Uighur is extremely close to Uzbek. Inter-marriage was common, and the Uighurs were widely considered to be quite prosperous. There were no barriers professionally, including in government service. The Government has been generally supportive of Uighur cultural activities.

Section 6. Worker Rights

a. The Right of Association.—The law specifically provides that all workers have the right to form and join voluntarily unions of their choice and that trade unions themselves may associate voluntarily by geographic region or industry sector; however, workers did not do so in practice. Membership in trade unions is optional. The law declares all unions independent of governmental administrative and economic bodies (except where provided for by other laws); it also states that trade unions should develop their own charters, structure, and executive bodies and organize their own work. However, in practice, the overall structure of trade unions has not changed significantly since the Soviet era. Trade unions remained centralized hierarchically and dependent on the Government. No alternative union structures or independent unions exist.

There were a few professional associations and interest groups, such as a union of entrepreneurs, a union of renters, and an association of private physicians and pharmacists. There also were registered professional associations for judges and lawyers, both of which were quasi-governmental. The main activity of all registered

associations was professional development. They did not license members and had no formal role in advocating the interests of members in relation to the Government.

According to the law, the Council of the Federation of Trade Unions (CFTU) has a consultative voice in the preparation of all legislation affecting workers and is entitled to draft laws on labor and social issues. Trade unions are described legally as organizations that defend the right to work and to protect jobs, and emphasis is placed on the unions' responsibility for "social protection" and social justice—especially unemployment compensation, pensions, and worker retraining.

The law prohibits discrimination against union members and their officers.

The law on unions provides that unions may choose their own international affiliations; however, none have done so.

b. The Right to Organize and Bargain Collectively.—Unions and their leaders were not free to conduct their activities without interference from the Government. Although laws exist to safeguard the right to organize and to bargain collectively, they were not adequate to protect this right in practice. Trade unions were state-organized institutions and had little influence, although they did have some input on health and work safety issues.

Trade unions may conclude agreements with enterprises; however, progress in privatization was very limited and collective bargaining did not occur. As a result, there was no experience with negotiations that could be described as adversarial between unions and private employers. The State was still the major employer, and the state-appointed union leaders did 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 government employees. In the small private sector, management established wages or negotiated them with those who contract for employment.

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.

Unlike previous years, there were at least two major strikes. On July 21, approximately 300 female employees of a rubber plant in the industrial city of Angren staged a 1-day strike to protest unpaid wages. The Government reacted by paying the strike leaders, who then persuaded the workers to return to their jobs. On August 11, between 2,000 and 4,000 workers from the Fergana Oil Refinery staged what was reported to be the largest mass protest in the country's history. The workers claimed that they had not been paid in 6 months. National authorities took a cautious approach to the workers, agreeing to pay at least part of their back wages, but there were reports that many unresolved issues remained and that the situation remained tense at year's end.

In August and September, bazaar vendors, who were not organized into unions, held strikes throughout the country. The vendors were upset about newly implemented tax laws and stall rental prices.

There are no export processing zones.

c. Prohibition of Forced or Bonded Labor.—Article 77 of the Constitution specifically prohibits forced or bonded labor, including by children, except as legal punishment or as specified by law; however, there were reports that such practices occurred (see Sections 6.d. and 6.f.).

d. Status of Child Labor Practices and Minimum Age for Employment.—Article 77 of the Labor Code, dedicated to child labor, mandates that the minimum working age is 14. Work must not interfere with the studies of those under 18. Children between the ages of 14 and 16 may only work 20 hours per week when school is not in session and 10 hours per week when school is in session. Children between the ages of 16 and 18 may work 30 hours per week while school is not in session and 15 hours per week while school is in session. In rural areas, younger children often helped to harvest cotton and other crops (see Section 6.c.).

The Government has not ratified International Labor Organization (ILO) Convention 182 on the worst forms of child labor; however, as a member of the ILO, the country is subject to overlapping obligations such as Article 29 concerning forced labor.

The large-scale compulsory mobilization of youth and students to help with the cotton harvest during the fall—a practice that dates back to Soviet days—continued to occur in some areas. Student labor in the cotton fields was paid poorly, and students sometimes were required to pay for their food. Human rights activists reported that local officials beat some teachers who objected to their students being removed from class to participate in the harvest.

The prosecutor's office and the Ministry of Labor (MOL) were the principal bodies responsible for enforcing child labor laws. The MOL maintained a system of inspectors who were responsible for reporting violations to the prosecutor's office. The law provides for a range of criminal and administrative sanctions to punish violators; however, these were not adequate to punish or to deter violations related to the cotton harvest. There were no reports of prosecutions or administrative sanctions resulting from such inspections.

e. Acceptable Conditions of Work.—The Ministry of Labor, in consultation with the CFTU, sets the minimum wage. By year's end, the minimum wage was approximately \$5.40 per month (5,400 soum). The minimum wage did not provide a decent standard of living for a worker and family. Average government salaries were approximately \$35 to \$40 (35,000–45,000 soum).

The standard workweek was set at 41 hours and required a 24-hour rest period. Some factories apparently reduced work hours to avoid layoffs. Overtime pay exists in theory but was not usually paid in practice. Payment arrears of 3 to 6 months were not uncommon for workers in state-owned industries, and the problem appeared to be growing, including among government office workers and officials.

The Labor Ministry establishes and enforces occupational health and safety standards in consultation with the unions. 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 lacked 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 made such action difficult.

f. Trafficking in Persons.—The law prohibits trafficking in persons; however, trafficking in women and girls from the country for the purpose of prostitution was a problem. A few NGOs reported that some local officials were involved in trafficking on a limited basis.

The law prohibits all forms of trafficking, including of minors, and provides for penalties, including prison sentences of 5 to 8 years for international trafficking. Recruitment for trafficking is punishable by 6 months' to 3 years' imprisonment and fines of up to approximately \$900 (900,000 soum). The recruitment charge could be levied against international or domestic traffickers. All law enforcement agencies are charged with upholding the anti-trafficking provisions of the criminal code. By year's end, law enforcement reported they had investigated several dozen cases of trafficking and convicted a total number of 80 persons for trafficking-related crimes.

The Government took significant measures to combat trafficking in persons, including establishing an inter-agency working group, producing an action plan on combating trafficking, actively cooperating with NGOs and the OSCE on anti-trafficking training for law-enforcement and consular officials, and working with NGOs to produce an effective public awareness campaign. In addition, the Government, in cooperation with NGOs and international organizations, began to train law enforcement and mahalla officials in identifying and protecting victims of trafficking. The national police assisted in the formation of an anti-trafficking NGO run by retired police officers and dedicated to researching the issue. The Government directed border guards at airports to give more scrutiny to unaccompanied young women traveling to Turkey, the United Arab Emirates (UAE), South Korea, Malaysia, and Indonesia; it authorized them to deny such women permission to leave the country.

The country was primarily a source for the trafficking of women and girls for the purpose of prostitution. However, there were also reports of men being trafficked to illegal labor markets in Kazakhstan and Russia, mainly in the construction and service sectors. There were no reliable statistics on these problems, and it did not appear to be widespread, although anecdotal reports from NGOs indicated that the number of young women from the country who were trafficked into prostitution abroad was growing. Many women were unwilling to come forward due to both societal pressure and the fear of retaliation from their traffickers. There were credible reports that women traveled to the Persian Gulf, Malaysia, South Korea, Thailand, Turkey, and Western Europe for the purpose of prostitution; some of them reportedly were trafficking victims. Some transit of trafficked persons may also have taken place from neighboring countries and to or from countries for which Uzbekistan was a transportation hub (Thailand, Malaysia, Indonesia, India, Korea, and the UAE).

Traffickers most often targeted young women between the ages of 17 and 30. Agents in nightclubs or prostitution rings solicited these women, many of whom previously engaged in prostitution. In large cities such as Tashkent and Samarkand, newspaper advertisements for marriage and work opportunities abroad were con-

nected to traffickers. Travel agencies promising tour packages and work in Turkey, Thailand, and the UAE also solicited prostitutes. There were reports that in some cases traffickers recruited women with fraudulent job offers abroad, including as dancers or waitresses in nightclubs or restaurants, and in some cases they may have confiscated travel documents once the women reached the destination countries.

Some local officials working at the MVD, Customs, and Border Guards reportedly accepted bribes in return for ignoring their instructions to deny exit to young women they believe to be traveling abroad to work as prostitutes. According to local sources, officials were involved in document fraud and accepted bribes from persons attempting to travel illegally or from the traffickers themselves. One NGO reported that some local officials, operating on a relatively small scale, were helping women, some of whom may have been trafficked, obtain false passports to travel to Dubai to work as exotic dancers or prostitutes.

The Consular Department of the Ministry of Foreign Affairs reported that it began developing an assistance and repatriation program designed to make it easier for trafficking victims abroad to return. One NGO reported that police, consular officials, and border guards began to notify it of any women returning from abroad who appeared to be possible trafficking victims. The NGO was also allowed to assist groups of women returning from abroad at the airport and help them through entry processing.

Two NGOs specifically addressed trafficking in persons, and other NGOs attempted to collect information to combat trafficking. The OSCE Tashkent office, in cooperation with foreign embassies, NGOs, and the Government, was very active in combating trafficking. OSCE held a series of training seminars for Uzbek government law enforcement, including officers from the NSS, MVD, MFA, Customs, Border Guards, and the Officer of the General Prosecutor. It also provided training for several trafficking-focused NGOs, organized roundtables to discuss project ideas, and provided small-grant funding to various NGOs. In September, OSCE organized a study tour to Ukraine for government officials to exchange ideas and experiences in combating human trafficking.

An increased number of targeted newspaper articles discussing trafficked women and prostitution appeared in state-controlled newspapers; however, advertisements soliciting women's participation in such schemes appeared in these same publications. The state radio also continued airing a weekly call-in show for women who were involved in the sex trade. State-owned television stations worked with local NGOs to air public announcements on trafficking and to advertise seven regional hotlines run by NGOs to counsel victims and potential victims of trafficking. The Government likewise worked with NGOs to design posters on the dangers of trafficking and to place these posters on public buses and in passport offices and consular sections abroad.