

NEAR EAST AND NORTH AFRICA

ALGERIA

Algeria is a multiparty republic based upon a constitution and a presidential form of government. The head of state is elected by popular, secret vote to a 5-year term. The president has the constitutional authority to appoint and dismiss cabinet members, as well as the Prime minister who acts as the head of government. President Abdelaziz Bouteflika was last elected in 1999, running unopposed after the other candidates withdrew on the eve of the election citing voting fraud. Bouteflika is not formally affiliated with any political party. The next presidential elections are scheduled for April 2004. The country has a bicameral parliament consisting of the National People's Assembly (lower house) and the Council of the Nation (upper house). All members of the Assembly are elected by popular vote, while two-thirds of the Council is elected by the local (state) assemblies and the remaining one-third are appointed by the President. Elections were held for the Assembly in May 2002, followed by indirect elections in December for the Council of the Nation that saw six Islamists elected for the first time. The military influences defense and foreign policy and is widely believed to have influenced the outcome of the 1999 presidential elections. In June, the military publicly professed that it will remain politically neutral in the 2004 presidential elections and new electoral reforms have eliminated military voting in the barracks. Although the Constitution provides for an independent judiciary, it continued to be restricted by executive influence and internal inefficiencies.

The security apparatus comprises the army, consisting of ground, naval, and air defense forces; the national gendarmerie; the national police; communal guards; and local self-defense forces. All of these elements were involved in counterinsurgency and counter terrorism operations. The Ministry of National Defense and Ministry of Interior oversee the maintenance of order within the country. While the Government generally maintained effective control of the security forces, there were some instances in which elements of the security forces acted independently of government authority. Some members of the security forces committed serious human rights abuses.

The country is transitioning from a state-administered to open market economy. The country had a total population of approximately 31.5 million. The hydrocarbons sector was the backbone of the economy, accounting for approximately 60 percent of budget revenues, 46 percent of Gross Domestic Product (GDP), and over 95 percent of export earnings. Unemployment was estimated at 30 percent, with even higher levels of unemployment in the 20 to 30-year-old age bracket.

The Government's human rights record remained poor and worsened in a few areas; however, important progress was made in some areas. Aspects of the State of Emergency continued to restrict citizens' right to change their government. There were fewer reports of security force abuses. However, there continued to be problems with excessive use of force and the failure to account for past disappearances. Short-term disappearances of prisoners deemed "threats to national security" reportedly increased. The incidence and severity of torture declined markedly; however, new allegations continued. Security forces carried out extra-judicial killings and civilian and military police arbitrarily detained persons. Arbitrary arrests and incommunicado detention continued; most of these cases were committed in the context of the Government's continuing battle with terrorism. The Government routinely denied defendants fair and expeditious trials, and interference with privacy rights remained a problem. Despite judicial reforms, prolonged pre-trial detention and lengthy trial delays were problems. Defendants' rights to due process, illegal searches, and infringements on citizens' privacy rights also remained problems. The Government imposed new restrictions on freedom of expression, and an increased willingness to implement them. The Government did not always punish abuses, and official impunity remains a problem. Defamation laws and government actions re-

stricted the relative freedom of the print media; however, the media continued to openly and regularly criticize the Government, despite government reprisals. The Government continued to restrict, in varying degrees, freedom of speech, press, assembly, association, and movement during the year. The Government also placed some restrictions on freedom of religion. Domestic violence against women, the Family Code's limits on women's civil rights, and societal discrimination against women remained serious problems. Child abuse was a problem. Although the Government recognized the Amazigh language as a national language, Tamazight ethnic, cultural, and linguistic rights were the objects of demonstrations and riots and remained an undercurrent of the political scene throughout the year. Child labor was a problem in some sectors. The Government continued to restrict workers' rights by not officially recognizing some unions.

The country is gradually emerging from over a decade of civil strife between proponents and opponents of an Islamic state. During that decade, actions by government authorities, insurgents and terrorist groups, some of which have ties to al-Qa'ida, deprived citizens of their fundamental right to security, created serious human rights problems, and set back the country's transition toward a democratic system. Fighting during the 1990s resulted in 100,000–150,000 estimated deaths. Fighting between government forces and terrorist groups continued in some rural and mountainous areas and the country formally remains in a State of Emergency status. However, daily violence has declined and the situation in the country has improved since the 1990s when persons regularly disappeared and were brutally killed.

Terrorist groups committed numerous serious abuses and killed hundreds of civilians, including infants. Terrorists continued their campaign of insurgency, targeting government officials, families of security force members, and civilians. The killing of civilians often was the result of rivalry between terrorist groups or to facilitate the theft of goods needed to support their operations. Terrorist groups used violence to extort money, food, and medical supplies. Terrorists left bombs in cars, cafes, and markets, which killed and injured indiscriminately. Some killings, including massacres, also were attributed to revenge, banditry, and land grabs. Press reports estimated that approximately 1,162 civilians, terrorists, and security force members died during the year, a 61 percent decrease in violent deaths from 2002. Official government statistics indicated that fewer than 900 persons were killed. The violence occurred primarily in the countryside, as the security forces largely forced the terrorists out of the cities.

RESPECT FOR HUMAN RIGHTS

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

a. Arbitrary or Unlawful Deprivation of Life.—Security forces committed extra-judicial killings, mostly during clashes with armed terrorist groups. The Government maintained that security forces resorted to lethal force only in the context of armed clashes with terrorists. During the year, the press and the Algerian League for Human Rights (LADH) a local non-governmental organization (NGO) reported that security forces killed 31 civilians. The Government stated that, as a matter of policy, disciplinary action is taken against soldiers or policemen who are guilty of violating human rights, and that some disciplinary action was taken during the year. In September, Ali Tounsi, the head of security forces, announced that 2,269 gendarmes and 211 policemen had been dismissed over the last 2 years for abuse of authority (see Section 1.d.). However, the Government did not routinely release specific information regarding punishments of military and security force personnel.

During 2001 and 2002, the majority of civilian deaths at the hands of security forces occurred during protests in and around the Kabylie region.

The gendarme responsible for the death of a Kabylie youth that sparked the Black Spring rioting was tried in September 2002 by a military tribunal and sentenced to two years in prison for involuntary homicide (See Section 1.d). Security forces kept a minimal presence in the Kabylie region; however, unlike in previous years, there were no reported deaths attributed to the security forces.

No action was taken in the March 2002 case where hundreds of persons died in riots between gendarmes and protestors and the April 2002 case in which numerous persons were injured and killed during street battles between Kabylie protestors and riot police.

The National Assembly Commission released during the year its report on the April 2001 demonstrations and riots in which security forces killed as many as 80 persons. The report differed little from the original account of the incident given by security forces. In reaction to the National Assembly report's release, the Government issued financial indemnities to the families of victims and detainees in addi-

tion to a proclamation ordering the “draw down” of gendarmes during the year. Both uniformed and civilian clothes police were deployed to minimize tension in the region.

During the year, security forces killed numerous suspected terrorists. On January 19, security forces killed 40 in an operation designed to find the perpetrators of the Batna convoy attack (see Section 1.g.).

Terrorists targeted both security forces and civilians. Civilian deaths attributed to terrorists decreased from 1,375 deaths in 2002 to 258 during the year. In many cases, terrorists randomly targeted civilians in an apparent attempt to create social disorder. In other cases, violent reprisals were reportedly taken against those who failed to pay a “tax” to the terrorists. Terrorists killed numerous civilians, including infants, in massacres and with small bombs (see Section 1.g.). Other tactics included creating false roadblocks outside the cities, often by using stolen police uniforms, weapons, and equipment. Some killings, including massacres, also were attributed to revenge, banditry, and land grabs.

Press reports estimated that approximately 1,162 civilians, terrorists, and security force members died during the year as a result of the ongoing violence, a decrease of 61 percent from the previous year. The violence appears to have occurred primarily in the countryside, as the security forces largely forced the terrorists out of the cities.

On February 25, terrorists killed 12 civilians and injured 7 at a false roadblock set up near Tipaza, west of Algiers. The press reported it as one of the deadliest incidents in the country since the start of the year. On June 5, armed terrorists killed 12 persons and injured 2 near Khemis Miliana, west of Algiers, when the bus they were traveling in stopped at a false roadblock. On May 27, in Ain Soltane, terrorists killed a family of 14, including a 6-month-old baby, as they slept, after mistaking their home for a police officer’s residence.

Other similar incidents took place during the year and from 1991–2002.

b. Disappearance.—During the year, there were no substantiated reports of disappearances in which the security forces were implicated. However, local NGOs reported a trend of prolonged detention ranging from 8 to 18 months that was frequently reported as a disappearance until the person in question was returned to his or her family. These “new” disappearances at the hands of security forces often differed in duration and outcome from the disappearances that remain unresolved and that occurred in the country during the first half of the 1990s. These incidents remained contrary to the legal procedures stipulated in the country’s Penal Code and its Constitution.

During the year, Human Rights Watch (HRW) reported two cases of persons who disappeared after being taken into custody by the security forces. HRW reported that Kamel Boudahri remained unaccounted for more than one year after he and his brother Mohamed were arrested in the city of Mostaghanem on November 13, 2002.

HRW also reported that Abdelkader Mezouar’s whereabouts have been a mystery since July 2, 2002, when he was seized by four men in plainclothes who came in an unmarked vehicle to the mechanic’s garage where he lives and works. Authorities have not acknowledged arresting Mezouar. There were no developments in either case at year’s end.

There have been credible reports of thousands of disappearances occurring over a period of several years in the mid-1990s, many of which involved the security forces. A Ministry of Interior office in each district accepts cases from resident families of those reported missing. Credible sources state that the offices provided little useful information to the families of those who disappeared. The government did not use DNA testing to identify victims, take appropriate measures to safeguard the available evidence, or establish a satisfactory system for exhuming remains and notifying families.

On March 31, the National Consultative Commission for the Protection and Promotion of Human Rights (CNCPDDH) recommended the creation of an investigative Committee of Inquiry and a social welfare network for families of the “disappeared.” On September 20, Farouk Ksentini, Director of the CNCPDDH, was named head of the Government’s newly created Ad Hoc Mechanism to deal solely with this issue, and as part of the growing governmental acknowledgement for some responsibility in cases of those who have disappeared. In subsequent public interviews, Ksentini described the Mechanism as an interface between the Government and victims’ families with the authority to request information from governmental bodies in the course of researching claims by family members concerning the disappearance of their relatives, and possibly determine if compensation would be awarded to families.

Some local NGO groups that deal with the issue of the disappeared severely criticized the Mechanism. They were not invited to give any input related to its creation and claimed it could not provide any guarantee of its independence and impartiality, and that it would not determine responsibility for disappearances. HRW welcomed the Mechanism's mandate to verify disappearances and compensate families; however, HRW noted that it fell short of holding perpetrators accountable and bringing them to justice. Ksentini stated that the Mechanism would forward any evidence of responsibility to the judiciary for prosecution.

In 2001, the Minister of Interior told the National Assembly that the Ministry had agreed to investigate 4,880 cases of citizens reported disappeared. The Ministry reported that it provided information to the families in 3,000 cases. In 1,600 of the cases, families requested administrative action to obtain death certificates for their missing relatives. There were no reported prosecutions of security force personnel stemming from these cases. Families of the missing persons, defense attorneys, and local human rights groups insisted that the Government could do more to solve the outstanding cases. The Government asserted that the majority of reported cases of disappearances either were committed by terrorists disguised as security forces or involved former armed Islamist supporters who went underground to avoid terrorist reprisals. In February, Ksentini stated in a radio interview that if security forces had played a role in the disappearances, it was due to "actions of individuals operating outside the scope of their superior's orders," and not any one state institution.

The total number of disappeared in the country continued to be debated. Officially, the Government has estimated that approximately 7,200 persons were missing, or disappeared, as a result of government actions and approximately 10,000 persons as a result of terrorist kidnappings and murders. Local NGOs reported figures of the total number of disappeared closer to 8,000. Amnesty International (AI) stated in its 2003 report that 4,000 men and women disappeared after arrest by members of the security forces or state-armed militias between 1993 and 2000. On January 18, during a national conference on the Disappeared sponsored by local NGOs, human rights attorney Ali Yahia Abdenour placed the combined number of missing from both categories, based on the testimony of family members, at 18,000, which is similar to the official government estimation. On September 20, Ksentini stated on national radio that he believed all the disappeared are dead. Some local human rights NGOs continue to reject this claim.

The Government continued to threaten the President of the Algerian League for Human Rights (LADH) with arrest after his publication of witness-based information on security-force related disappearances. Furthermore, the Government provided no information on whether it would repeal the in-absentia death sentence of human rights activist Sallahdine Sidhoum, imposed after his publication of more than 2,000 names of the Disappeared on the Internet (see Section 4).

Terrorist groups continued to kidnap scores of civilians. In many instances, the victims disappeared, and the families were unable to obtain information about their fate.

During the year, four mass gravesites were found in Sidi-Moussa, Tizi-Ouzou, Boufarik, and Relizane. In the first two cases, the positioning of bodies and method of burial led government observers, as well as the local NGO SOMOUD, to conclude that they were burial sites dug by terrorist groups for deceased members of their respective organizations.

The Boufarik site was discovered in May when water-pipes were being laid in the ground. According to the independent press, the local fire chief responsible for the exhumation, said that the remains of seven people were discovered, but dated back forty years ago.

On November 13, a suspected mass grave site was discovered in Relizane and the personal effects of El Hadj Abed Saidane, who disappeared in 1996, were identified. The family of Saidane accused and formally filed a suit against Mohamed Fergane, the former mayor of the local town and the head of a self-defense militia during Saidane's disappearance. Fergane had previously been accused of being responsible for 212 forced disappearances between 1994-97 by families of the disappeared. The Relizane prosecutor's office agreed to conduct an investigation into this case.

In February, the GSPC kidnapped 38 foreign tourists, releasing them after crossing into Mali 6 months later. The media reported that one of the hostages died from exposure.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.— Both the Constitution and legislation prohibit such practices; however, according to local human rights groups and defense lawyers, police at times resorted to torture when interrogating persons. The Penal Code provides that state agents using torture to obtain confessions may face a prison sentence of up to 3 years. There continued to be reports of police torture and other abuse of detainees during the year. AI

and local NGOs have stated that some persons died in custody from torture or were executed. The U.N. Special Rapporteur for Torture noted that he received information alleging a large number of persons continued to be tortured or ill-treated by security forces. AI stated that it had received “dozens” of reports of torture from former prisoners or those detained by security forces. The International Red Cross noted a decrease in incidents of torture and that the severity of such acts diminished, although it did not have access to military prisons. Local human rights lawyers have also stated that the incidence and severity of torture had diminished due to the overall decrease in terrorism nationwide, but not due to a change in practice within the security forces.

The Government severely criticized the AI report at the U.N., and it denied the veracity of reports of torture brought before the U.N. Commission on Human Rights on the basis that formal complaints had not been filed. The Special Rapporteur reminded the Government that it has a responsibility to investigate all allegations of torture, even without a formal complaint. Many victims of torture hesitate to make public such allegations due to fear of government retaliation and a lack of physical evidence. Human rights attorneys maintain that torture still occurs in military prisons, more frequently on those arrested on “security grounds.” Independent press reports, AI, and local human rights groups report that the preferred method of torture used by security forces includes beatings with fists, batons, belts, iron bars and rifle butts, whipping, cutting with sharp objects, soldering irons or cigarette butts applied to bare skin, attempted strangulation, and electric shock. In April, the independent press reported that the chiffon method of torture was a preferred method because it left no physical traces of assault. In September, AI reported an increased number of reports detailing the usage of the chiffon method.

According to AI, in March a 42-year-old restaurant manager from Bouira was tortured for 10 days at the military security center in the Ben Aknoun quarter of Algiers, and forced to sign a statement, while under duress, in which he “admitted” having links to armed groups. Upon receipt of this document, the examining magistrate remanded him into pre-trial detention. He is still awaiting trial, charged with belonging to a terrorist group and “failing to denounce murderers.”

No action was taken in the 2002 case in which security forces allegedly tortured a shopkeeper in Surcouf or in which security forces tortured four members of the political party Rally for Democratic Culture (RCD) and their families.

In September, the director of the security forces stated that 2,269 gendarmes and 211 policemen had been dismissed over the last 2 years for abuse of authority, including arbitrary arrests (see Section 1.d.). On July 27, the Chief of the Gendarmerie Brigade of Ouled Rechache in the wilaya of Khenchela slapped a citizen in the face for not leaving enough room for the gendarmerie car to park. Demonstrations ensued next to condemn the abuse of power, and the National Gendarmerie Command subsequently dismissed the abusive officer the following week.

Security forces beat protestors during the year (see Section 2.b.).

Prison conditions were spartan, but generally met international standards. A local human rights activist noted that the condition of prisons throughout the country were a result of overcrowding, more than programmed or state-sponsored neglect. Poor medical standards for prisoners received press coverage in October 2002, 6 months after nationwide prison protests. However, the provision of medical treatment remained limited. The media reported there was 1 doctor for every 300 prisoners. An international NGO noted that the Government continued to improve prison conditions. Prisoners generally were found to be in good health and benefited from adequate food and expanded visitation rights.

On September 30, 40 prisoners in Serkadji Prison in Algiers launched a hunger strike protesting the length of their detention before trial.

On November 22, President Bouteflika issued a presidential pardon to 3,080 prisoners on the occasion of the religious holiday, Eid El-Fitr. Prisoners condemned for terrorism, rape, incest, embezzlement, corruption, or drug trafficking did not benefit from the pardon.

Unlike in previous years, there were no large scale prison riots that resulted in numerous deaths and injuries. In general, the Government does not permit independent monitoring of prisons or detention centers outside of programmed visits by the International Committee of the Red Cross (ICRC). Limited monitoring consisted of pre-selected detainees, chosen by the Government, being granted access to and meeting with various international human rights groups. ICRC estimates it has visited one third of the country’s prison population. The ICRC did not visit FIS leaders or other political leaders in prison or under house arrest.

d. Arbitrary Arrest, Detention, or Exile.—The Constitution prohibits arbitrary arrest and detention; however, the security forces continued arbitrarily to arrest and detain citizens, although reportedly less frequently than in previous years. In a

press conference held in September, Ali Tounsi, head of the security forces, announced that 2,269 gendarmes and 211 policemen had been dismissed over the last two years for abuse of authority, to include arbitrary arrests (see Section 1.a.).

Police are not required to obtain warrants to make an arrest in accordance with the 1992 Antiterrorist Law or State of Emergency. The Ministries of Justice and Interior told AI in April that at least 23 gendarmes had been prosecuted and sentenced in military tribunals for "abusive use of firearms." However, the CNCPPDH told the AI delegation that only one gendarme had been sentenced. The Government has not provided an explanation for this discrepancy.

The Constitution provides that incommunicado detention in criminal cases prior to arraignment may not exceed 48 hours, after which the suspect must be charged or released. However, the State of Emergency allows the police to hold suspects in pre-arraignment detention for up to 12 days, although police must inform suspects of the charges against them. In practice the security forces generally adhered to the 48-hour limit in non-terrorist cases.

Prolonged pre-trial detention remained a problem. The law extended the period of pre-trial detention (a status assigned to individuals after the examining magistrate has concluded that the case is sufficiently strong to warrant court proceedings). Individuals accused of crimes punishable by prison sentences of at least 20 years can legally be held in detention while the Government continues its investigation. Additionally, the State of Emergency provides for legal framework under which those accused of "crimes considered terrorist or subversive acts" can be held for 36 months; and those charged of a "transnational crime" can be held in prison for as many as 60 months while they await trial.

Hundreds of state enterprise officials who were arrested on charges of corruption in 1996 remained in detention.

In 2002, Arouch Citizen's Movement members Belaid Abrika, Mouloud Chebheb, Mohamed Nekkah, Mahklouf Lyes, Alik Tahar, and Rachid Allouache were arrested and detained while attempting to follow the court proceedings of Kabylie residents arrested during riots protesting the lack of Government reparations for and resolution to the 2001 Kabylie Black Spring (see Sections 1.e., 1.g., and 3). In October 2002, Abrika was charged with inciting violence and held on a 4 month renewable basis until his trial. In December 2002, he and others began a 42-day hunger strike to protest their detention. In August, six individuals and eight other Citizens' Movement activists were released from pre-trial detention on "provisional liberty" as a part of the Government's sporadic efforts to broker a dialogue with the Arouch Citizen's Movement following the 2001 Kabylie Black Spring (see Section 1.g.). On December 29, the public prosecutor's office ordered the lifting of movement restrictions against those found guilty of rioting during the Black Spring of 2001. Accused individuals no longer need permission to leave the province boundaries nor report in to a local police station on a weekly basis.

In August, 60 Kabylie-based political activists were released from pre-trial detention after serving months in prison on public order charges. Released on provisional liberty, they continued to await a trial date at year's end.

During the year, the Government did not respond to a 2002 formal complaint lodged by RCD members for the 3-day detention of a party member without formal charges.

On July 2, Abassi Madani, President of the banned Islamic Salvation Front (FIS) party, released from prison in 1997, was granted provisional liberty after 6 years of house arrest. The Government issued him a passport in late August and Madani was allowed to travel abroad in early September. A condition of his provisional liberty precludes him from making media statements; he has done so frequently while under house arrest and from abroad with little or no government retaliation.

On July 2, the Government granted jailed oppositionist and FIS vice president Ali Belhadj provisional liberty and released him from prison despite his refusal to sign a statement of understanding agreeing to restrict his freedom of expression, ability to seek public office, and right to vote. Belhadj has made statements to foreign press entities since his release and delivered public sermons. He has been summoned to the Kouba police precinct after each occurrence, and interrogated by security forces and local police.

Police and communal guards frequently detained persons at checkpoints. Unlike in previous years, there were no reports of police arresting close relatives of suspected terrorists in order to force the suspects to surrender. Reports of such occurrences remained difficult to verify. There were no further developments in the 2000 case of 73-year-old El-Hadj M'lik, who remains missing.

Neither the Constitution nor the law provides for forced exile and it was not known to occur. However, numerous cases of self-imposed exile involved former FIS members or persons who maintained that they have been accused falsely of ter-

rorism as punishment for openly criticizing government policies. The UNCHR also noted an increase in human rights defenders seeking international protection from reprisals by security forces or local militia groups accused of committing human rights abuses.

In April, officials in the Ministry of Justice and the President of CNCPPDH gave AI conflicting reports of the number of gendarmes tried for human rights abuses related to the 2001 Kabylie Black Spring. The number of gendarmes reportedly facing charges ranged from 1 to 24. A military tribunal sentenced the gendarme responsible for killing Guermah Massinissa, an event which sparked the 2001 Kabylie riots, to 2 years for involuntary homicide. The Penal Code allows for individuals taken into police custody to serve a maximum period of 12-days in detention before they are granted an audience with an examining magistrate. Detainees must be informed of their right to communicate immediately with family members, receive visitors, and be examined by a doctor of their choice at the end of their detention in the "garde a vue" (equivalent to a pre-trial holding cell). However, there have been frequent reports of these rights not being extended to detainees, and in some cases, local NGOs and human rights attorneys noted that the detention period extended beyond the legal limit, in one instance for 23 days (see Section 1.e.).

Local judges are required to grade the performance of Police Judiciaire (PJ) officers operating in their jurisdiction to ensure that the officers comply with the law in their treatment of suspects. In addition, any suspect held in preventative detention is to undergo a medical examination at the end of the detention, whether the suspect requests it or not.

e. Denial of Fair Public Trial.—The Constitution provides for an independent judiciary; however, executive branch decrees restricted the judiciary's authority. The Minister of Justice appoints judges who serve 10-year terms. The Minister of Justice may, according to the Constitution, remove judges for violations of the law or if they are involved in a situation that jeopardizes the reputation of justice. In 2000, the President massively reorganized the judiciary by reassigning large numbers of judges to different courts. The Government sought international technical assistance with the reform of its judiciary during the year, in many instances funded in full by the Government. The legislature undertook significant legislative reforms to revise the role and power of the judiciary, granting more authority, for instance to prosecutors; a reorganization of the courts to provide more specialized courts like a police, administrative, and commercial court; a top to bottom review of the civil and penal codes; and establishing penitentiary reforms that focus on prisoner rights.

The judiciary is composed of the civil courts, which tried cases involving civilians, and the military courts, which have tried civilians on security and terrorism charges. There is also a Constitutional Council, which reviews the constitutionality of treaties, laws, and regulations. Although the Council is not part of the judiciary, it has the authority to nullify laws found unconstitutional, confirms the results of any type of election, and is the final arbiter of amendments that pass both chambers of the parliament before becoming law. The Council has nine members: three of the members (including the council president) are appointed by the President; two are elected by the upper house of the Parliament; two are elected by the lower house of the Parliament; one is elected by the Supreme Court; and one is elected by the Council of State. Regular criminal courts try those persons accused of security-related offenses. Long-term detentions of suspects awaiting trial again appeared to increase from the previous year (see Section 1.d.).

According to the Constitution, defendants are presumed innocent until proven guilty. They have the right to confront their accusers and may appeal the conviction. Trials are public, and defendants have the right to legal counsel. However, the authorities did not always respect all legal provisions regarding defendants' rights, and continued to deny due process. Accused terrorists were tried in absentia on at least two occasions during the year. Some lawyers did not accept cases of defendants' accused of security-related offenses, due to fear of retribution from the security forces. Defense lawyers for members of the banned FIS suffered harassment, death threats, and arrest. An unknown number of persons who could be considered political prisoners were serving prison sentences because of their sympathies with Islamist groups and membership in the FIS. International human rights groups did not request visits with political prisoners during the year; therefore it was unclear whether the Government would permit such organizations to visit political prisoners.

f. Arbitrary Interference with Privacy, Family, Home or Correspondence.—The Constitution provides for the inviolability of the home; however, authorities frequently infringed on citizens' privacy rights. The State of Emergency authorizes provincial governors to issue exceptional warrants at any time. Security forces also en-

tered residences without warrants in accordance with the 1992 State of Emergency. According to defense attorneys, police who executed searches without a warrant routinely failed to identify themselves as police and abused persons who asked for identification.

Security forces deployed an extensive network of secret informers against both terrorist targets and political opponents. The Government actively monitored the telephone lines of political opponents, journalists, and human rights groups (see Section 4). There were no reports that police arrested close relatives of suspected terrorists to force the suspects to surrender.

Some local human rights activists and NGOs claimed that the Government continued to keep some former prisoners under surveillance and required them to report periodically to police. Armed terrorists entered private homes either to kill or kidnap residents or to steal weapons, valuables, or food (see Section 1.a.). After massacres that took place in their villages, numerous civilians fled their homes. Armed terrorist groups consistently used threats of violence to extort money from businesses and families across the country.

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Speech and Press.—The Constitution provides for freedom of speech and press; however, the Government restricted these rights in practice. The Penal Code imposed high fines and prison terms of up to 24 months for defamation or “insult” of government figures, including the President, members of Parliament, judges, members of the military and “any other authority of public order.” Those convicted face prison sentences that range from 3 to 24 months and fines of \$715 to 7,150 (50,000 to 500,000 dinars). During the year, at least 96 prosecutions occurred under the Penal Code.

The law specifies that freedom of speech must respect “individual dignity, the imperatives of foreign policy, and the national defense.” The State of Emergency decree gives the Government broad authority to restrict these freedoms and to take legal action against what it considers to be threats to the state or public order. These regulations were applied throughout the year, and in some instances appeared to target specific media organizations and their staff. The number of independent press publications prosecuted or fined for reporting on security matters continued to increase from the previous year. The 2002 proposal to have fledgling newspapers screened by the Ministry of the Interior and Ministry of Justice, as opposed to the Ministry of Communication and Culture remained unimplemented. In general journalists exercised self-censorship by not publishing criticism of specific senior military officials, although during the year, the press widely criticized current and retired military officers. In August, the Government overtly used its power to halt newspaper publications and actively attempted to curtail local media criticism of high-ranking government officials, including President Bouteflika.

The country’s independent media consists of nearly 40 publications that support or oppose the Government in varying degrees. Few papers have a circulation that exceeds 15,000, making the degree to which they are both financially and editorially independent questionable. El Moudjahid remains the sole state-owned paper. There were no newspapers owned by political parties, although *Liberte*, *L’Expression*, *L’Autentique*, and *El-Borhane* continued to report from an ideological perspective. Many parties, including legal Islamic political parties, had access to the independent press, in which they expressed their views without government interference. Opposition parties also disseminated information via the Internet and in communiqués.

Algerian radio and television were government owned, with coverage favoring President Bouteflika and the Government’s policies. Opposition candidates were prevented from appearing on television or radio during the last quarter of the year in anticipation of the 2004 presidential elections.

Satellite-dish antennas were widespread, and millions of citizens had access to European and Middle Eastern broadcasting. The Government, on occasion, enforces restrictions on the publication of some books related to Tamazight and Amazigh culture through an increased reliance on bureaucratic hurdles. Government-owned radio continued to broadcast Tamazight language programming and government-owned television broadcasts a nightly news bulletin in this language.

The law permits the Government to levy fines and jail time against the press in a manner that restricts press freedom. However, in practice the existence of such did little to curb independent press reporting. Journalists were repeatedly subject to harassment, intimidation, or violence by police. During the past decade, terrorists and in some instances, security forces, frequently targeted the local media for supporting one side over the other.

In May, satirical political cartoonist for *Liberte*, Ali Dilem, was sentenced to a 6-month suspended jail sentence for defamation. The Ministry of National Defense

sued Dilem, his editor, and the owner of the French independent daily paper *Liberte* on behalf of General Mohammed Lamari, alleging personal insult and defamation. On December 23, Dilem, received a suspended sentence of 4-months and fined \$1,428 (100,000 dinars) for a cartoon criticizing the army published in April 2002. His publishing director and editor, Abrous Outoudert and Hacene Ouandjeli, respectively were both fined \$714 (50,000 dinars).

On December 27, police summoned anti-corruption writer for *Le Soir d'Algeri*, Djilali Hadadj, on charges of defamation.

In December, a regional court released journalist Hassan Bouras, an anti-corruption writer who had been sentenced to 2 years on a prison farm and a 5 year ban from working as a journalist on defamation charges against the *El-Bayadh* prosecutor, whom he reported was involved with corruption scandals.

In 2002, two journalists were brought before the court and censured for reporting on security force tactics used against terrorists in mountainous areas. A television journalist with National Radio and Television (RTN) was refused accreditation without explanation and barred from covering the October 2002 local elections. Despite inquiries on his behalf by RTN and other interested parties, the grounds of the refusal were not made public. There was no update in his case at year's end.

The Government continued to exercise pressure on the independent press through the state-owned advertising company which determined which independent newspapers could benefit from advertisements placed by state-owned companies. Advertising companies tended to provide significant amounts of advertising to publications with a strong anti-Islamist editorial line and to withhold advertising from newspapers on political grounds, even if such newspapers had large readerships or offered inexpensive advertising rates.

Despite a Government printing ban that targeted six papers during the summer, the independent press continued to comment regularly and openly, and expressed a wide range of views on significant issues such as presidential policies, political developments, terrorist violence, and surrenders under the amnesty program. However, some elements of the news media practiced self-censorship.

According to a 1994 inter-ministerial decree, independent newspapers may print security information only from official government bulletins carried by the government-controlled Algerian Press Service (APS). However, independent newspapers openly ignored the directive, and the trend toward increased openness on security force activities continued. The Government provided the press with more information about the security situation than in the past through increased communiqués. During the year, the Army also began to issue more communiqués to the press and occasionally invited journalists to the sites of confrontations with terrorists. The government-controlled press reported on terrorism in an increasingly straightforward and factual manner.

Most independent newspapers, continued to rely on the Government for printing presses and newsprint. On August 18, the government printing press refused to print five newspapers and supply newsprint stock to one other on the grounds of overdue debts. The Government called in the debts of French independent dailies *Le Matin*, *Liberte*, *El Watan*, and *L'Expression* and Arabic independent dailies *Errai* and *El Khabar* after the close of business and at the close of the work-week, announcing that each newspaper had 48 hours to pay delinquent bills. The majority of the targeted papers remained closed for 15 days. All resumed publishing by September 5, except the Arabic-language daily *Errai*.

The Government imposed restrictions on the international media's coverage of issues relating to "national security and terrorism." Over the course of 3 days in July, the Government deported four journalists for their coverage "outside of their hotel rooms" of released political prisoners Ali Belhadj and Abassi Madani. The Government threatened similar action against others who violated the guidelines of the Ministry of Communication communiqué forbidding media coverage of the prisoners' release (see Section 1.d.).

Unlike in previous years, the independent press reported openly about the Government's use of wiretaps, allegations of torture, government corruption, and human rights abuses related to the Kabylie region. There also was significant coverage of NGO activity aimed at publicizing government abuses committed in the past.

The Government continued a 2002 administrative ban, throughout the Ministries of Energy, Interior, Labor, Finance, and Justice, on the distribution of the newspapers *Liberte*, *Le Matin*, *Le Soir*, and *El-Youm*, for being critical of the Government.

The Government's definition of security information often extended beyond purely military matters to encompass broader political affairs. A 1995 ban barring FIS officials from making public statements remained in force at year's end.

The Government did not restrict academic freedom. Many artists, intellectuals, and university educators fled the country after widespread violence began in 1992; however, during the year, some continued to return. A growing number of academic seminars and colloquiums occurred without governmental interference. There were extensive visa issuance delays to international participants and refusal to allow international experts into the country (see Section 4).

b. Freedom of Peaceful Assembly and Association.—The Constitution provides for the right of assembly; however, the Emergency Law and government practice sharply curtailed this right. Citizens and organizations were required to obtain permits from the appointed local governor before holding public meetings. The Government frequently granted licenses to political parties, NGOs, and other groups to hold indoor rallies, although licenses were frequently granted days before events were to take place, often impeding event publicity and outreach.

A 2-year old decree continued to ban demonstrations in Algiers. On March 13, members of the political party, Movement for a Peaceful Society (MSP), attempted a march towards the Presidency building in protest over the Government's lack of support for the Iraqi people. The police used force to break up the march.

However, the Government tolerated numerous marches, protests, and demonstrations during the year in other parts of the country. Gatherings occurred without government interference on the dual anniversary of the 2001 Kabylie Black Spring and 1980 Amazigh Spring and during the war in Iraq. However, in other instances, security forces used force to curtail or suppress public demonstrations, although the severity of force used declined significantly from 2001. The 2002 ban on public demonstrations in the communes on the outskirts of Tizi Ouzou remained in place.

In January, security forces utilized armored personnel carriers to disperse revelers celebrating the Berber New Year on the streets of Tizi Ouzou.

Between March 8 and April 19, security forces, consisting of plains-clothed police officers, local police forces, and gendarmerie, used force to curtail demonstrations protesting war in Iraq. Demonstrators were arrested, journalists had video and recording equipment confiscated, and protesters sustained numerous serious injuries due attributed to police tactics.

No action was taken against security forces who used excessive force to disperse demonstrators in 2002 and 2001.

The Constitution provides for the right of association; however, the Emergency Law and government practice severely restricted it. The Interior Ministry must approve all political parties before they may be established (see Section 3). The Government restricted the registration of certain NGOs, associations, and political parties on "security grounds," but refused to provide evidence or legal grounds for its refusal to authorize other organizations that could not be disqualified under articles pertaining to national security. The Government frequently failed to grant official national recognition to NGOs, associations, and political parties in an expeditious fashion. Some NGOs reported that local registration was more easily attained. Some groups continue to be active without official or legal recognition, but bureaucratic delays hindered their freedom of association and assembly (see Section 3). The Government issued licenses to domestic NGOs. The Interior Ministry regarded those unable to attain government licensure as illegal. Domestic NGOs were prohibited from receiving funding from abroad, although this was subjectively enforced. The Ministry may deny a license to, or dissolve, any group regarded as a threat to the Government's authority, or to the security or public order of the State. After the Government suspended the parliamentary election in 1992, it banned the FIS as a political party, and the social and charitable groups associated with it (see Section 3).

Membership in the FIS remained illegal, although at least one former FIS leader announced publicly in 2002 that he intended to form a cultural youth group. Some unlicensed groups operated openly, including groups dedicated to the cause of persons who have disappeared. Such groups continued to hold regular demonstrations outside government buildings during the year, with minimal government interference.

In mid-July in Oran, supporters and members of the human rights NGO SOS Disparus were forcibly dispersed during a protest seeking government redress of the question of the disappeared. Sixty persons were arrested, and police injured numerous individuals, including many women over the age of 40.

On September 17, police forces in Algiers arrested and physically assaulted Arouch delegate, Belaid Abrika, during the breakup of a public rally before the Court of Algiers held to protest government actions against the independent press (see Sections 2.a. and 2.b.). Abrika was taken into custody and after refusing to state his name, beaten so severely that upon release, doctors at Mustapha Hospital ordered him to undergo 21 days of bed rest. At the same rally, police detained a

noted human rights attorney. Credible sources report that three police officers had to be pulled off of the individual once witnessing officers recognized him.

c. Freedom of Religion.—The Constitution prohibits discrimination based on religious belief and the Government generally respected this right in practice; however, there were some restrictions. The Constitution declares Islam to be the state religion and the law limits the practice of other faiths; however, the Government in practice seldom interferes with the religious activities of non-Muslims.

The law prohibits public assembly for purposes of practicing a faith other than Islam. However, Roman Catholic churches, including a cathedral in Algiers (the seat of the Archbishop), conducted services without government interference, as does a Protestant church. There were only a few smaller churches and other places of worship; non-Muslims usually congregated in private homes for religious services.

The study of Islam is a strict requirement in public schools, which are regulated by the Ministry of Education and the Ministry of Religious Affairs. The Government monitored activities in mosques for possible security-related offenses, barred their use as public meeting places outside of regular prayer hours, and convoked imams to the Ministry of Religious Affairs for “disciplinary action” when deemed appropriate. The Ministry of Religious Affairs provided financial support to mosques and has limited control over the training of imams. The Ministry of Religious Affairs frequently appointed selected imams to mosques throughout the country, and by law is allowed to pre-screen religious sermons before they are delivered publicly. In practice, while the Government frequently reviewed sermons, the press reported that mosques supplanted government-appointed imams with those that hold views more closely aligned to the sentiments of each mosque’s adherents.

The Penal Code provides prison sentences and fines for preaching in a mosque by persons who have not been recognized by the Government as imams. Persons (including imams recognized by the Government) were prohibited from speaking out during prayers at the mosque in a manner that was “contrary to the noble nature of the mosque or likely to offend the cohesion of society or serve as an apology for such actions.” The Government sanctioned a number of imams for inflammatory sermons following the May 21 earthquake.

While Islamic law and tradition prohibit conversion to other faiths at any age, the Constitution’s provisions concerning freedom of religion bar any Government sanction against conversion, though conversions from Islam to other religions were rare. Because of safety concerns and potential legal and social problems, Muslim converts practiced their new faith clandestinely. Non-Islamic proselytizing is illegal, and the Government restricted the importation of non-Islamic religious literature for widespread distribution, although not for personal use. Non-Islamic religious texts and music and video selections no longer were difficult to locate for purchase. However, restrictions on the importation of Arabic and Tamazight-language translations of non-Islamic texts were periodically enforced. The government-owned radio station provided broadcast time to a Protestant radio broadcast. The Government prohibits the dissemination of any literature portraying violence as a legitimate precept of Islam.

The country’s 11-year history has pitted self-proclaimed radical Muslims against the general Islamic population. Self-proclaimed “Islamists,” or religious extremists issued public threats against all “infidels” in the country, both foreigners and citizens, and used terrorism to kill both Muslims and non-Muslims, including missionaries. The majority of these individuals did not, as a rule, differentiate between religious and political killings.

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

d. Freedom of Movement within the Country, Foreign Travel, Emigration, and Repatriation.—The law provides for freedom of domestic and foreign travel, and freedom to emigrate; however, the Government at times restricted these rights. Abassi Madani, the former head of the banned FIS party, was allowed to travel internationally for the first time since he was placed under house arrest in 1997 (see Section 1.d.). The Government also does not permit young men who are eligible for the draft and who have not yet completed their military service to leave the country if they do not have special authorization; such authorization may be granted to students and to those persons with special family circumstances. The Government prevented certain members of the Arouch Citizen’s Movement from traveling into Tunisia, and its use of “provisional liberty” against recently released Arouch-detainees and the editor of French-language independent daily *Le Matin* significantly curbed these individuals’ rights to travel freely, in circumvention of domestic law. However, movement restrictions placed on the Arouch were lifted as part of a government-Kabylie dialogue to overcome the political tensions in that region (see Section 1.d.).

The Family Code does not permit married females less than 18 years of age to travel abroad without their husband's permission; however, this provision generally was not enforced in practice (see Section 5).

Under the State of Emergency, the Interior Minister and the provincial governors may deny residency in certain districts to persons regarded as threats to public order. The Government also restricted travel into four southern provinces, where much of the hydrocarbon industry and many foreign workers were located, to enhance security in those areas.

The police and the communal guards operated checkpoints throughout the country. They routinely stopped vehicles to inspect identification papers and to search for evidence of terrorist activity. They sometimes detained persons at these checkpoints.

Armed groups intercepted citizens at roadblocks, often using stolen police uniforms and equipment in various regions to rob them of their cash and vehicles. On occasion, armed groups killed groups of civilian passengers at these roadblocks (see Section 1.a.).

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. There were no reports of the forced return of persons to a country where they feared persecution. The country also hosts an estimated 5,000 Palestinian refugees, most of whom no longer require international assistance. During the year, the Government provided temporary protection to approximately 165,000 refugee Sahrawis, former residents of the Western Sahara who left that territory after Morocco took control of it in the 1970s. UNHCR, the World Food Program (WFP), the Algerian Red Crescent, and other organizations assisted Sahrawi refugees. The Government cooperates with the office of 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; however, there are limitations to this right in practice. Although factors such as voter distrust and apathy underscored continuing problems in the area of governance, the situation continued to improve. The application of broad executive powers, supported by the entrenched power of the military and the bureaucracy, inhibited citizens from exercising this right. The Constitution requires presidential elections every 5 years, though this was not necessarily the case in the 1990s due to resignation, assassination, and domestic instability.

President Bouteflika was elected in an April 1999 presidential election that was seriously flawed by the withdrawal 1 day before the election of all other candidates, who charged that the military already had begun to implement plans to produce a fraudulent Bouteflika victory. Until those allegations surfaced, the campaign was conducted fairly, with all candidates widely covered in both state-owned and private media. One potential candidate was denied the ability to run because the electoral commission determined that he could not prove that his participation in the country's war of independence against France, a legal requirement for candidates for President born before July 1942. With the withdrawal of the other candidates and the absence of foreign observers, it was difficult to make an accurate determination of election turnout. Although it apparently was as low as 30 percent, the Government claimed a 60 percent turnout.

A 2002 electoral law allowed the Government to remove candidates from party lists for "security" reasons. Election observers noted that, during the 2002 parliamentary and local elections, those selected for removal were more frequently from Islamic parties. Independent observers further questioned the Government's removal, for "security" reasons, of the names of a sitting judge and a professor assigned to a national military academy from candidates lists.

In May 2002, the country held its second round of multi-party parliamentary elections since 1992. The elections were regarded as free and fair, although not problem-free. Candidates representing 23 political parties participated, along with several independent candidates.

The 2002 elections put the FLN back in control of the National Popular Assembly after an 11-year absence from power. It more than tripled its number of seats in the 389-seat parliament, securing 199 seats in total. Two conservative Islamic parties, El Islah and Movement of the Society for Peace (MSP) share control of 81 seats, the second largest bloc in the governing body. The Kabylie-based RCD and Socialist Forces Front (FFS) boycotted the vote to protest government inaction to address the

problems of the Kabylie Black Spring, and urged loyalists to support their contention that the election was an outright sham.

Voter turnout of 46 percent was the lowest since the country's independence. Problems were reported by credible sources at some polling stations, notably ballot envelopes filled with positive votes for the FLN. The Kabylie region launched a sometimes violently enforced boycott to protest the lack of transparency, increased corruption, and overt discrimination against Amazigh parties and candidates, successfully limiting the vote to 15 percent in some regions and 7 percent in Tizi Ouzou. Residents in the Kabylie region boycotted local elections in October 2002, with many protests leading to violent confrontations with the police, who used excessive force to quell protests.

In December, indirect elections for one-third of the Council of the Nation (upper house) were held. According to the Constitution, the Council is comprised of 144 seats; two-thirds of the members are indirectly elected by members of their regional assemblies—the Popular Communal Assemblies and the Popular State Assemblies. The remaining one-third are appointed by the President. Seats for half of the elected members are voted on every three years to serve six-year terms. In the December elections, the National Democratic Rally (RND) won 17 seats, and the National Liberation Front (FLN) won 22 seats (split evenly amongst Benflis and Bouteflika supporters). The two conservative Islamic parties, MSP and El Islah won four and two seats respectively. One independent member was also elected. This was the first time Islamist Council members have been elected. Members of the regional assemblies in the Kabylie wilayats of Tizi-Ouzou and Bejaia did not participate due to their longstanding boycott of national elections.

Throughout the last quarter of the year, the Army high command and the Army Chief of Staff General Mohamed Lamari, publicly professed the military's neutrality in the electoral process for the April 2004 presidential election. In December, the parliament passed an electoral reform law prohibiting the questionable practice of soldiers voting in the barracks 24 hours in advance of the general election as a step towards a more transparent electoral process.

The Constitution provides the President authority to rule by decree in special circumstances. The President subsequently must submit to the Parliament for approval decrees issued while the Parliament is not in session. The President did not exercise such authority during the year. The Parliament has a popularly elected lower chamber, the National Popular Assembly and an upper chamber, the National Council, two-thirds of whose members are elected by municipal and provincial councils. The President appoints the remaining one-third of the National Council's members. Legislation must have the approval of three-quarters of both the upper and lower chambers' members. Laws must originate in the lower chamber.

The law requires that potential political parties receive official approval from the Interior Ministry before they may be established. To obtain approval, a party must have 25 founders from across the country whose names must be registered with the Interior Ministry. The Government has refused to register two parties: Wafa and Front Democratique. No party may use religion, Amazigh heritage, or Arab heritage as a basis of organizing for political purposes. The law also bans political party ties to nonpolitical associations and regulates party financing and reporting requirements.

The more than 30 existing political parties represent a wide spectrum of viewpoints and are engaged in activities that ranged from holding rallies to issuing communiqués. The Government continued to ban the FIS as a political party. The Front Democratique's application for recognition remained pending at year's end. With the exception the formerly governing National Democratic Rally (RND), political parties sometimes encountered difficulties with local officials who hindered their organizational efforts to have access to public venues and to attain permits for assembly.

On December 30, the Algiers Administrative Court invalidated the FLN's 8th Party Congress, held in March, for not respecting FLN party rules. The media and local political class widely criticized the ruling as a clearly inappropriate use of executive influence to create bureaucratic hurdles for the candidacy of Ali Benflis, the FLN Secretary-General and former Prime Minister dismissed by Bouteflika, who wanted to run for the upcoming 2004 presidential election.

The new Cabinet, appointed on October 2, has five women members. The Cabinet underwent three shuffles this year, one following the appointment in May of RND party leader Ahmed Ouyahia's appointment as Prime Minister, a second on September 6. While the RND has a majority in the upper house of the parliament, the lower house, from which the Prime Minister is appointed, is controlled by the FLN. Twenty-four of the 389 members of the lower house of Parliament are women. The upper house had seven female members. This was an increase of 45 percent and

14 percent respectively, from the previous year. During both sets of the elections that occurred this year, women candidates could be found on the top tiers of lists; this remained true for both RND and the Islamic-leaning party of Islah. A woman led the Workers' Party, and all the major political parties except one had women's divisions headed by women.

The ethnic Amazigh minority of about 9 million centered in the Kabylie region participated freely and actively in the political process; however, Amazigh protests and boycotts surrounding the May and October elections underscored the economic and social neglect felt by many in this community, which made up nearly one third of the overall population.

The Tuaregs, a nomadic people of Amazigh origin, played an important role in politics despite their small numbers, particularly in the South and along the border regions where they remained the dominant ethnic group. During the year, President Bouteflika appointed a Tuareg to the Council of the Nation.

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

A number of domestic and international human rights groups operated without government interference, investigating and publishing their findings on human rights cases. However, the Government continued to harass local NGOs. Some NGOs continued to experience visa delays or refusals, but more visas were issued than in the past. The most active independent human rights group was the Algerian League for the Defense of Human Rights (LADDH), an independent organization that had members throughout the country. The LADDH was not permitted access to government officials for human rights and advocacy or research purposes, or to prisons, except as under the normal consultations allowed between a lawyer and a client. The less active LADH was an independent organization based in Constantine. The LADH had members throughout the country who followed individual cases. Human rights groups reported harassment by government authorities in the form of obvious surveillance and monitoring of telephone service, arbitrary detention, questionable and repeated police summonses, and false arrest (see Section 1.f.). Domestic NGOs must be licensed by the Government and are prohibited from receiving funding from abroad, although they may receive in-kind donations. Some unlicensed NGOs operated openly.

On September 13, Mohamed Smain, President of LADH, was summoned to the local police precinct and arrested without charge. The presiding judge dismissed the court case the following day. Smain had been sentenced to 1 year in prison for the defamation of the mayor of Relizane and eight members of its local self-defense force. He alleged in a published report on human rights abuses that his nine accusers had participated in the abduction, torture, killing, and disappearance of dozens of people. Smain was granted "provisional liberty" while the Supreme Court reviewed his case.

In May 2002, unknown assailants beat an RCD human rights attorney outside of the El Aurassi Hotel. RCD officials alleged that "aspects of the Government" were involved in the attack. Monitoring by international NGOs trips has occurred at the invitation of the Government and independently when the Government chose to issue visas. While the majority of groups were allowed to move about freely, many reported obvious surveillance.

During the year, AI was allowed to visit the country from February 15 to March 3, its first visit since 2000. A local AI chapter has been active since 1999, but has been largely inoperable due to government interference. HRW, Freedom House, and the Carnegie Endowment for International Peace have encountered visa difficulties following the issuing of reports perceived to be critical of the Government. HRW made several visa requests throughout the year to no avail, and was forced to send an affiliated Tunisian lawyer, to observe the trial of Salaheddine Sidhoum and meet with local NGO groups. Carnegie was able to visit in March. After several requests, Freedom House was issued visas in October and visited the country in December. The ICRC established a permanent office in Algiers in 2002. It has full access to civilian prisons, pre-trial detention centers, and garde-a-vues. ICRC has not been granted access to the country's military prisons.

The Government did not respond positively to requests for visits from the U.N. Working Group on Enforced or Involuntary Disappearances, the U.N. Special Rapporteur on Torture, and the U.N. Special Rapporteur on Extra-judicial Executions. However, the UN Rapporteur on the Freedom of Religion was allowed to visit the country in September 2002.

In 2001, the Government established the CNCPPDH as the Government's ombudsmen for human rights. The Commission is made up of 45 members, 22 of whom belong to governmental bodies and 23 of whom come from civil society and NGOs.

The nongovernmental members include representatives of Islamic religious organizations, the Red Crescent Society, and women's rights advocacy groups. The President approves nominees, and the Commission's budget and secretariat come from his office. The Commission is mandated to report on human rights issues, coordinates with police and justice officials, advocates domestic and international human rights causes, mediates between the Government and the population, and provides expertise on human rights issues to the Government. In March, the Commission submitted a report to the president recommending a special commission to handle the issue of the disappeared. The report was not made public.

In September, the President announced the creation of a government commission dedicated to the issue of the disappeared and named Farouk Ksentini to head the body that would serve as an "ad hoc mechanism" between the families of the victims of the disappeared and the Government (see Section 1.b.).

Some of the country's most contentious human rights issues, notably the issue of the disappeared, attract a disparate group of NGOs. Ideological divisions within the NGO community create an environment in which the views of some NGOs, particularly on the issue of the disappeared, are often perceived by other groups as apologists for the Government. The government maintains that the majority of the disappeared have joined terrorists groups, left the country for economic reasons, or have been kidnapped and killed by terrorists. Groups arguing that security forces are the responsible actor occasionally view NGOs that support the latter tendency with suspicion (see Section 1.b.).

The CNCPPDH meets periodically with SOS Disparus, ANFD, LADDH, and others to discuss the status of human rights. The Commission reportedly incorporated the NGOs demands into its report on the Disappeared. President Bouteflika rejected their recommendations with the creation of an "ad hoc interface mechanism," rather than an investigative Committee of Inquiry (see Section 1.b.).

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

The Constitution prohibits discrimination based on birth, race, sex, belief, or any other personal or social condition; however, women continued to face legal and social discrimination.

Women.—Women's rights advocates assert that spousal abuse was common, but there were no reliable statistics regarding its extent. Spousal abuse was more frequent in rural than urban areas and among less-educated persons. Rape also occurred. There are no specific laws against spousal rape. Rape is illegal, and in principle, a spouse could be charged under the law. However, there are strong societal pressures against a woman seeking legal redress against her spouse for rape, and there were no reports of the law being applied in such cases. Battered women must obtain medical certification of the physical effects of an assault before they lodge a complaint with the police. However, because of societal pressures, women frequently were reluctant to endure this process. There were few facilities offering safe haven for abused women. Two prominent associations for women that have received recognition by the Government and international community are SOS Femme en Detresse and SOS Femme Batus. Women's rights groups experienced difficulty in drawing attention to spousal abuse as an important social problem, largely due to societal attitudes. There were several rape-crisis centers run by women's groups, but they had few resources.

During the year, terrorists sometimes specifically targeted women. There were incidents of women and girls being kidnapped by terrorist groups for the purposes of rape and servitude during the year. One rape crisis center specializes in caring for women who are victims of rape by terrorists (see Sections 1.b., 6.c., and 6.f.).

In 2002, 10 men were sentenced to terms of 5 months to 3 years in prison for raping women in a shantytown area near the oil town of Hassi-Messoud in 2001. Several victims dropped their complaints, because they were threatened by the local townspeople. The law prohibits prostitution; however, for economic reasons, prostitution was reported to be a growing problem.

A cabinet level position dedicated to women and children has existed since 2002. The independent press reported that the Prime Minister stated in August "women's issues were not a priority before the April presidential elections." Some aspects of the law and many traditional social practices discriminated against women. The Family Code, which is based in large part on Shari'a, treats women as minors under the legal guardianship of a husband or male relative. Under the Family Code Muslim women are prevented from marrying non-Muslims, although this regulation was not always enforced. The code does not restrict Muslim men from marrying non-Muslim women. Under both Shari'a and civil law, children born to a Muslim father are Muslim, regardless of the mother's religion. Divorce is difficult for a wife to obtain. Husbands generally obtain the right to the family's home in the case of di-

voiced. Custody of the children normally is awarded to the mother, but she may not enroll them in a particular school or take them out of the country without the father's authorization. Only males are able to confer citizenship on their children.

The Family Code also affirms the Islamic practice of allowing a man to marry up to four wives, although this rarely occurs in practice. A wife may sue for divorce if her husband does not inform her of his intent to marry another woman prior to the marriage.

Women suffered from discrimination in inheritance claims; in accordance with Shari'a, women are entitled to a smaller portion of an estate than are male children or a deceased husband's brothers. According to Shari'a, such a distinction is justified because other provisions require that the husband's income and assets are to be used to support the family, while the wife's remain, in principle, her own. However, in practice women do not always have exclusive control over assets that they bring to a marriage or income that they earn themselves. Married females under 18 years of age may not travel abroad without their husbands' permission. Women may take out business loans and use their own financial resources.

Despite legal provisions and regulations providing equality between men and women, in practice women still face discrimination in employment resulting from societal stereotypes. Leaders of women's organizations report that discriminatory violations are common. Labor Ministry inspectors did little to enforce the law.

Social pressure against women pursuing higher education or a career was greater in rural areas than in major urban areas. Women made up more than half of the university student population; however, women constituted only 10 percent of the work force. Nonetheless, women may own businesses, enter into contracts, and pursue careers similar to men's careers. About 25 percent of judges were women, a percentage that has been growing in recent years. At year's end, women headed 26 courts (see Section 1.e.).

There were numerous women's rights groups, although the size of individual groups was small. Their main goals were to foster women's economic welfare and to amend aspects of the Family Code. In March, women's rights groups launched a coordinated campaign to reform the Family Code. At year's end, despite the Government hosting two closed-door conferences to discuss the Code's impact, utility, and cultural significance, no changes were made.

Children.—The Government is generally committed to the welfare, rights, health and education of children. The Government provides free education for children through the university system. More than 85 percent of children completed the ninth grade. Boys and girls generally received the same treatment in education, although girls were slightly more likely to drop out for financial reasons in rural areas. The girls were then sent to vocational training schools deemed more practical for their economic situation.

The Government provided free medical care for all citizens, albeit in often rudimentary facilities. The Ministry of Youth and Sports had programs for children, but such programs faced serious funding problems.

Child abuse was a problem. However, a system for reporting actual or suspected child abuse existed nationwide in the country's school systems. Hospitals treat numerous child abuse cases every year, but many cases go unreported. Laws against child abuse have not led to notable numbers of prosecutions. NGOs that specialized in care of children cited an increase in domestic violence aimed at children, which they attributed to the "culture of violence" developed since the civil conflict of the 1990s and the social dislocations caused by the movement of rural families to the cities to escape terrorist violence. Children often were the victims of terrorist attacks.

Economic necessity compelled many children to resort to informal employment, such as street vending (see Section 6.d.).

Persons with Disabilities.—The Government did not mandate accessibility to buildings or government services for persons with disabilities. Public enterprises, in downsizing the work force, generally ignored a law that requires that they reserve 1 percent of their jobs for persons with disabilities. Social security provided for payments for orthopedic equipment, and some NGOs received limited government financial support.

Section 6. Worker Rights

a. The Right of Association.—About two-thirds of the labor force belonged to unions. There is an umbrella labor confederation, the General Union of Algerian Workers (UGTA) and its affiliated entities. The UGTA encompasses national unions that are specialized by sector. The law on labor unions requires the Labor Ministry to approve a union application within 30 days and allows for the creation of autonomous unions, others than those affiliated to UGTA. However, attempts from new

unions to form federations or confederations have been obstructed by delaying administrative maneuvers. The Autonomous Unions Confederation (CSA) has attempted since early 1996 to organize the autonomous unions, but without success. The CSA continued to function without official status.

Workers are required to obtain government approval to establish a union, and the Government may invalidate a union's legal status if its objectives are determined to be contrary to the established institutional system, public order, good morals or the laws or regulations in force. There were no legal restrictions on a worker's right to join a union.

Starting on October 14 and lasting through November, the National Council of Secondary and Technical Education Professors (CNAPEST) and the Secondary School Council of Algiers (CLA) went on strike over low wages. Education Minister Boubekeur Benbouzid, backed by Prime Minister Ahmed Ouyahia, refused to meet with representatives of either union because they were not officially recognized. Instead, the Government ordered the suspension of more than 300 teachers and threatened further sanctions. Then, the officially recognized UGTA affiliate National Federation of Education Workers (FNTE) joined the strike which involved primary, middle and secondary school teachers as well as administrative workers. This led to an impasse and subsequent dialogue with the government. Benbouzid spoke with the CLA and agreed to raise wages. Monthly wages were \$214 (15,000 dinars) and increased by \$71 (5,000 dinars). On December 1, the teachers returned to work.

The law prohibits discrimination by employers against union members and organizers, and provides mechanisms for resolving trade union complaints of antiunion practices by employers. It also permits unions to recruit members at the workplace. Unions may form and join federations or confederations, affiliate with international labor bodies, and develop relations with foreign labor groups. For example, the UGTA is a member of the International Confederation of Free Trade Unions (ICFTU). However, the law prohibits unions from associating with political parties and also prohibits unions from receiving funds from foreign sources. The courts were empowered to dissolve unions that engaged in illegal activities.

b. The Right to Organize and Bargain Collectively.—The law provides for collective bargaining for all unions, and the Government permitted this right in practice for authorized unions. Under the State of Emergency, the Government can require public and private sector workers to remain at work in the event of an unauthorized or illegal strike. According to the Law on Industrial Relations, workers may strike only after 14 days of mandatory conciliation or mediation. The Government on occasion offered to mediate disputes. The law states that decisions reached in mediation are binding on both parties. If no agreement is reached in mediation, the workers may strike legally after they vote by secret ballot to do so. A minimum level of public services must be maintained during public sector service strikes.

The law provides that all public demonstrations, protests, and strikes must receive government authorization prior to commencement. During the year, strikes and gatherings occurred throughout the year in various sectors including a 2-day general strike all over the country with no government or security forces retaliations. The 2001 ban on marches in Algiers remained in effect.

The ILO Committee of Experts requested the Government to take steps through legislation to ensure that no provisions of Legislative Decree 92-03 were applied against workers peacefully exercising the right to strike. The decree defines as subversive acts, or acts of terrorism, offenses directed against the stability and normal functioning of institutions through any action taken with the intention of "obstructing the operation of establishments providing public service" or of "impeding traffic or freedom of movement in public places." The Government claimed that the Decree was not directed against the right to strike or the right to organize and has never been used against workers exercising the right to strike peacefully.

On February 16, 12 national ports were paralyzed as the result of a strike launched by the port workers' union protesting against the privatization of the ports and the exclusion of the workers from the debate.

On February 25, the UGTA called a general strike, which effectively shut down air and rail transport, banks, and the educational system. Strikers were demanding a raise in the minimum wage, currently equivalent to a monthly salary of \$105 (7,350 dinars) and pushed for changes in the pension and healthcare systems. They also protested continuing unemployment in a society where the official unemployment rate is 30 percent. According to official estimates, 50 percent of those under the age of 30 are unemployed.

The Government established an export-processing zone (EPZ) in Jijel. Workers in the EPZ have the same rights as other workers in the country.

c. Prohibition of Forced or Bonded Labor.—Forced or bonded labor is prohibited by the Constitution's provisions on individual rights, and the Penal Code prohibits compulsory labor, including forced or bonded labor by children; while the Government generally enforced the ban effectively, armed terrorist groups reportedly kidnapped young women and girls, and held them captive for weeks at a time, during which group members raped them and forced them into servitude.

d. Status of Child Labor Practices and Minimum Age for Employment.—The minimum age for employment is 16 years. Inspectors from the Ministry of Labor supposedly enforced the minimum employment age by making periodic or unannounced inspection visits to public sector enterprises. They did not enforce the law effectively in the agricultural or private sectors. UNICEF reported in 2003 that approximately 3 percent of children worked in some capacity. There was no child labor reported in the industrial sector; however, economic necessity compelled many children to resort to informal employment. Many children work part time or full time in small workshops, in family farms, and in informal trade.

e. Acceptable Conditions of Work.—The law defines the overall framework for acceptable conditions of work but leaves specific agreements on wages, hours, and conditions of employment to the discretion of employers in consultation with employees. The monthly minimum wage is insufficient to provide a decent standard of living for a worker and family. The minimum wage was approximately \$105 (8,000 dinars) per month. Ministry of Labor inspectors were responsible for ensuring compliance with the minimum wage regulation; however, their enforcement was inconsistent.

The standard workweek was 37.5 hours. Workers who worked beyond the standard workweek received premium pay on a sliding scale from "time and a half" to "double time," depending on whether the overtime was worked on a normal work day, a weekend, or a holiday.

There were well-developed occupation and health regulations codified in the law, but government inspectors did not enforce these regulations effectively. There were no reports of workers being dismissed for removing themselves from hazardous working conditions. Because employment generally was based on very detailed contracts, workers rarely were subjected to conditions in the workplace about which they were not previously informed. If workers were subjected to such conditions, they first could attempt to renegotiate the employment contract and, that failing, resort to the courts; however, the high demand for employment in the country, gave the advantage to employers seeking to exploit employees.

f. Trafficking in Persons.—The law does not specifically prohibit trafficking in persons and there were reports that such practices occurred. In August 2002, the country signed the U.N. Convention Against Transnational Crime that includes the Protocol on Trafficking in Persons. There were incidents of women and girls being kidnapped by terrorist groups for the purposes of rape and servitude during the year and media reports and credible sources detailed the enslavement of Malian women by Pakistani nationals in the southern city of Tamanrasset. Illegal immigrants from West and Central Africa travel through the country and are transited to destinations in Europe. Some may have been forced into prostitution while awaiting onward travel.

BAHRAIN

Bahrain is a monarchy, which in 2002 adopted a constitution that reinstated a legislative body with one elected chamber. The Al-Khalifa extended family has ruled the country since the late 18th century and continues to dominate all facets of society and government. The King, Sheikh Hamad Bin Isa Al-Khalifa, governs the country with the assistance of his uncle, the Prime Minister; his son, the Crown Prince; and an appointed cabinet of ministers. The King chairs the Higher Judicial Council. Members of the Al-Khalifa family hold 9 out of 24 cabinet positions, including all "strategic ministries." The partially elected National Assembly consists of an elected Council of Representatives and an appointed Shura Council. However, the courts have ruled against the Government in the past. The National Action Charter provides that the King is the head of the executive, legislative, and judicial branches of government. The Constitution gives the elected Council of Representatives a role in considering legislation, but most legislative authority still resides with the King and he appoints members of the Shura (Consultative) Council. The courts are subject to government pressure and occasional accusations of corruption, and there have been very few instances of persons trying to bring cases against the Government. The Constitution provides for a nominally independent judiciary; however, the

judiciary was not independent, and courts were subject to government pressure regarding verdicts, sentencing, and appeals.

The Ministry of Interior is responsible for public security. It controls the public security force (police) and the extensive security service, which are responsible for maintaining internal order. The Bahrain Defense Force (BDF) is responsible for defending against external threats. It also monitors the internal security situation. The Government maintained effective control over security forces. The security forces did not commit any serious human rights abuses during the year. Impunity remained a problem, and there were no known instances of security forces personnel being punished for abuses of authority committed during the year or in the past.

The country had a population of approximately 670,000, an estimated one-third of whom were noncitizens, primarily from Asia. It had a mixed economy, was a regional financial services center, and depended on tourism from Saudi Arabia. The Government estimated Gross Domestic Product (GDP) growth rate at 4.5 percent. Higher average oil prices and increased construction activity fueled by deficit government spending contributed to higher GDP growth during the year. Real wages have been falling for over 10 years.

Although several problems remained, the Government's respect for human rights improved in some areas during the year. Citizens did not have the right to change their government. The Government prohibits political parties, and none exist. Impunity of government officials remained a problem, as did the independence of the judiciary and discrimination against the Shi'a population, women and third country nationals. The press published credible allegations that some judges were corrupt. The Government continued to infringe to some extent on citizens' privacy rights. The Government restricted the freedoms of speech, the press, assembly, and association. Journalists routinely practiced self-censorship. The Government also imposed some limits on freedom of religion and freedom of movement. No government policies or laws explicitly addressed violence against women. Violence against women, and discrimination based on sex, religion, and ethnicity remained a problem. There was reported discrimination in the job market. Abuse of foreign workers occurred, including numerous instances of forced labor and some instances of trafficking.

RESPECT FOR HUMAN RIGHTS

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

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

The Government committee to investigate the death of a demonstrator in 2002 released no findings at year's end.

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

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.—The law prohibits torture and other cruel, inhuman, or degrading treatment or punishment; however, there were some reports of police abuse of civilians during the year. Shari'a courts have no role in criminal cases and are restricted to family law.

In 2002, police abuse was reported at three demonstrations. In an April 2002 demonstration near a diplomatic mission, a rubber projectile fired by police struck and killed a citizen. There were no developments in this case during the year. Also in April 2002, police beat a human rights activist who came to the aid of another demonstrator. The investigation into this incident concluded that the police were not at fault. In May 2002, the Department of Military Intelligence (DMI) reportedly kidnapped citizen and beat him in retaliation for involvement in another demonstration. At year's end, there was no government investigation into this incident nor was any punishment exacted. (see Section 2.b.).

On September 13, on behalf of three ex-detainees, two attorneys filed a criminal complaint against an ex-senior intelligence official and a retired security intelligence officer, Colonel Adil Jassim Flaifel, accusing them of torturing detainees from 1981 to 1996. Colonel Flaifel denied all wrongdoing. The case continued at year's end. In 2002, lawyers for eight citizens made allegations against Flaifel for routinely engaging in torture and ill treatment of prisoners. According to Amnesty International (AI), the general prosecutor in the Legal Affairs Bureau did not acknowledge receipt of the complaint. He asserted that the general amnesty issued by the King in 2001 applied to government employees as well as regular citizens.

During the year, there were credible reports of prisoner beatings and mistreatment during three Jaw prison strikes. On August 5, a prisoner was allegedly beaten in front of his family. News of the mistreatment sparked a disturbance in Building 4 of Jaw prison involving 282 prisoners, who took over the whole building and staged a 14-day hunger strike. Press reports stated that the prisoners sought better living conditions, medical treatment, monitoring of human rights organizations, and

a halt to beatings by prison guards. The Ministry of Interior negotiated the end of the strike with the promise of the establishment of a joint Ministry of Interior/parliamentary commission to investigate claims.

This strike marked the third strike at Jaw prison during the year. Earlier in the year, two prison strikes occurred on February 29 and March 5. AI reported that prisoner Yasser Makki died while in custody. Authorities reported that death was due to natural causes, caused by blood disease; however, there were allegations that he died in detention as a result of being denied access to medical treatment. Government officials and human rights activists stated that the prisoner mistreatment resulted more from poor police training and lax supervision rather than from a systematic, extrajudicial effort to punish suspects. There continued to be no known instances of officials being punished for human rights abuses committed either during the year or in any previous year.

The prisons generally met international standards. Women prisoners were housed separately from men, and juveniles were housed separately until the age of 15. Women prisoners lived in better hygienic conditions than men, and because most crimes committed by women were nonviolent, security measures for them are lighter. The last visit of the International Committee of the Red Cross (ICRC) to monitor prisons was in 2001, when the last of the country's political prisoners were freed. In May, the Ministry of Interior invoked two provisions of the Criminal Code, allowing model prisoners to qualify for a 25 percent reduction of sentence and to be released on early parole. The Ministry of Interior defined model prisoners as one who shows remorse for breaking the law, displays a positive attitude and does not commit crimes in prison.

d. Arbitrary Arrest, Detention, or Exile.—The Constitution prohibits arbitrary arrest and detention, and the Government generally observed these prohibitions. In 2002, DMI officers allegedly detained and beat a citizen. At year's end, there were no reports of government investigations into these incidents (see Section 1.c.). During the year, there were press reports of incidents of police detaining suspects in their cars in the summer heat.

Since the 2001 abolition of the State Security Act, courts have refused police requests to detain suspects longer than 60 hours, and police have complied with court orders to release suspects. Judges may grant bail to a suspect. Attorneys must obtain a court order to visit detainees in jail.

The Ministry of Justice is responsible for public prosecutors, while the Ministry of Interior oversees police and all aspects of prison administration. Access to attorneys was restricted; in the early stages of detention, prisoners and their attorneys must seek a court order to be able to confer with clients. The state provides counsel if the defendant cannot afford to hire an attorney. Prisoners may receive visits from family members, usually once a month. Lengthy pre trial detention was uncommon, and prisoners must see a judge within 3 days of arrest.

In March, there was one major security-related arrest. Five detained individuals received the full protection of the country's Constitution. Charges were never filed against 3 detainees, who were released from custody in June after three months in jail. The other two faced trial on illegal weapons possession charges. Both were convicted and sentenced to jail terms, one in criminal court and one by military court martial.

In October, the 10th International Police Executive Symposium (IPES), offered training to 60 police on improving police-community communication.

According to the Interior Ministry, its Disciplinary Court convicted three police officers during the year for criminal activities of property theft and disobedience.

The Constitution prohibits forced exile, and there were no reports of new cases of forced exile during the year. All remaining political prisoners were freed and all exiles officially allowed to return in 2001. Although in 2002 more than 1,000 individuals still faced problems obtaining proper citizenship documentation, the Government managed to resolve these problems and issued the appropriate documents by the end of 2002. The Government also assisted in the return of some 300 individuals who had been forced into exile in the past decades.

In May, the Royal Court granted 34 citizens living in exile the right to return to the country. There were another 26 cases raised in the press, but the claimants were not born in the country and therefore were unqualified for citizenship.

In the past, the Government revoked the citizenship of persons whom it considered to be security threats. The Constitution prohibits stripping a person of nationality except in cases of treason, and other such cases as prescribed by the law.

e. Denial of Fair Public Trial.—The Constitution provides for a nominally independent judiciary; however, the judiciary was not independent, and courts were subject to government pressure regarding verdicts, sentencing, and appeals. In past

cases, the King, the Prime Minister, and other senior government officials lost civil cases brought against them by private citizens; however, the court-ordered judgments were not always implemented expeditiously. Members of the ruling Al-Khalifa family were well represented in the judiciary and generally did not recuse themselves from cases involving the interests of the Government. In September, the Civil Court heard a civil law suit brought against the Government by the family of a citizen, who died in 2002 during a violent demonstration in front of a foreign embassy.

The Constitution provides that the King appoints all judges by Royal Decree. Once appointed, judges are civil servants who may work for the Government until the mandatory age of retirement (age 60). The King also serves as chairman of the Supreme Judicial Council, the body responsible for supervising the work of the courts and the Public Prosecution office. The Constitution does not provide a legislative branch confirmation process for judicial appointees nor does it establish an impeachment process. The Constitution also provides for the establishment of a Constitutional Court to rule on the constitutionality of laws and statutes. The King appoints all judges of this special court by Royal Decree. They serve 9-year terms and cannot be removed before their terms expire. The King may present draft laws to this court before their implementation to determine the extent of their agreement with the Constitution, providing rudimentary judicial review. According to the Constitution, the Court's determination is "binding on all state authorities and on everyone."

The civil and criminal legal systems consisted of a complex mix of courts, based on diverse legal sources, including Sunni and Shi'a Shari'a (Islamic law), tribal law, and other civil codes and regulations.

The BDF maintains a separate court system for military personnel accused of offenses under the Military Code of Justice. The Ministry of Interior have a similar system for trying police officials. Neither court reviewed cases involving civilian, criminal, or security offenses.

Defendants may choose their own attorneys. If they are unable to afford a private attorney, defendants may ask the Justice Ministry to appoint an attorney to represent them in court. In the past, some attorneys and family members involved in politically sensitive criminal cases claimed that the Government interfered with court proceedings to influence the outcome or to prevent judgments from being carried out; however, there were no such reports during the year. There were allegations of corruption in the judicial system.

In February, a female citizen lost custody of her children in a Shari'a court. In April, she staged a hunger strike in front of the Ministry of Justice asking the courts to rehear her case. On appeal, the same judge reviewed her case. A group of women's rights activists, attorneys, and journalists criticized the decisions of Shari'a judges and published their views in the newspaper Akhbar Al Khaleej. Eleven Shari'a court judges brought slander charges against this group. The criminal prosecution of the case was ongoing at year's end.

The Women's Petition Committee is a group of women who have been affected negatively by Shari'a court decisions. They petitioned the King pressing for the intervention of the Supreme Judicial Council in matters of inspection, supervision, and reform of the religious judiciary. There was no response from the Chairman of the Higher Judicial Council by year's end.

Civil or criminal trial procedures provided for an open trial, the right to counsel (with legal aid available when necessary), and the right to appeal. Prior to the annulment of the State Security Act in February 2001, there was credible evidence that persons accused of anti-government crimes who were tried in the criminal courts were denied fair trials. Such trials were held in secret, and the defendants were not permitted to speak with an attorney until their appearance before the judge at the preliminary hearing. The annulment of the State Security Act also abolished the State Security Court, which had tried security cases in secret.

There were no reports of political prisoners.

f. Arbitrary Interference with Privacy, Family, Home or Correspondence.—The Constitution provides for freedom from arbitrary interference with privacy, home, and correspondence except under the provisions of law and under judicial supervision; however, the Government continued to infringe on citizens' right to privacy. The Government continued to carry out some illegal searches. Telephone calls and personal correspondence remained subject to monitoring. A government-controlled proxy prohibited user access to Internet sites considered to be anti-government or anti-Islamic, but these restrictions were often circumvented (see Section 2.a.). Police informer networks were extensive and sophisticated.

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Speech and Press.—The Constitution provides for the right to express and publish opinions “under the rules and conditions laid down by law, provided that the fundamental beliefs of Islamic doctrine are not infringed, the unity of the people is not prejudiced, and discord or sectarianism is not aroused.” In practice, the Government limited this right, especially in the media.

Local press coverage and commentary on international issues was open, and discussion of local economic and commercial issues also was relatively unrestricted. However, representatives from the Information Ministry actively monitored and blocked local stories on sensitive matters, especially those fostering sectarianism or criticizing the royal family, the Saudi ruling family, and judges. On November 12, the new independent weekly newspaper “Al Ahad” issued its first edition.

The press covered controversial issues such as criticism of government policies, discussion of sectarian issues, unemployment, naturalization, government corruption, and housing more freely than before. However, criticism of the ruling family, and the Saudi ruling family and fostering sectarian divisions remained largely prohibited.

The law provides for freedom of press and speech; however, the law, contains restrictions on these “rights.” The law allows prison sentences for three general categories of offenses: criticizing the State’s official religion, criticizing the King, and inciting actions that undermine state security. In addition, the law allows fines up to \$5,300 (BD 2,000) for 14 other offenses, including publishing statements issued by a foreign state or organization before obtaining the consent of the Minister of Information, any news reports which may adversely affect the value of the national currency, any offense against a head of state maintaining diplomatic relations with the country, or offensive remarks towards an accredited representative of a foreign country because of acts connected with his post. One week after its issuance, the Prime Minister declared the law “frozen,” and ordered that the Cabinet review the law. Although “frozen”, the law continued to be enforced at the Government’s discretion. All newspapers ran articles and editorials criticizing the law.

During the year, an amendment to the 2002 Press Law was drafted and submitted to the Ministry of Information. When the amendment was brought to the National Assembly for ratification, only 14 of the 40 recommendations submitted to the Ministry of Information were included in the amendment. The omitted recommendations involved reducing the Government’s power to intervene administratively to punish journalists, and to transfer punishment for transgression of the law to the judiciary. Journalists requested that the Government remove criminal penalties from the press law. The National Assembly took no action on the amendment.

Three separate court cases against the country’s newspapers were brought by the Government under the “frozen law.” A group of Shari’a court judges brought a criminal case against the Editor-in-Chief of an Arabic daily newspaper for reporting criticism of the Shari’a court lodged by women’s rights activists (see Section 1.e.). 11 Shari’a court judges charged a group of six with libel and slander who now face criminal prosecution and prison sentences. No sentences were issued by year’s end.

The case of one of the defendants, Editor in Chief Anwar Abdulrahman of newspaper “Akhbar Al Khaleej” is being handled separately from the other five. He won a verdict from the High Court of Appeal to suspend his trial and pass the case to the Constitutional Court, challenging the constitutionality of the press, judicial authority, and criminal procedures laws.

During the year, the Editor-in-Chief, Mansour Al Jamry, of the independent newspaper “Al-Wasat,” was interrogated and sentenced to either one month in jail or a \$2,650 (BD 1,000) fine for allegedly publishing sensitive information on an ongoing investigation of a locally-based terrorist cell. His colleague was also fined \$2650 (BD 1,000). His case is on appeal. Al Jamry has appealed his case to the Constitutional Court citing discrepancies in the procedural enactment of the Press, Judicial Authority and Criminal Procedures laws.

On September 24, Editor-in-Chief Radhi Mouhsin Almousawi of “The Democrat” newsletter published by the National Democratic Action Society appeared before the court for an article he wrote about corruption in the tourism sector and allegations against an unnamed tourism inspector. Almousawi has also appealed his case to the Constitutional Court citing discrepancies in the procedural enactment of the Press, Judicial Authority and Criminal Procedures laws.

There were reports that two journalists were suspended for 7 to 10 days in 2002; however, it was not clear if these punishments were handed out under the authority of the new press law. Other journalists were reportedly suspended during the year, and journalists have said that editors refused to publish pieces they wrote that criticized the Government or took positions the editor disapproved.

Individuals expressed critical opinions openly regarding some domestic political and social issues in private settings and occasionally on state-run television call-in shows and increasingly in organized public forums. Some did criticize leading government officials. Public demonstrations increased over foreign policy, unemployment, family status law, housing shortages, and human rights abuses. These were covered in the print media but not on government-owned television.

Under of the 2002 Publication Laws, the Ministry of Information seized in February copies of "Mohammed's Character," a book considered blasphemous for insulting the character of the Prophet Mohammed.

On November 4, the Ministry of Information confiscated a new book, "Bahrain: From an Emirate to a Kingdom," written by Ahmed Manisi and published by the Centre for Political and Strategic Studies in Egypt. The book was originally a master's thesis that criticizes the absence in the 2002 Constitution of balance between the legislative branch and the executive branch.

On October 19, the Ministry of Information confiscated all copies of issue 19 of Al Mushahid Al Siyasi magazine. The magazine was published by BBC in London. Issue 19's cover piece reported on the political naturalization issue.

The 2002 Election Law regulated candidates' political activities, prohibiting speeches at most public locations and limiting the areas where campaign materials could be placed. However, these regulations were only sporadically enforced.

The Information Ministry controlled local broadcast media and exercised considerable control over local print media, except Al-Wasat, even though newspapers were privately owned. The Government generally afforded foreign journalists access to the country and did not limit their contacts. However, the Government continued to ban correspondents from the Qatar-based Al-Jazeera satellite television channel, accusing the station of using sensationalized and one-sided coverage to project unfairly a negative image of the Government.

The Bahrain Journalists' Association, formed in 2000, had a significant majority of government employees from the Information Ministry and was not an independent organization protecting journalists' rights and interests.

The Government owned and operated all local radio and television stations. Radio and television broadcasts in Arabic and Farsi from neighboring countries and Egypt were received without interference. Al-Jazeera was available in the country via satellite.

On October 21, a foreign correspondent advised that the Ministry of Information threatened to expel the correspondent if he did not retract his draft article on political naturalization in the country. The correspondent reportedly withdrew the story. On December 18, another foreign correspondent was threatened with expulsion if he did not reveal his source for his story on a December 17 illegal political demonstration that turned violent when demonstrators attacked police who mobilized to keep the event under control. When he reportedly refused, the correspondent's regional bureau chief intervened with the Information Minister to keep the correspondent in the country.

The National Telephone Company (BATELCO) provided access to the Internet. E-mail use was unimpeded, although it was subject to monitoring (see Section 1.f.). More than one-third of the population used the Internet. There are 140,000 hotmail accounts in the country. Many districts of Manama have cyber cafes and there are 80 chat rooms visited by over 1,000 persons daily. It is estimated that 22 percent of the population owns personal computers.

Although there were no formal regulations limiting academic freedom, in practice academics avoided contentious political issues, and the university did not have a political science program. University hiring and admissions policies favored Sunnis and others who were assumed to support the Government, rather than focusing on professional experience and academic qualifications. However, there continued to be some improvement in the hiring of qualified individuals in a nondiscriminatory manner during the year. A few Shi'a professors, including women, were hired. Larger numbers of Shi'a students were accepted into the national university, but this was still a smaller proportion than in the general population.

In April, a university professor published an academic study on freedom of expression that showed that the Internet allowed the most freedom of expression because it is not generally subject to monitoring and censoring, although some expressed annoyance that some websites had been closed down or banned. Respondents indicated that television and radio stations only express views in agreement with the Government. The "Al-Ayam" article stated that, during the 2002 Council of Representative elections, the news media carried shows and hosted guests without allowing election boycotters to express their views. The study also suggested that respondents believe that local newspapers have improved, but the country did not yet have a truly free

press because newspapers are still reluctant to publish views that do not correspond with the Government's policies.

b. Freedom of Peaceful Assembly and Association.—The Constitution provides for the right of free assembly; however, the Government restricted its exercise by requiring permits for public events, which were not routinely granted. The law prohibits unauthorized public gatherings of more than five persons. The Government periodically limited and controlled political gatherings.

Demonstrations occurred throughout the year, not all of which were approved by the Government. Unless violent, the Government generally did not intervene. During the year, there were seven violent incidents of political unrest. Numerous peaceful demonstrations protesting government policies also occurred, many organized by Al Wifaq, the country's largest political society. Since 2001, gatherings at social and political clubs for political discussions have been held regularly and without any obvious obstruction by the Government. The largest gathering was in January when over 10,000 attended Al Wifaq National Islamic Society's first annual conference.

In December 2002, approximately 1,000 youths spontaneously rioted in downtown Manama, attacking cars, hotels, and some pedestrians. These riots did not appear to be politically motivated. The press reported that 41 persons were arrested and damage was estimated at \$250,000 (BD 94,250).

On January 1, the King ordered that all detained rioters be released. Subsequently the courts fined all convicted rioters \$1,325 (BD 500). Some families could not afford to pay the \$1,325 (BD 500) fine so the court reduced the fine to \$530 (BD 200). Some fines were still being negotiated downward.

Beginning in February, regularly scheduled protests were held in front of the Ministry of Labor and Social Affairs and the Civil Services Bureau demanding higher salaries and a reduction of the unemployment rate. Protests were daily for a period of 2 weeks, followed by weekly protests that lasted 2 months. At the August 15 demonstration, police intervened and arrested seven protesters. The Ministry of Labor and Social Affairs issued a statement that ordered the arrests because it believed the protest had other purposes since the Ministry had publicized 4,500 vacancies and only 117 persons applied (see Section 6).

In March, on 4 occasions, as many as 2,500 demonstrators assembled outside a foreign embassy to protest Operation Iraqi Freedom. Protesters reportedly threw rocks at police and detonated seven improvised explosive devices near the chancery building. Two policemen were injured. Police used tear gas to disperse demonstrators and detained some protestors but released them soon after the event. No charges were pressed.

In September, a citizen was arrested for demonstrating peacefully in front of the Bahrain Development Bank building to protest the bank's decision to decline his request for a loan. He was released on \$265 (BD 100) bail and, as of year's end awaited a court date. He claimed that the loan reviewers purposely modified his business plan to make it less feasible.

On September 16, approximately 500 protesters representing the National Committee for the Victims of Torture peacefully walked to the site of the Arab Judicial Forum demanding prosecution of alleged government torturers; repeal of Law 56/2002, which granted amnesty to government employees accused of torture; the country's implementation of the International Convention against Torture; and compensation for torture victims. In May, thousands of citizen victims of alleged torture reportedly petitioned the King to cancel the law. According to Sayed Jaffar al-Alawi, head of the National Committee for Martyrs and Torture Victims, approximately 33,000 citizens signed the petition which included claims by at least 3,500 people that they were tortured while held in jail for political activity in the 1980s and 1990s. The Committee staged two additional demonstrations with more than 2,500 in attendance.

On October 11, scores of divorced women and their children attended the Women's Petition Committee's silent vigil outside Kanoo Mosque in Hamad Town. The women demanded the dissolution of the Supreme Judiciary Council and protested a Shari'a court decision to deny visitation rights to a mother in a divorce case. They accused the judge of having this decision based on the opinion of an academic.

The Political Rights Law promulgated in July 2002 had a negative effect on the freedoms of speech and association (see Section 2.a.). The law, which the King told political societies to ignore, is intended to regulate election campaigns and prohibits "election meetings" at worship centers, universities, schools, government buildings, and public institutions. After this law's promulgation, the occurrence of public meetings declined precipitously, and they received little coverage in the local press. One leader of a popular public forum reported that he had been told by a high-level government official to reduce the attendance at meetings and make them "less political."

The Constitution provides for the right of free association; however, the Government limited this right, by prohibiting some political parties from forming. The Government has authorized political societies to run candidates and support them financially and for several NGOs, including human rights organizations, to conduct political activities.

c. Freedom of Religion.—The Constitution provides for freedom of religion; however, there were some limits on this right. The Constitution declares that Islam is the official religion. Every religious group must obtain a permit from the Ministry of Justice and Islamic affairs in order to operate. Depending on circumstances, a religious group may also need approvals from the Ministry of Labor and Social Affairs, the Ministry of Information, and/or the Ministry of Education (if the religious group wants to run a school).

Thirteen Christian congregations, which were registered with the Ministry of Labor and Social Affairs, operated freely and allowed other Christian congregations to use their facilities. There was a synagogue, four Sikh temples, and several official and unofficial Hindu temples, located in Manama and its suburbs. During October 9–10, the Orthodox community celebrated the consecration of the new and expanded St. Mary's Church which was built on land donated by members of other religions who practice their faith privately and did so without interference from the Government.

The Government funds, monitors, and subjects all official religious institutions to some controls. These include Shi'a and Sunni mosques, Shi'a ma'tams (religious community centers), Shi'a and Sunni waqfs (charitable foundations), and the religious courts, which represent both the Ja'afari (Shi'a) and Maliki (one of the four Sunni) schools of Islamic jurisprudence.

Holding a religious meeting without a permit is illegal. There were no reports of religious groups being denied a permit or of Government actions against groups meeting without a permit. In 2002, the press reported that a school emphasizing a Shi'a curriculum was established for the first time in the country.

The Government rarely interferes with what it considers legitimate religious observations. The Political Rights Law promulgated in July 2002 forbids election speeches in worship centers, but political sermons continued (see Section 2.a. and 2.b.). In the past, the Government actively had suppressed activity deemed overtly political in nature, occasionally closing mosques and ma'tams for allowing political demonstrations to take place on or near their premises and detaining religious leaders for delivering political sermons or for allowing such sermons to be delivered in their mosques. There were no reported closures of ma'tams or mosques during the year. The Government also may appropriate or withhold funding in order to reward or punish particular individuals or places of worship; however, there were no reports the Government withheld funding or closed religious facilities during the year.

Sunnis received preference for employment in sensitive government positions and in the managerial ranks of the civil service. Members of the royal family are Sunni. Public religious events, most notably the large annual Ashura marches by Shi'a, were permitted but were monitored closely by police. The Shi'a celebration of Ashura is a 2-day national holiday in the country, and the King ordered the Ministry of Information to provide full media coverage of Ashura events. There were no restrictions on the number of citizens permitted to make pilgrimages to Shi'a shrines and holy sites in Iran, Iraq, and Syria. The Government monitored travel to Iran and scrutinized carefully those who choose to pursue religious study there.

The Government discourages proselytizing by non-Muslims and prohibits anti-Islamic writings; however, bibles and other Christian publications were displayed and sold openly in local bookstores. Religious tracts of all branches of Islam, cassettes of sermons delivered by Muslim preachers from other countries, and publications of other religions readily were available.

One reported instance of societal violence against a minority religion's property occurred in 2002, when 70 graves at the St. Christopher's Church cemetery were desecrated. During the year, the Government paid to have fully restored the graveyard. According to the wishes of the Church, no monument was erected. No reports on the results of the investigations into this incident have been issued.

On December 3, unknown assailants vandalized the Sa'sa'a Mosque. Witnesses reported that four persons broke into the mosque and destroyed the ablution faucets and lights surrounding the mosque. The director of the government agency responsible for managing government-held Shi'a properties did not seek police assistance or an investigation; however, the mosque caretaker has closed the mosque at 4:30 p.m., denying Shi'a parishioners the ability to perform evening prayers.

The defense and internal security forces predominantly were Sunni, Shi'a citizens were allowed to hold posts in these forces; however, Shi'a did not hold positions of significance. In the private sector, Shi'a citizens tended to be employed in lower

paid, less skilled jobs. In private conversations, Shi'a consistently complained of discrimination, especially in receiving public sector jobs and slots at the university. While Shi'a acknowledged that the situation was improving slowly, they still compose a disproportionately high percentage of the country's unemployed.

Educational, social, and municipal services in most Shi'a neighborhoods, particularly in villages, were inferior to those found in Sunni urban 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 Constitution prohibits restrictions on freedom of movement, except as provided by law and judicial supervision. Banishment and prevention of return are prohibited. In May, the Royal Court granted 34 citizens living in exile the right to return to Bahrain. Bahraini passports were valid for travel to all countries.

Although the law does not include provisions for the granting of refugee status or asylum to persons who meet the definition in the 1951 U.N. Convention Relating to the Status of Refugees or its 1967 Protocol, there were no reports of the forced return of persons to a country where they feared persecution.

Citizens were free to move within the country and change their place of residence or work. Although more than 1,000 individuals in the country faced problems obtaining proper citizenship documentation, the Government resolved these problems and issued the appropriate documents by the end of 2002. The Government also assisted in the return of some 300 individuals that had been forced into exile in the past decades. The Government occasionally grants citizenship to Sunni residents, most of whom are from Jordan, Syria, the Arabian Peninsula, and Egypt. This practice was controversial (see Section 1.b.). Opposition groups claimed that the naturalization process was politically driven to manipulate demographics for voting purposes and to avoid addressing the question of discrimination against Shi'a in sensitive government positions where employment is allegedly dominated by non-indigenous groups. The Government complied with a parliamentary committee's request for official naturalization data, but has not made it public. The Government stated that Saudis who recently received citizenship are the grandchildren who emigrated to Saudi Arabia. According to the country's Nationality Law, these persons have a legal right to citizenship.

The 1963 Citizenship Law provides that the Government may reject applications to obtain or renew passports for reasonable cause, but the applicant has the right to appeal such decisions before the High Civil Court. A noncitizen resident may obtain a travel document, usually valid for 2 years and renewable at the country's embassies overseas. The holder of a travel document also required a visa to reenter the country.

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

Citizens do not have the right to change their Government or their political system; however, the Constitution does provide for a democratically elected Council of Representatives. Elections for the newly established Council of Representatives took place in 2002. The King appoints the Prime Minister, who then proposes Cabinet Ministers that are appointed by the King. Members of the ruling family held all security-related cabinet positions.

In 2002, the country held its first national elections in nearly three decades. The country also elected a Municipal Council, but at year's end its role was still being defined. The largest political society, joined by three other smaller societies, chose not to participate in these elections, citing grievances over the Constitution equalizing the powers of the elected and appointed councils. There were no government candidates. Informed observers reported that the election campaigning and voting was generally free and fair; however, some candidates were not allowed to visually observe ballot counting, and there was an incomplete reporting of election results. Slightly more than half of the eligible voters elected 40 members to the Council of Representatives. The 40 elected members of the Council of Representatives shared legislative powers with the King and with the 40 members of the Shura Council appointed by the King. Collectively, the two chambers are known as the National Assembly. On October 1, the International Parliamentary Union unanimously accepted the country as a member.

Either Council in the National Assembly may propose legislation, but the Cabinet's Office of Legal Affairs must draft the actual text of laws. The King may veto laws passed by the National Assembly, which may override a veto by a two-thirds majority vote. If the legislature overrides a veto, the King must promulgate the law within 1 month. The King may dissolve the Representative Council at his discretion and he retains the power to amend the Constitution and propose, ratify, and pro-

mulgate laws. Either council may question government ministers, and the Representative Council may pass by a two-thirds majority votes of no confidence that require the minister's resignation. The Council of Representatives may also introduce a resolution indicating it cannot cooperate with the Prime Minister. The entire National Assembly would then have to pass the resolution by a two-thirds majority that would require the King to either dismiss the Prime Minister or dissolve the Council of Representatives. In February, the Council of Representatives disapproved a government international bond sale, but eventually reversed its position after the Shura Council approved the sale. In May, the National Assembly reduced the defense budget and increased the Health Ministry's budget.

The Political Rights and Election Law restricts the freedoms of speech and association (see Sections 2.a. and 2.b.). The Government prohibits political parties, and none exist. The Government drew the electoral districts in both the municipal council and the legislative elections to protect Sunni interests by creating several districts with small populations likely to elect a Sunni candidate. In contrast, districts where a Shi'a candidate was likely to win were drawn to include large numbers of voters, a formula that diluted the voting strength of the Shi'a community. International observers commented that this gerrymandering generally violated the one-man one-vote principle common to most democracies.

No women were elected in either the municipal or legislative elections. Six women candidates ran in the 2002 elections for the Council of Representatives. Although no women won seats in the elected chamber, two women forced their competitors into run-offs in which each woman received more than 40 percent of the vote. Turnout for municipal councils elections was approximately 51 percent; just over 52 percent of the voters who turned out for those elections were women. Turnout for the October election was just over 53 percent, according to Government figures; the Government did not publish the number of women voters. Bahrain Transparency Society monitored the elections, in addition to a number of other local NGOs.

The King appointed six women to the Shura Council. There were no women in the Cabinet. A study published by the Bahrain Centre for Human Rights (BCHR) stated that only 37 out of 532 high-level governmental positions were held by women. There was one woman of ministerial rank, three women at the sub-ministerial level, one Ambassador, and 32 women out of 281 at the director level of government.

The majority of women who chose to work in the Government did so in lower positions, and only a few attained senior positions within their respective ministries or agencies.

The majority of citizens belong to the Shi'a and Sunni sects of Islam, with the Shi'a constituting approximately two-thirds of the indigenous population. However, Sunnis predominate politically and economically because the ruling family is Sunni and is supported by the armed forces, the security services, and influential Sunni and Shi'a merchant families who benefit from a relatively open economy under the Al-Khalifas.

The King appointed a Christian and a Jewish member to the Shura Council. Twenty-one Shura Council members were Shi'a Muslims and seventeen were Sunni. Approximately one-third of the cabinet ministers were Shi'a.

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

Restrictions on freedom of association and expression sometimes hindered investigation or public criticism of the Government's human rights policies. There are 380 NGOs registered in Bahrain. By year's end, 58 of the 380 reportedly were new registrants. Some NGOs dealt with concerns of expatriates, charitable activities and women's issues. During the year, Bahrain Human Rights Society (BHRS) published its first human rights report. The report recommends amending the Constitution to widen people's freedom and rights to conform with international standards; to ratify all U.N. human rights conventions and International Labor Organization (ILO) migrant labor conventions; to introduce human rights curricula to all school levels; to compensate and to rehabilitate the victims of torture and to allow them to prosecute their alleged torturers; and to amend the labor law to include household workers.

Members of these groups met with government officials and the Government has responded on some issues, most notably on trafficking in persons and prison conditions (see Sections 5).

The week following a human rights forum on government discrimination, the BCHR received three faxes from the Ministry of Labor and Social Affairs (MOLSA) warning BCHR against holding similar forums in the future or have its NGO license revoked. In December, BCHR alleged that the MOLSA insisted on observing the

election of its new board, which is contrary to NGO regulations. BCHR acceded to MOLSA's request.

Most, if not all, of the members of the Damascus-based Committee for the Defense of Human Rights in Bahrain and the Copenhagen-based Bahrain Human Rights Organization have returned to the country since the 2001 referendum on the National Action Charter. The London-based Bahrain Freedom Movement and the Beirut-based Islamic Front for the Liberation of Bahrain remained active outside the country, but Bahrain Freedom Movement leader Dr. Mansour Al Jamry returned to the country in 2001 and established the independent newspaper *Al-Wasat* in 2002 (see Section 2.a.). Previously, the Bahrain Freedom Movement leader Dr. Majid Al-Alawi returned in 2001 to become Assistant Secretary General for the Bahrain Center for Studies and Research, the country's only think tank. In 2002, Dr. Al-Alawi was named Minister of Labor and Social Affairs.

In recent years, the Government has allowed increasing access to international human rights organizations. During the year, there were no reports of Government harassment of these groups or their members. The U.N. High Commissioner for Human Rights visited the country in 2002. In October, the country hosted a regional human rights training program co-sponsored by the U. N. Commission for Human Rights, the Arab Institute for Human Rights and the BHRS on "Management, Strategic Planning and Fundraising in NGOs."

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

The Constitution provides for equality, equal opportunity, and the right to medical care, welfare, education, property, capital, and work for all citizens; however, in practice these rights were protected unevenly, depending on the individual's social status, ethnicity, or sex.

On October 16, BCHR held a human rights forum on government discrimination against Shi'a and women. A BCHR study published during the year showed that only 18 percent of government positions were held by Shi'a. The study also highlighted the Al-Khalifa ruling family's dominance of key ministerial positions.

Women.—Spousal abuse was common, particularly in poorer communities. In general, there was little public attention to, or discussion of, the problem. Incidents usually were kept within the family. No government policies or laws explicitly addressed violence against women. During the year, a few articles appeared in the local press discussing violence against women and the need for laws to defend women who are abused. There were very few known instances of women seeking legal redress for violence. Anecdotal evidence suggested that the courts were not receptive to such cases. Rape is illegal; however, because marital relations are governed by Shari'a law, spousal rape was not a legal concept within the law.

It was not uncommon for foreign women working as domestic workers to be beaten or sexually abused (see Sections 6.c. and 6.e.). Numerous cases were reported to local embassies, the press, and the police. However, most victims were too intimidated to sue their employers. Courts reportedly allowed victims who do appear to sue for damages, return home, or both.

Although prostitution is illegal, some foreign women, including some who worked as hotel and restaurant staff, engaged in prostitution (see Section 6.f.). In September, the National Democratic Action Society alleged that the Ministry of Tourism inspectorate division was corrupt and has allowed a flourishing trade of trafficking in persons and prostitution. The Government refuted the charge, but the author of the article has been charged with defamation of character under the "frozen" press law (see Section 2.a.).

Female genital mutilation (FGM) is not practiced in the country. There is no specific law that prohibits FGM.

Shari'a governs the legal rights of women. Specific rights vary according to Shi'a or Sunni interpretations of Islamic law, as determined by the individual's faith, or by the court in which various contracts, including marriage, are made. Some women complained that Shari'a courts were biased against women, especially in divorce cases. Since 2002, complaints have been filed with the Minister of Justice and Islamic Affairs against several Shari'a judges, arguing that women were often treated unfairly in these courts. They also called for the issuance of a long-promised Personal Status Law that should more clearly define women's rights.

In April, the Women's Petition Committee collected 1,700 signatures on a petition demanding legislative and judicial reform of courts, specifically of the Shari'a Court, and the strengthening of the role of the Supreme Judicial Council in monitoring the Shari'a courts. This was the first petition of its kind submitted to the King (see Section 3). The petition stemmed from alleged unfairness of routine interpretations by Shari'a courts (see Section 1.e.). The petitioners sought a Personal Status Law to clearly define women's rights.

In May, the Ministry of Justice announced that a draft Personal Status Law existed. There was heated public debate over whether this law would affect the jurisdiction of the Shari'a courts. This law was opposed by 200 leading religious scholars who signed a petition warning against discussion of the law in the National Assembly for fear of creating a dangerous precedent. The petitioners argued that only religious scholars have the education to determine personal status under the Shari'a. At year's end, this law or a revision of this law had not been submitted to the National Assembly.

Shi'a and Sunni women have the right to initiate a divorce; however, religious courts may refuse the request. Although local religious courts may grant a divorce to Shi'a women in routine cases, occasionally Shi'a women seeking divorce under unusual circumstances must travel abroad to seek a higher ranking opinion than that available in the country. Women of either branch may own and inherit property and may represent themselves in all public and legal matters. In the absence of a direct male heir, Shi'a women may inherit all property. In contrast, in the absence of a direct male heir, Sunni women inherit only a portion as governed by Shari'a; the balance is divided among the brothers or male relatives of the deceased. In practice, better-educated families used wills and other legal maneuvers to ameliorate the negative impact of these rules.

In divorce cases, the courts routinely grant Shi'a and Sunni women custody of daughters under the age of 9 and sons under the age of 7, although custody usually reverts to the father once the children reach those ages. Regardless of custody decisions, in all circumstances, except for mental incapacitation, the father retains the right to make certain legal decisions for his children, such as guardianship of any property belonging to the child, until the child reaches legal age. A noncitizen woman automatically loses custody of her children if she divorces their citizen father. A Muslim woman legally may marry a non-Muslim man if the man converts to Islam. In such marriages, the children automatically are considered to be Muslim. Women may obtain passports and leave the country without the permission of the male head of the household.

In December, the Bahrain Women's Society established a hotline to respond to calls about domestic abuse cases. It is the first of its kind in Bahrain to offer assistance to children and adults who are suffering sexual or physical abuse.

The Government has publicly encouraged women to work and was a leading employer of women, who constituted a significant percentage of the government workforce and included university professors, public school teachers, and employees in the public health and social sectors. In 2002, NGOs working on women's issues were very active in encouraging women to vote and to run for office during the municipal council and parliamentary elections. Several of these NGOs were also active on social issues such as health and education, and provision of assistance to women and children, particularly the poor.

Women constituted 23 percent of the workforce. Labor laws do not discriminate against women; however, in practice there was discrimination in the workplace, including inequality of wages and denial of opportunity for advancement. Sexual harassment is prohibited; however, it was a widespread problem for women, especially foreigners working as domestics and other low-level service jobs. The Government encouraged the hiring of women and enacted special laws to promote their entry into the work force. Laws do not recognize the concept of equal pay for equal work, and women frequently were paid less than men.

The number of women holding commercial registrations has increased 41.7 percent since 2001. According to the Ministry of Commerce, commercial registration for women reached 35,802.

The president of the University of Bahrain is a woman. Women compose 70 percent of the students at the country's universities, although some women complained that admissions policies at the University of Bahrain discriminated against qualified female applicants, especially Shi'a women. In June, Canada's McGill University in cooperation with the members of the country's banking and finance community announced plans to open a Royal University for Women for up to 3,000 students.

Large numbers of women's organizations seek to improve the status of women under both civil and Islamic law. However, the influence of religious traditionalists have hampered women's constitutional rights despite their participation in the work force.

On April 7, the Ministry of Interior lifted its ban on wearing headscarves (Hijab) for policewomen. In June, the General Directorate of Traffic trained 20 women to be the first female driving instructors in the country. On July 8, by Royal Decree, the King allowed women to drive while veiled. On November 22, the first group of 10 women successfully completed training to be taxi drivers.

Children.—The Government has stated often its commitment to the protection of children's rights and welfare within the social and religious framework of society. It generally honored this commitment through enforcement of civil and criminal laws and an extensive social welfare network. Public education for citizen children below the age of 15 was free. While the Constitution provides for compulsory education at the primary levels (usually up to 12 or 13 years of age), the authorities did not enforce attendance. Limited medical services for infants and preadolescents were provided free of charge.

Tradition and religion shape the social status of children by civil law. Child abuse was rare, as was public discussion of it; the preference of the authorities is to leave such matters within the purview of the family or religious groups. In 2002, a 13-year-old girl who was reportedly abused by members of her family and she then disappeared. According to local media, the case received attention at the highest levels of the Government, but despite the Prime Minister's public charge to the police to find her, she remained missing. The authorities actively enforced the laws against prostitution, including child prostitution, procuring, and pimping. Violators were dealt with harshly and may be imprisoned or, if a noncitizen, deported. In the past, the authorities reportedly returned children arrested for prostitution and other non-political crimes to their families, rather than prosecute them, especially for first offenses. There were no reports of child prostitution during the year.

Independent and quasi-governmental organizations, such as the Bahraini Society for the Protection of Children and the Mother and Child Welfare Society, played an active part in protecting children by providing counseling, legal assistance, advice, and, in some cases, shelter and financial support to distressed children and families. The Child Care Home, funded from both government and private sources, provided shelter for children whose parents were unable to care for them.

There were very few reports of arrests and detentions of juveniles during the year, and those who were arrested reportedly were released soon thereafter. In May, the Bahrain Center for Human Rights held a conference on the rights of children.

On October 18, the National Bank of Bahrain's Home for Disabled Children in conjunction with the Directorate of Social Affairs and Rehabilitation started training 27 children in crafts and skills and then provided them start-up capital to start businesses at home.

On October 23, the Bahrain Friendship Society for the Blind opened the Centre for Handicapped Blind Children in Isa Town. The Center is equipped with basic facilities to help rehabilitate and develop blind children's skills. The Center is able to accept 10 students.

Persons with Disabilities.—The law protects the rights of persons with disabilities and a variety of governmental, quasi-governmental, and religious institutions are mandated to support and protect persons with disabilities. A regional Center for the Treatment of the Blind was headquartered in the country, and a similar Center for the Education of Deaf Children was established in 1994. Society tended to view persons with disabilities as special cases in need of protection rather than as fully functioning members of society. Nonetheless, the Government is required by law to provide vocational training for persons with disabilities who wish to work, and maintains a list of certified, trained persons with disabilities. The Directorate of Social Welfare and Rehabilitation announced that 490 students with disabilities will start vocational training at centers for persons with disabilities, an increase of 100 students over last year.

The Labor Law of 1976 also requires that any employer of more than 100 persons must hire at least 2 percent of its employees from the Government's list of workers with disabilities; however, the Government does not monitor compliance. The Ministry of Labor and Social Affairs placed persons with disabilities in public sector jobs, such as the public telephone exchanges. The Government's housing regulations require that access be provided to persons with disabilities. Enforcement is random. Greater emphasis has been given in recent years to public building design that incorporates access for persons with disabilities; however, the law does not mandate access to buildings for persons with disabilities.

National/Racial/Ethnic Minorities.—In May, the Royal Court granted 34 citizens living in exile the right to return to the country (see Sections 1.d and 2.d.). In 2001, most bidoon, a group of approximately 9,000 to 15,000 formerly stateless persons, mostly Shi'a of Persian-origin but including some Christians, were granted citizenship. In 2002, the Government granted citizenship to the approximately 1,300 remaining bidoon (see Sections 1.d. and 2.d.). Approximately 1,000 were already were living in the country. The Government paid for the return of some 300 others outside the country in 2002 who were exiled forcibly in the 1980s. Without citizenship, bidoon legally had been prohibited from buying land, starting a business, or obtain-

ing government loans. Bidoon and citizens who speak Farsi rather than Arabic as their first language faced significant social and economic discrimination, including difficulty in finding employment.

Section 6. Worker Rights

a. The Right of Association.—In 2002, the King promulgated a new law on labor unions that grants workers for the first time the right to form and join unions. The law also grants noncitizens the right to join unions. There were 37 trade unions in the country. In June, the King confirmed the right to form unions at government ministries. Since then, four public unions have been established. This and other legislation also improved the legal status of foreign workers. The establishment of a union for public school teachers was expected by the end of the year.

The Labor Union Law established a union federation, the General Federation of Bahraini Workers (GFBW) which provides that all unions be members of the GFBW. The law does not restrict who may be a union official, other than to stipulate that a member of a company's management may not be a union member. The law also states that no more than one union per establishment may be created and prohibits unions from engaging in political activities. As of September, only one federation of trade unions existed in the country, despite criticism from the ILO.

In September, over 150 individuals participated in a labor unions workshop organized by the GFBW. The goal of the workshop was to familiarize participants with the international labor rights of all individuals.

The law allows union membership for private sector, civil service, and maritime workers; however, soldiers (or members of the military) are prohibited from joining workers in the civil service, and maritime workers.

During the year, the "union of the unemployed" organized several protests demanding higher salaries and a reduction of the unemployment rate (see Section 1.b.).

The law does not address anti-union discrimination, and no reports of such behavior were reported. Nothing in the law prohibits unions from access to the legal system. The law encourages unions to participate in international labor forums and events; however, none has yet joined an internationally affiliated trade union organization. No internationally affiliated trade union exists in the country.

b. The Right to Organize and Bargain Collectively.—The law grants workers the right to organize and bargain collectively. Unions can be formed at establishments of any size. Employers and the Government are required to treat unions as independent juristic entities.

The law states that "the right to strike is a legitimate means for workers to defend their rights and interests;" however, the law also places some restrictions on this right. The law requires arbitration before a vote to strike and that three-quarters of a union's members approve the strike in a secret ballot. It is not yet clear if the arbitration is binding.

Although government sources say the arbitration provision will not preempt the right to strike, the text of the law does not clearly specify that a union may proceed to a strike vote if it disagrees with the arbitrator's decision. Officials from the Government, labor, and business have examined this ambiguity but are not interested in changing it.

There were approximately 1,720 licensed taxi drivers in the country. Although they did not form a union and operated as the Public Transportation Drivers Society, the taxi drivers went on strike in August to protest the lack of regulation of nonregistered taxi drivers by the General Directorate of Traffic. The society called off its second strike scheduled for September when the Crown Prince's court intervened and promised to work with the General Director of Traffic to find a solution.

c. Prohibition of Forced or Bonded Labor.—Forced or bonded labor is prohibited by law; however, in practice, the labor laws applied for the most part only to citizens, and abuses occurred, particularly in the cases of domestic servants and those working illegally. The law also prohibits forced and compulsory child labor, and the Government enforced this prohibition effectively.

Foreign workers, who make up approximately two-thirds of the workforce, in many cases arrived in the country under the sponsorship of an employer and then switched jobs while continuing to pay a fee to their original sponsor. This practice made it difficult to monitor and control the employment conditions of domestic and other workers. The Government issued new regulations granting foreigners more freedom to change jobs, but the process is legally cumbersome and many foreign workers remain unaware of their rights and obligations under the law. After 1 year in a position, a foreign worker is allowed to break this contract and look for other work. Prospective employees must present the new employer with a release letter from the previous employer. After 2 years in a position, expatriate employees may

change jobs locally without the approval of the original sponsor and within the duration of their contract period, provided the original employer was notified in writing three months in advance. Many foreigners have been unable to obtain release letters to get a new job.

Unskilled foreign workers can become indentured servants and often lacked the knowledge to exercise their legal right to change employment.

There were numerous credible reports that employers withheld salaries from their foreign workers for months, even years, at a time, and refused to grant them the necessary permission to leave the country. The Government and the courts generally worked to rectify abuses if they were brought to their attention, but they otherwise focused little attention on the problem, and the fear of deportation or employer retaliation prevented many foreign workers from making complaints to the authorities (see Section 6.e.).

Some of the most highly publicized cases during the year involved construction workers. In February, fearing deportation, 32 Filipino construction workers, who worked for 11 months or more without proper employment papers and government identity cards, appealed to the Philippine Embassy. On March 19, a warrant for the arrest of the captain for the country's national basketball team was issued after he lost a case brought by eight of his foreign workers for nonpayment of services of 10 months. The court ordered the player to pay the salaries and provide the workers with airline tickets back to India. There have been reports of sponsors using off-duty policemen to pick up foreign employees and deport them as a way to avoid paying indemnity leave or salary.

The Government worked to decrease instances of abuse by passing a law assessing a \$1,300–2,650 (BD 500–BD 1,000) fine for employers found guilty of forced labor. Claims of runaway workers in Bahrain have dropped dramatically since May. The new rules require sponsors to pay a \$600 (BD 250) deposit per employee for each report of a runaway.

Labor laws do not apply to domestic servants. There were numerous credible reports that domestic servants, especially women, were forced to work 12- or 16-hour days, given little time off, malnourished, and subjected to verbal and physical abuse, including sexual molestation and rape. Between 30 and 40 percent of the attempted suicide cases handled by the Government's psychiatric hospitals were foreign maids (see Section 6.e.).

It is estimated that there were 40,000 foreign housemaids working in the country who are predominantly of Sri Lankan, Indonesian, Indian, and Filipino origins. During the year there were 19 incidents of seriously abused housemaids reported in the press and another 50 cases that have been reported directly to the Philippine Embassy. In August, the Philippine, Indian, and Bangladeshi embassies proposed a four-point agenda to ensure the protection of housemaids. The agenda included creating a separate labor law for housemaids, formulating a standard contract guiding the hiring of housemaids, setting a standard minimum wage, and abolishing the practice of employers retaining the housemaids' passports. This agenda has not yet been introduced to the National Assembly.

Housemaids that have no embassy representation in the country (Indonesian and Sri Lankan) are often subject to the worst types of physical and sexual abuse. With no diplomatic mission to turn to and no established victim assistance shelter, runaway housemaids have often been returned by untrained police to abusing employers.

Since February, the Philippine Embassy has requested that all Filipinos register with the embassy so it can track "undocumented" workers. Registration with the Philippine Embassy allows them certain benefits, including scholarships for vocational courses and medical insurance.

On March 11, an Indonesian housemaid fell and died from her injuries as she tried to escape from her Arab sponsor's house by lowering herself from the third floor balcony. On April 23, an Indian maid killed herself by setting herself on fire in the kitchen of her employer. On October 1, another Indonesian maid fell and broke her back as she tried to escape from her employer's home. In October, an Indian housemaid had her head bashed through a wall by the employer's wife. She was treated at the Salmaniya Medical Complex for a head wound and multiple bruising.

There were persistent reports that some foreign women working as hotel and restaurant staff were locked in a communal house or apartment when not working and driven to work in a van. Many reportedly traded sexual favors with hotel managers in exchange for time off from work (see Section 6.f.). In September, allegations of corrupt Ministry of Tourism inspectors the press reported. The inspectors' job ensures hotels' compliance with tourism and labor laws. At year's end, an investigation into the problem remained pending.

d. Status of Child Labor Practices and Minimum Age for Employment.—The minimum age for employment is 14 years of age. Juveniles between the ages of 14 and 16 may not be employed in hazardous conditions or at night, and may not work more than 6 hours per day or on a piecework basis. Child labor laws were enforced effectively by Ministry of Labor inspectors in the industrial sector; child labor outside that sector was monitored less effectively, but it was not believed to be significant outside family-operated businesses, and even in such businesses it was not widespread.

The law prohibits forced and bonded child labor, and the Government enforced this prohibition effectively (see Section 6.c.).

e. Acceptable Conditions of Work.—The country does not have an official minimum wage; however, the Government issued guidelines in 2002 that the public and private sectors should pay workers no less than \$398 (BD 150) per month, and the Government observed this standard in paying its employees. Compliance with these guidelines was not actively monitored, and few unskilled foreign laborers earned as much as the guidelines suggested. For foreign workers, employers considered benefits such as annual trips home, housing, and education bonuses as part of the salary. However, these guidelines did not provide a decent standard of living for a worker and family.

The Labor Law, enforced by the Ministry of Labor and Social Affairs, mandates acceptable conditions of work for all adult workers, including adequate standards regarding hours of work (maximum 48 hours per week) and occupational safety and health. Under the Labor Law, workers have the right to remove themselves from dangerous work situations without jeopardy to their continued employment.

In June, the Ministry of Labor and Social Affairs established a hotline to take calls to respond to complaints about working conditions, delay in salary payments, and other related issues. A separate hotline was established to receive information about illegal workers. Due to limited training for staff, it was reported that sometimes calls go unanswered.

The Ministry enforced the law with periodic inspections and routine fines for violators. In February, the first group of 11 new labor inspectors graduated from training. In May, the Ministry of Labor and Social Affairs increased the number of inspectors to 40. These trained inspectors will also visit labor barracks to ensure that workers' accommodations meet the necessary safety and hygiene standards. The inspectors are only authorized to inspect premises that have a commercial registration.

In March, 50 Asian workers filed complaints at the Ministry of Labor and Social Affairs after falling victim to fraud by a local company. Offices in India arranged for employees to buy their visas for up to \$2,120 (BD 800). After one month, they were told to leave the country or face detention by the General Directorate for Immigration and Passports. Some of these cases have been brought to court.

The press often performed an ombudsman function on labor problems, reporting job disputes and the results of labor cases brought before the courts. The BCHR has also volunteered to assist the Ministry of Labor and Social Affairs with inspections and monitoring. Once a worker lodges a complaint, the Ministry of Labor and Social Affairs opens an investigation and often takes remedial action. The Fourth High Court consists of three labor courts and has jurisdiction over cases involving alleged violations of the Labor Law. Complaints brought before the Ministry of Labor and Social Affairs that cannot be settled through arbitration must be referred to the Court within 15 days. In practice, most employers preferred to settle such disputes through arbitration, particularly since the court and labor law generally are considered to favor the employee.

Under the Labor Law, workers have the right to remove themselves from dangerous work situations without jeopardy to their continued employment.

The Labor Law specifically favors citizens over foreign workers and Arab foreigners over other foreign workers in hiring and firing. Because employers included housing and other allowances in their salary scales, foreign workers legally may be paid lower regular wages than their citizen counterparts, although they sometimes received the same or a greater total compensation package because of home leave and holiday allowances. Some foreign workers and citizen workers were paid comparable wages, with total compensation packages often significantly greater for the former. Women in most jobs were entitled to 60 days of paid maternity leave and nursing periods during the day. However, women generally were paid less than men.

The law provides that fines and jail sentences would be imposed upon private sector employers who failed to pay wages required by law. This law applied equally to employers of citizens and foreign workers and was intended to reduce abuses against foreign workers, who at times were denied the required salaries (see Section

6.c.). The law provides equal protection to citizen and foreign workers; however, all foreign workers require sponsorship by citizens or locally based institutions and companies. According to representatives of several embassies with large numbers of workers in the country, the Government was generally responsive to embassy requests to investigate foreign worker complaints regarding unpaid wages and mistreatment. However, foreign workers, particularly those from developing countries, often were unwilling to report abuses for fear of losing residence rights and having to return to their countries of origin.

Legislation introduced in 2002 allowed all workers except domestics to change jobs without obtaining a "No Objection" letter from their employers. However, the process for utilizing these new rules was not well understood among expatriate workers. They were also often unwilling to challenge their employers for fear of being punished or deported. In addition, domestic workers were exempted from this legislation, and many of them remained in essence indentured workers, unable to change employment or leave the country without their sponsors' consent (see Section 6.c.).

Foreign women who worked as domestic workers often were beaten or sexually abused (see Section 5). Between 30 and 40 percent of attempted suicide cases handled by the Government's psychiatric hospitals were foreign maids (see Section 6.c.). Unverified reports suggested that unskilled foreign laborers were also at risk of suicide.

f. Trafficking in Persons.—The law does not specifically prohibit trafficking in persons, and there were reports that some foreign workers were recruited for employment on the basis of fraudulent contracts and then forced to work under conditions different from what was promised. Workers from Southeast Asia, South Asia, Ethiopia, and the former Soviet Union and Eastern Bloc reported being forced into conditions that amounted to trafficking. Some of these victims reported being sexually exploited or being forced to work as prostitutes; however, the most common forms of trafficking in persons involved unskilled construction laborers and domestic workers. Victims of this form of trafficking experienced withholding of passports by employers, alteration of contracts without their consent, nonpayment of salaries, or being forced to work extremely long hours.

Although prostitution is illegal, some foreign women, including some who worked as hotel and restaurant staff, engaged voluntarily in prostitution. There were also reports that some women were forced into prostitution. When the Government discovered this kind of abuse, it generally responded by prosecuting the offender, often the victim's sponsor or employer. There were persistent reports that some women working in hotels and restaurants were locked in a communal house or apartment when not working and driven to work in a van (see Section 6.c.).

The Government has begun to take steps to combat trafficking. In 2002, it recognized that trafficking is a problem and created an inter-ministerial "National Task Force" committee to formulate a comprehensive plan to combat trafficking. The committee published pamphlets on expatriate workers' rights in Thai, Singhaiese, Urdu, and Tagalog, provided manuals on these rights to local diplomatic missions and installed a telephone hotline for victims. The 2003 Trafficking-in-Persons report gave the country Tier Two status. Victims of trafficking may seek assistance from their embassies, although the Government did not provide direct assistance to victims.

In January, the Government sought out the cooperation of source countries in combating trafficking.

In February, the Ministry of Information imposed a 3-month ban on live entertainment on 22 hotels found to have broken new rules intended to clean up the industry. The violations included foreigners working in hotels without contracts, not working for the sponsor(s) who obtained their visas, and hotel management allowing prostitution on their premises. To help combat trafficking, the Ministry increased the number of labor inspectors and granted them the authority to inspect foreign labor camps (see Section 6.e.).

In December, the Parliament ratified the U.N. Convention against Transnational Organized Crime and two protocols to prevent, suppress and punish trafficking in persons, especially women and children and smuggling of migrants by land, sea and air.

EGYPT

Egypt is a republic with Islam as the state religion. The National Democratic Party (NDP) has governed since its establishment in 1978. The NDP continues to dominate national politics and has maintained an overriding majority in the popu-

larly elected People's Assembly and the partially elected Shura (Consultative) Council. In 1999, President Hosni Mubarak was reelected unopposed to a fourth 6-year term in a national referendum. The President appoints the Cabinet and the country's 26 governors and may dismiss them at his discretion. The Constitution provides for an independent judiciary; however, application of the 1981 Emergency law undermined its independence. The Government continued to use the Emergency law to try non-security cases in the Emergency and Military courts.

The Ministry of Interior controls the State Security Investigations Sector (SSIS), which conducts investigations and interrogates detainees, and the Central Security Force (CSF), which enforces curfews and bans on public demonstrations. Security forces continued to arrest and detain suspected members of terrorist groups. The President is the commander-in-chief of the military and the Government maintains effective control of the security forces. The security forces committed numerous, serious human rights abuses.

The country is transforming from a government-controlled economy to a free market system; however, state-owned enterprises still dominated some key sectors of the economy. The country had a population of approximately 68 million. Approximately 30 percent of the population worked in the almost entirely privately owned agriculture sector, including an estimated 3 to 5 percent of subsistence farmers. Income from tourism, remittances from approximately 2 million citizens working abroad, petroleum exports, and Suez Canal revenues were the other principal sources of foreign currency and were vulnerable to external shocks. Approximately 17 percent of the population live in poverty, but the poor performance of the economy over the past 3 years likely has increased that figure.

The Government's human rights record remained poor and many serious problems remain; however, there were improvements in a few areas. Citizens did not have the meaningful ability to change their government. The use of military courts and State Security Courts to try civilians continued to infringe on a defendant's Constitutional right to a fair trial before an independent judiciary. The 1981 Emergency law, extended in February for an additional 3 years, continued to restrict many basic rights. The security forces continued to mistreat and torture prisoners, arbitrarily arrest and detain persons, hold detainees in prolonged pretrial detention, and occasionally engaged in mass arrests. Local police killed, tortured, and otherwise abused both criminal suspects and other persons. Police continued to arrest and detain homosexuals. The Government partially restricted freedom of the press and significantly restricted freedom of assembly and association. The Government placed some restrictions on freedom of religion. Domestic violence against women remained a problem. Female genital mutilation (FGM) persisted despite government and nongovernmental efforts to eradicate the practice. Tradition and some aspects of the law discriminated against women and Christians. The Government limited workers' rights. Child labor remained widespread, despite government efforts to eradicate it. Exposure of workers to hazardous working conditions and other employer abuses continued.

During the year, the Government prosecuted 13 police officers for abuse and torture of prisoners. The Government abolished State Security Courts but continued to use of State Security Emergency Courts. The Government enacted a law to abolish the hard labor penalty, and passed legislation establishing a National Council for Human Rights. The Government generally permitted human rights groups to operate openly.

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, during the year, human rights organizations and the press reported that at least 8 persons died in custody at police stations or prisons.

In April, the Egyptian Organization for Human Rights (EOHR) released a report called "Torture Should be Stopped." It documented five cases of alleged death due to torture which occurred in police stations and detention centers in 2002. The report also included 31 cases of torture, 9 of which the report states "are expected to end in death."

On September 12, Mohammad Abdel-Sattar Musri, an electronics engineer, reportedly died of torture while in custody at the headquarters of El Fayoum SSIS. He was detained 3 days after the detention of his younger brother, Ahmed, who was accused of disseminating anti-war propaganda.

On September 22, the Human Rights Association for the Assistance of Prisoners (HRAAP) called for an investigation into the case of Mohamed Abdel Setar, who

died on September 19, reportedly while in the custody of the local State Security office. The Association alleged that he was tortured to death.

On September 30, the Association for Human Rights and Legal Aid released a report detailing two cases involving deaths in custody allegedly due to torture. According to the report, 31-year-old Mohammed al-Sayyed was arrested on September 7. When his father picked up his body on September 14, he was covered with bruises, his skull was fractured, and his nails had been pulled out. The report also covered the separate death of detainee Ahmad Mohammed Omar, who died from alleged mistreatment.

According to local human rights monitors, on October 4, police officers in the Sayyeda Zeinab district of Cairo arrested Mahmoud Gabr Mohammed while he was sitting in a cafe, for unknown reasons. He was taken to Sayyeda Zeinab police station where he died on October 7. Family members and health officers who examined the body prior to burial reported numerous injuries and bruises. There were no reports of an investigation into the case at year's end.

On November 4, Saad Sayyed Mohammed Kotb, an accountant at the engineer's syndicate, died in custody at the Giza State Security station. He was arrested on November 1 for his alleged association with the banned Muslim Brotherhood. An investigation has reportedly been ordered, but no information on its progress was available by year's end.

The investigation into the 2002 deaths of five prisoners at Ghurbaniyat Prison remained pending at year's end.

b. Disappearance.—There were some reports of disappearance during the year. During the year, the EOHR reported the February 9 disappearance of Adel Mohammed Kamiha, a coffee shop owner, who reportedly disappeared following his transfer from police custody to the custody of State Security in Alexandria. His whereabouts remained unknown at year's end. On August 11, Reda Helal, a journalist, disappeared. The police initiated an investigation into his disappearance; however, Helal's whereabouts continued to be unknown at year's end. Despite some speculation to the contrary, there was no evidence to suggest government involvement in his disappearance.

At year's end, at least 50 other cases of disappearance from previous years documented by human rights organizations remained unsolved. Human rights organizations provided names to the U.N. Working Group on Enforced and Involuntary Disappearances; the Government reportedly has denied any involvement in the cases.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.—The Constitution prohibits the infliction of "physical or moral harm" upon persons who have been arrested or detained; however, torture and abuse of detainees by police, security personnel, and prison guards remained common and persistent. The November, 2002 session of the U.N. Committee Against Torture noted a systematic pattern of torture by the security forces.

Police torture resulted in deaths during the year (see Section 1.a.).

Under the Penal Code, torture or giving orders to torture are felonies punishable by 3 to 10 years' imprisonment. In June, the Government abolished hard labor as a punishment; however, prior to June, some hard labor sentences were imposed.

If the victim dies under torture, the crime is one of intentional murder punishable by a life sentence. Arrest without due cause, threatening death, or using physical torture is punishable by imprisonment. Abuse of power to inflict cruelty against persons is punishable by imprisonment and fines. Victims may also bring a criminal or civil action for compensation against the responsible government agency. There is no statute of limitations in such cases. For example, on January 13, an Administrative Court in Alexandria ruled that the Ministry of Interior should pay \$25,975 (120,000 LE) in compensation to citizen Ramadan Mohammed, who was detained illegally for 9 days and tortured in 1996.

Despite these legal safeguards, there were numerous, credible reports that security forces tortured and mistreated detainees. Human rights groups believed that the SSIS, police, and other Government entities continued to employ torture. Torture was used to extract information, coerce the victims to end their oppositionist activities, and to deter others from similar activities. Reports of torture and mistreatment at police stations remained frequent. While the Government investigated torture complaints in criminal cases and punished some offending officers, the punishments generally have not conformed to the seriousness of the offense.

Principal methods of torture reportedly employed by the police and the SSIS included victims being: stripped and blindfolded; suspended from a ceiling or door-frame with feet just touching the floor; beaten with fists, whips, metal rods, or other objects; subjected to electrical shocks; and doused with cold water. Victims frequently reported being subjected to threats and forced to sign blank papers for use

against the victim or the victim's family in the future should the victim complain of abuse. Some victims, including male and female detainees and children reported that they were sexually assaulted or threatened with rape themselves or family members. The Emergency Law authorizes incommunicado detention for prolonged periods. Detentions under this law were frequently accompanied by allegations of torture (see Section 1.d.). While the law requires security authorities to keep written records of detentions, human rights groups reported that the lack of such records often effectively blocked investigation of complaints.

In April, Amnesty International (AI) reported that seven students, journalists, and activists were subjected to torture and beatings at the Cairo headquarters of the SSIS. Activist Manal Khaled and lawyer Aiad Abdel Hamid al-Uleimi were reportedly beaten severely with sticks and belts and Khaled also was threatened with rape upon arrest. In March, AI also reported that at least five detainees were tortured with electro shock at the Lazoghili SSIS Headquarters.

On September 18, the Hisham Mubarak Law Center issued a report documenting the mistreatment in detention of anti-Iraq war activist Ramez Gihad Abdel Aziz, who was arrested on April 12. Abdel Aziz was allegedly suspended from above the floor, beaten, kicked, and subjected to electric shocks. The report named State Security Officer Walid El Dessouqi as a principal supervisor of the torture. The report added that Dessouqi repeatedly threatened reprisals against Abdel Aziz and his family if a complaint was filed against him. The Government maintained that its own investigation found that the allegations were unsubstantiated.

On October 11, according to media accounts and human rights monitors, police in Helwan stormed a house searching for two persons suspected in a homicide. Although the suspects were not present, police took into custody between 11 and 15 members of their family, including four women. The detained family members allege they were beaten, whipped, suspended, stripped, and molested as police attempted to extract information about the whereabouts of the two suspects. The case reportedly has been referred for investigation; however, no information on its progress was available by year's end.

In April, the EOHR reported 40 documented cases of torture with 9 deaths in 2002 in police stations and other detention centers.

The Government continued efforts during the year to hold security personnel accountable for torturing prisoners in their custody. Human rights organizations and the press reported that 13 police officers in 5 cases were held publicly accountable. Some of the cases involved incidents that took place in previous years. Some but not all of the cases prosecuted involved the deaths of prisoners.

On May 12, a criminal court in Minya sentenced a prison official and four subordinates to 10-year prison sentences for the torture and death of Ahmed Mohamed El Radi Dardir. The court also sentenced two other prison officials, including the prison doctor, to dismissal and 1 year's imprisonment for forging documents related to the case. On May 19, a court of appeal upheld the December 2002 conviction of police officer Arafa Hamza. Arafa Hamza was sentenced to one year in prison for the death from torture of 21-year-old student Ahmed Mahmoud.

On June 5, Luxor Police Major Magdy Awad and an assistant were referred for prosecution for the May 14 torture of Nagdy Mohamed Gad El Rub, who was accused of theft. He reportedly suffered severe burns as a result of torture. His brother and sister were also briefly detained, allegedly to compel a confession. At year's end, the case had not yet been referred to trial.

The Human Rights Center for the Assistance of Prisoners (HRCAP), in an October 2002, report entitled "The Truth," commended judicial efforts to try security officers for torture, but outlined current obstacles, including a vague legal definition of torture, and the inability of victims to sue perpetrators directly.

On August 14, a 3-month sentence was given and then suspended for two officers, Hossam Hassan Abul Ma'alli and Yasser Hussein Yousri, charged with the March 2002 torture and death of Mehat Fahmi Ibrahim at Al Gomrok police station.

On September 15, the public prosecutor referred to trial 12 police officers on charges of forging official documents, torture to extract a confession, and the illegal detention in 1996 of Mohammed Badr Eddine Gomaa. In 1996, Gomaa went to Alexandria police to report the disappearance of his daughter. Months later, after the discovery of the mutilated body of a child, police arrested Gomaa and allegedly extracted from Gomaa through torture a confession. His missing daughter subsequently reappeared alive. Rather than release Gomaa, police charged him with the murder of the discovered unidentified child. The charges against Gomaa were dropped in October 1998. The police who had allegedly illegally detained and tortured Gomaa were not charged until September.

There were no developments in the 2002 case of Mohamed Mahmoud Osman who allegedly died as a result of sustained torture while at Old Cairo Police Station.

Civil courts continued to review cases and frequently awarded compensation to victims of police abuse. Human rights observers recommended that rules and standards for victims be established to obtain redress and parity in compensation.

In prominent criminal cases, defendants alleged that police tortured them during questioning. In 2002, attorneys for 52 allegedly homosexual men, arrested in 2001 and charged with debauchery and "insulting a heavenly religion," claimed that their clients were abused physically during the initial days of their detention, and that several had confessed under torture. Defendants in other cases involving homosexuality also claimed that they were tortured to extract confessions to the charge of "debauchery" (see Sections 1.e. and 2.c.).

Arrests of homosexuals occurred during the year (see Section 5).

In January 2002, police arrested Zaki Saad Zaki Abd al-Malak, a 23-year resident of Ismailia was arrested in an Internet sting operation. HRW reports that police beat him daily during 2 weeks of detention in Agouza Police Station. Malak was sentenced to 3 years imprisonment, followed by 3 years police supervision. According to reports, he is being held in Borg al-Arab prison near Alexandria. A further appeal is pending.

In February, Human Rights Watch (HRW) issued a report on police abuse of children. According to the report, children were routinely detained in adult police facilities and reportedly beaten with batons, whips, rubber hoses, and belts. They were also reportedly subjected to sexual abuse and violence by adult detainees (see Section 5). The Government asserted that the study "drew broad conclusions from a limited base," and that abuses were "individual" transgressions dealt with firmly by Egyptian law."

The Government's investigation of the alleged torture of suspects detained in connection with a 1998 double murder in the town of al-Kush, Sohag Governorate, again appeared to have made no progress by year's end (see Section 2.c.).

In August, Egyptian Association Against Torture (EAAT) was denied registration as an association under the new NGO Law (see Section 4).

In November 2002, three domestic human rights associations, as well as two international organizations, presented their allegations and findings to the Committee Against Torture (CAT), a subcommittee of the U.N. Commission on Human Rights. The CAT report expressed concerns about: the continued implementation of the state of emergency; consistent reports of torture and ill treatment; abuse of juveniles and homosexuals; the continued use of administrative detention; the lack of access by victims of torture to the courts and lengthy proceedings; and disparities in the awarding of compensation.

The report included several recommendations: ending the state of emergency; the adoption of a clear legal definition of torture; the abolition of incommunicado detention; the review of military court decisions by a higher tribunal; the removal of ambiguities in the law that allow the prosecution of individuals for their sexual orientation; the acceptance of a visit by a U.N. Special Rapporteur on Torture; the establishment of rules and standards for victims; and to allow human rights organizations to pursue their activities unhindered. The Government maintained that the CAT's recommendations were under review at year's end.

Actions cited by the Government at the hearing include: the 2001 abolition of flogging in prisons; unannounced inspections of places of detention; court decisions that disregarded confessions obtained under duress; increased human rights training for police officials; and the establishment of several human rights committees and departments within government ministries.

The Government did not permit a visit to the country by the U.N. Special Rapporteur on Torture during the year; however, while the Government declined requests for such a visit in the past, it asserted during the year that it "welcomes, in principle," such a visit.

Prison conditions remained poor and tuberculosis was widespread. Prisoners suffered from overcrowding of cells, the lack of proper hygiene, food, clean water, proper ventilation, and recreational activities, and medical care. Some prisons continued to be closed to the public.

In June, a group of inmates at Qanatir Foreigner's Prison went on a hunger strike following the death of a 52-year-old Kuwaiti inmate. Prisoners attributed the Kuwaiti's death and the deaths of two others earlier in the year to poor conditions including inadequate ventilation and medical care. Conditions at Qanatir were generally believed to be better than at other prisons.

There were no reports of an investigation of Qanatir prison conditions during the year.

On July 16, the Government released three members of the Muslim Brotherhood before the expiration of their 5-year prison terms.

Failure to implement judicial rulings regarding the release of administrative detainees and the opening of prisons to visits remained a problem. Relatives and lawyers often were unable to obtain access to prisons for visits. Restrictions were placed on visits to prisoners incarcerated for political or terrorist crimes, limiting the number of visits allowed for each prisoner and the total number of visitors allowed in the prison at one time.

On May 20, HRAAP criticized the decision of the Assistant Minister of Interior for Prisons banning visitation at two prisons, Istiqbal Tora and Liman Abu Za'bal. Damanhour and Fayyoun prisons reportedly also were closed. The ban was lifted on July 1, although certain prisoners were reportedly still denied visitation rights.

As required by law, the public prosecutor continued to inspect prisons during the year; however, findings were not made public. The SSIS prisons were excluded from mandatory judicial inspection.

There were separate prison facilities for men, women, and juveniles. In practice, the separation of adults from juveniles did not always occur and abuses of minors were common. Civilians were not detained in military prisons. Political prisoners generally were detained separately from prisoners convicted of violent crimes.

Lawyers were permitted to visit prisoners in their capacity as legal counsel; however, in practice, they often faced considerable bureaucratic obstacles that prevented them from meeting with their clients.

In December 2002, the Ministry of Interior issued a decree instructing each police station in the Governorate of Cairo to allocate a room specifically for the interrogation and detention of persons without a previous criminal record.

The International Committee of the Red Cross (ICRC) and other domestic and international human rights monitors did not have access to prisons or to other places of detention.

d. Arbitrary Arrest, Detention, or Exile.—The Constitution prohibits arbitrary arrest and detention; however, during the year, security forces conducted large-scale arrests and detained hundreds of individuals without charge. Police also at times arbitrarily arrested and detained persons. The Emergency Law provides that police may obtain an arrest warrant from the Ministry of Interior upon showing that an individual poses a danger to security and public order. This procedure nullified the constitutional requirement of showing that an individual likely has committed a specific crime to obtain a warrant from a judge or prosecutor.

The country has both local and national law enforcement agencies, all of which fall under the Ministry of Interior. Local police operate in large cities and governorates. State Security and Central Security Force officers are responsible for law enforcement at the national level and for providing security for infrastructure and key officials, both domestic and foreign. Single-mission agencies such as the Tourist and Antiquities Police, and the Anti-Narcotics General Administration also work at the national level.

Apart from the use of torture, career police officers are generally professional and well trained, although they have limited resources and manpower. There was corruption in the police force below senior levels, but it was not thought to be systemic or widespread. There is an internal affairs mechanism for investigating corruption which is actively employed. Judicial recourse is also employed. Human rights monitors believe the use of torture by police is widespread. Although some police were prosecuted, human rights monitors believed most incidents of torture went unpunished.

The Emergency Law allows authorities to detain an individual without charge. After 30 days, a detainee has the right to demand a court hearing to challenge the legality of the detention order and may resubmit his motion for a hearing at 1-month intervals thereafter. There is no maximum limit to the length of detention if the judge continues to uphold the legality of the detention order or if the detainee fails to exercise his right to a hearing. Incommunicado detention is authorized for prolonged periods by internal prison regulations. Human rights groups and the CAT both expressed concern over the application of measures of solitary confinement.

In January, HRW reported that 11 alleged members of the Egyptian People's Committee for Solidarity with the Palestinian Uprising were arrested shortly after anti-war demonstrations on January 18 in the al-Sayyida Zeinab district of Cairo. In February, all were reportedly released.

On February 8, SSI raided the home of Ibrahim al-Sahary, a journalist writing *Al-Anam Al-Youm* newspaper, and the *New War for Hegemony and Oil* and Sabri Al-Sammak, a film producer and anti-war activist. According to human rights groups, the arresting officers showed no warrant or identification, or an administrative detention order. Al-Sahary was taken to SSI headquarters in Cairo and later transferred to Mazra'at Tora prison where he was reportedly being held in solitary

confinement under administrative detention. Al-Sammak was also being held at Mazra'at Tora prison. In February, both were reportedly released.

On March 20, during an anti-war protest, security forces abused protestors around Cairo's Tahirir Square. The Government claimed that some of the demonstrators were violent. Approximately 800 persons were arrested, some apparently arbitrarily. In November, HRW released a report, "Security Forces Abuse of Anti-War Demonstrators," documenting excessive use of force by security forces to disperse demonstrators protesting in March. Of the approximately 800 persons arrested, almost all were released within 24 hours, except 61 who were held for investigation and charged with destruction of property, promoting disorder and other offenses.

On August 12, National Security Intelligence arrested 12 members of the banned Muslim Brotherhood group from the students and teachers college at Fayoum University. The 12 were reportedly detained in connection with the September student union elections at the University.

In addition to the Emergency Law, the Penal Code also gives the State broad detention powers. Under the Penal Code, prosecutors must bring charges within 48 hours following detention or release the suspect. However, they may detain a suspect for a maximum of 6 months pending investigation. Arrests under the Penal Code occurred openly and with warrants issued by a district prosecutor or judge. There is a system of bail. The Penal Code contains several provisions to combat extremist violence, which broadly define terrorism to include the acts of "spreading panic" and "obstructing the work of authorities."

Hundreds, perhaps thousands, of persons have been detained administratively in recent years under the Emergency Law on suspicion of terrorist or political activity. Several thousand others have been convicted and serving sentences on similar charges (see Section 1.e.). The Human Rights Association for the Assistance of Prisoners estimated that the total figure of persons held in administrative detention was approximately 15,000.

On September 3, the Minister of Interior issued a decree ordering the release of 1,000 political detainees affiliated with the terrorist Islamic Group (IG) after they reportedly renounced violence. Most prominent among those released was former Islamic Group leader Karim Zohdy. HRAAP called the move "an effective and positive step," but called for the Ministry of Interior to release all political prisoners, especially those suffering from health problems, and urged that prisoners be moved to prisons in their home governorates to facilitate family visitation.

In March 2002, HRAAP (then known as HRCAP) began issuing lists of sick prisoners that it alleged were detained illegally. At year's end, the group counted 505 such persons. The lists provided information on the date of arrest (all from the 1990s), the number of court orders for release, present places of detention, and ailments. The reports did not include information on the reasons for detention (political or criminal). HRCAP forwarded the lists to the President, urging the release of the detainees. The Government had not responded to the report at year's end.

On April 12, Ashraf Ibrahim was arrested on charges of defaming the state and with membership in an extremist group plotting the overthrow of the state. On December 6, his trial, and that of four (absent) codefendants, began 6 before the Higher Emergency State Security Court (see Section 1.e.). Human rights activists argued that Ibrahim was prosecuted for peaceful political activities. These groups condemned Ibrahim's trial in an emergency court, in which the defendant's rights are restricted.

In August, 37 men suspected of belonging to a banned Islamist group Al-Gama'a al-Islamiya, which took part in a violent campaign to overthrow the government in the 1990s, were arrested. The men remained in detention at year's end.

There were no further developments in the 2002 investigation of allegations that Tawfiq Wail was tortured while in detention.

During the year, security forces arrested approximately 65 persons allegedly associated with the Muslim Brotherhood, which has been an illegal organization since 1954. Charges leveled against members typically included: belonging to and attempting to revive the activities of a banned organization; obstructing the laws and constitution of the country; inciting the masses against the Government; organizing demonstrations critical of the government's policies and attempting to infiltrate student bodies to spread the ideology of a banned organization.

The Constitution prohibits forced exile, and the Government did not use it during the year.

e. Denial of Fair Public Trial.—The Constitution provides for an independent judiciary, and the Government generally respected this provision in practice; however, under the Emergency Law, cases involving terrorism and national security may be tried in military, or State Security Emergency Courts, in which the accused does

not receive all the normal constitutional protections of the civilian judicial system. The authorities ignored judicial orders in some cases. The Government has used the Emergency Law, which was established to combat terrorism and grave threats to national security, to try cases with no obvious security angle.

In May, the Government formally abolished State Security Courts. The courts had been criticized for restricting the rights of defendants, particularly the right to appeal. A number of cases referred to the State Security Courts were transferred to regular criminal courts. However, skeptical observers of the legal system argued that as long as the Government retained and used Emergency Courts, the abolition of State Security Courts did not constitute a fundamental improvement.

The Constitution provides for the independence and immunity of judges and forbids interference by other authorities in the exercise of their judicial functions. This provision generally was observed in practice. The President appoints all judges upon recommendation of the Higher Judicial Council, a constitutional body composed of senior judges. Judges are appointed for life, with mandatory retirement at age 64. Only the Higher Judicial Council may dismiss judges for cause, such as corruption. Headed by the President of the Court of Cassation, the Council regulates judicial promotions and transfers. The Government included lectures on human rights and other social issues in its training courses for prosecutors and judges.

In the civilian court system, there are criminal courts, civil courts, administrative courts, and a Supreme Constitutional Court. There are three levels of regular criminal courts: primary courts, appeals courts, and the Court of Cassation, which represents the final stage of criminal appeal. Civil courts hear civil cases and administrative courts hear cases contesting government actions or procedures; both systems have upper-level courts to hear appeals. The Supreme Constitutional Court hears challenges to the constitutionality of laws or verdicts in any of the courts.

A lawyer is appointed at the state's expense if the defendant does not have counsel. Appointed lawyers are drawn from a roster that is chosen by the Bar Association. Any denial of this right is a ground for appeal of the ruling. However, detainees in certain high security prisons continued to allege that they were denied access to counsel or that such access was delayed until trial, thus denying counsel the time to prepare an adequate defense. A woman's testimony is equal to that of a man's in court. There is no legal prohibition against a woman serving as a judge; however, none did (see Section 5).

In 1992, following a rise in extremist violence, the Government began trying cases of defendants accused of terrorism and membership in terrorist groups before military tribunals. In 1993, the Supreme Constitutional Court ruled that the President may invoke the Emergency Law to refer any crime to a military court. The 1993 ruling in effect removed hundreds of civilian defendants from the normal process of trial by a civilian judge. The Government defended the use of military courts as necessary to try terrorism cases, maintaining that trials in the civilian courts were protracted and that civilian judges and their families were vulnerable to terrorist threats. One case involving civilian defendants was referred to a military court during the year. On January 23, the Government referred 43 suspected members of the outlawed terrorist organization the Islamic Group to a military court on charges of planning to conduct terrorist operations against foreign interests.

Military verdicts were subject to a review by other military judges and confirmation by the President, who in practice usually delegated the review function to a senior military officer. Defense attorneys claimed that they were not given sufficient time to prepare defenses and that judges tended to rush cases involving a large number of defendants. Judges had guidelines for sentencing, defendants had the right to counsel, and statements of the charges against defendants were made public. Observers needed government permission to attend. Diplomats attended some military trials during the year. Human rights activists have attended, but only when acting as lawyers for one of the defendants.

The State Security Emergency Courts shared jurisdiction with military courts over crimes affecting national security. The President appointed judges to these courts from the civilian judiciary upon the recommendation of the Minister of Justice or, if he chose to appoint military judges, the Minister of Defense. Sentences were subject to confirmation by the President. There was no right of appeal. The President may alter or annul a decision of a State Security Emergency Court, including a decision to release a defendant.

During the year, State Security Emergency Courts handed down verdicts in four cases. One new case was referred to trial in an emergency court. On January 30, an English language teacher was sentenced to 1-year imprisonment after allegedly sending a threatening e-mail to a foreign Ambassador. On February 28, Nabil Ahmad Rizq was sentenced to 5 years after being convicted of playing a role in the 1981 assassination of President Sadat. On March 17, Ahmad Abdel Hafiz Soliman

was sentenced to 10 years imprisonment for setting fire to video stores and a cinema in 1985. On July 28, a State Security Emergency Court announced that its verdict in the case of 26 persons alleged to be members of the outlawed Islamic Liberation Party, would be released on December 25. However, on December 25, judges announced that the verdict would be delayed until March of next year. Several of the defendants, including five Britons, alleged they had been tortured to compel them to sign confessions. On December 6, the State Security Emergency Court began hearing the trial of Ashraf Ibrahim and four co-defendants. The co-defendants were listed as fugitives and remained at large. The trial was ongoing at year's end (see Section 1.d.).

In March, a court sentenced Sherif El-Filali to 15 years' hard labor on espionage charges. On March 5, a court convicted eight persons from the city of Matariya of "insulting a heavenly religion." Sentences ranged from 3 years in prison to a 1-year suspended sentence (see Section 2.c.). In April, courts sentenced to 10 years at hard labor Mohammed El-Sayid Soliman, an alleged member of the banned terrorist Islamic Jihad group, as well as an alleged associate of Al-Qai'da leader Ayman Al-Zawahiri. In June, a court sentenced Magdi Anwar Tawfiq to 10 years of hard labor for spying for Israel.

In June, the Government enacted a law abolishing hard labor.

In a July retrial, Mahmoud Abdel Ghani, an alleged member of the IG, was sentenced to life in prison for having joined the military wing of the group in Assiut and subsequently killing a police officer. At his first trial, Abdel Ghani had been sentenced to 5 years, but a military governor, on behalf of the President, refused to ratify the ruling and ordered a retrial. There were no further judgments concerning terrorism issued by emergency courts after July.

During the year, the Government continued to try and convict journalists and authors for libel, as well as for expressing their views on political and religious issues (see Sections 2.a. and 2.c.).

According to local human rights organizations, there were approximately 13,000 to 16,000 persons detained without charge on suspicion of illegal terrorist or political activity (see Section 1.d.). In addition to several thousand others were convicted and were serving sentences on similar charges.

The Government did not permit access by international humanitarian organizations to political prisoners (see Section 1.c.). In 2002, an AI delegation was permitted to visit the country, but authorities denied the group's request to visit detainees. There were no prison visits during the year.

f. Arbitrary Interference with Privacy, Family, Home or Correspondence.—The Constitution provides for the sanctity and secrecy of the home, correspondence, telephone calls, and other means of communication; however, the Emergency Law suspends the constitutional provisions regarding the right to privacy, and the Government used the Emergency Law to infringe on these rights. Under the Constitution, police must obtain warrants before undertaking searches and wiretaps. Courts have dismissed cases in which warrants were issued without sufficient cause. Police officers who conducted searches without proper warrants were subject to criminal penalties, although penalties seldom were imposed. However, the Emergency Law empowers the Government to place wiretaps, intercept mail, and search persons or places without warrants. Security agencies frequently placed political activists, suspected subversives, journalists, foreigners, and writers under surveillance, screened their correspondence (especially international mail), searched them and their homes, and confiscated personal property.

In February, the Parliament approved a new telecommunications law which allows telephone and Internet wiretaps only by court order. However, some alleged that the Government routinely violated this law.

Although the law does not explicitly criminalize homosexual acts, police have targeted homosexuals using Internet-based "sting" operations leading to arrests on charges of "debauchery." Local activists estimated there have been at least 40 such entrapments since 2001, with 15 new instances during the year (see Sections 1.c, 1.e., and 2.a.).

The Ministry of Interior has the authority to stop specific issues of foreign-published newspapers from entering the country on the grounds of protecting public order. It exercised this authority sporadically during the year (see Section 2.a.).

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Speech and Press.—The Constitution provides for freedom of speech and of the press; however, the Government partially restricted these rights in practice. The Government used the Emergency Law to infringe on citizens' civil liberties. Citizens openly expressed their views on a wide range of political and social issues, including vigorous criticism of government officials and policies, but generally avoid-

ed certain topics, such as direct criticism of the President. Journalists and writers practiced self-censorship.

Ending a long-standing legal case that had broad implications for freedom of expression and human rights advocacy, the Court of Cassation on March 18 acquitted Saad Eddin Ibrahim and his codefendants on charges of defaming the state and illegally accepting foreign funds.

The Constitution restricts ownership of newspapers to public or private legal entities, corporate bodies, and political parties. There are numerous restrictions on legal entities that seek to establish their own newspapers, including a limit of 10 percent ownership by any individual; however, this appears to have been sporadically applied.

The Government owned stock in the three of the largest daily newspapers, and the President appointed their editors in chief. These papers generally followed the government line. The Government also held a monopoly on the printing and distribution of newspapers, including those of the opposition parties. The Government used its monopolistic control of newsprint to limit the output of opposition publications.

Opposition political parties published their own newspapers but received a subsidy from the Government and, in some cases, subsidies from foreign interests as well. Most opposition newspapers were weeklies, with the exception of the dailies Al-Wafd and Al-Ahrar, both of which had small circulation. Opposition newspapers frequently published criticism of the Government. They also gave greater prominence to human rights abuses than did state-run newspapers.

On July 30, the Press Syndicate held its board elections which were generally considered to be credible and transparent. Nasserist Galal Aref was elected president of the board. Twelve other members were elected including four Muslim Brothers, three Nasserists/leftists, and five journalists considered supporters of the Government.

On June 11, the Higher Council for the Press at the Shura Council approved the registration of eight new newspapers. On July 8, the same body approved the registration of an additional 20 newspapers and magazines. On December 30, the Higher Council for the Press approved the registration of 10 new newspapers.

These actions brought the total number of licensed periodicals in the country to 518, including 64 national papers, 40 opposition party papers, seven private newspapers, 252 "specialized" publications, 142 scientific journals, and 67 local publications.

On July 4, the Ministry of Interior acting without court order banned distribution of the second issue of the Al Saada newspaper, which was associated with the Takaful Party. State Security officials summoned paper chairman and party secretary-general Essam Abdel Razzak, and told him that the Government objected to the paper's editorial policy.

In September, the Government issued a ban on the London-based Arabic newspaper Al-Quds al-Araby following its publication of an article perceived to be critical of the Egyptian presidency. On November 23, the Arab Program for Human Rights Activists issued a statement condemning a decision by the council of Ministers to extend the ban to year's end.

Because of the difficulties in obtaining a license, several publishers of newspapers and magazines aimed at a domestic audience obtained foreign licenses. The Department of Censorship in the Ministry of Information has the authority to censor or halt their distribution.

The Supreme Constitutional Court still had not reached a decision on a 1999 legal challenge to the constitutionality of the Information Ministry's censorship of offshore publications. The Supreme Constitutional Court began hearing the case in 2000 and held another hearing in January, but still had not issued a decision by year's end.

The Penal Code, Press Law, and Publications Law govern press issues. The Penal Code stipulates fines or imprisonment for criticism of the President, members of the Government, and foreign heads of state. The Supreme Constitutional Court agreed in 1998 to review the constitutionality of those articles of the Penal Code that specify imprisonment as a penalty for journalists convicted of libel, but had not begun hearing the case by year's end. The Press and Publication Laws ostensibly provide protection against malicious and unsubstantiated reporting. In recent years, opposition party newspapers have published within limits articles critical of the President and foreign heads of state without being charged or harassed. However, the Government continued to charge journalists with libel. An editor-in-chief found to be negligent could be considered criminally responsible for libel contained in any portion of the newspaper.

During the year, the courts tried a number of prominent cases of slander, filed both by government officials and private citizens. For example, on March 1, a court

of misdemeanors dismissed a libel suit brought by businessman Naguib Sawaris in 2002 against Adel Hamoud and Essam Fahmy, the editor and publisher of the tabloid *Sawt al-Umma*.

On March 4, the misdemeanor court of appeals overturned a lower court ruling fining the tabloid, *Sawt el-Umma*, \$1,670 (10,000 LE) in another civil case brought by Sawaris.

On June 1, the Court of Cassation upheld a lower court decision to imprison Mustafa and Mahmoud Bakry, the editor and deputy editor of the tabloid *al-Osboa*, in a libel suit brought by Mohamed Abdel Aal, head of the Social Justice Party and editor of *al-Watan al-Arabi* newspaper. On June 24, the Bakry brothers filed a motion to dismiss the case against them, noting Abdel Aal's May 25 indictment by another court on charges of bribery and extortion. The motion resulted in the Bakry's interim release.

On June 24 and 25, a civil court dismissed two libel cases against *Al-Osboa* journalist Ateya Hussein, each seeking \$164,000 (1,000,000 LE) in damages.

On July 6, the office of the Public Prosecutor began reviewing a libel case brought by Deputy Prime Minister and Minister of Agriculture Youssef Wally against Ahmed Ezz Eddine, a journalist from the tabloid *Al-Osboa*. Wally accused Ezz Eddine of wrongly accusing him of perjury and corruption. On October 5, the Public Prosecutor referred the case to Cairo criminal court for trial.

On July 20, a criminal court dismissed a libel case brought by an academic official against journalist Mustafa Soliman of the tabloid *Al-Osboa*.

On July 24, a State Security Emergency Court sentenced Talaat Hashem, editor of *Misr al-Fatah* newspaper, to 1-year imprisonment for publishing a newspaper without a license. *Misr al-Fatah's* license was frozen in the mid-1990s, but the paper continued to publish for some time.

On December 1, Mustafa Bakry, Chief Editor of the tabloid *al-Osboa*, filed a lawsuit with the office of the Public Prosecutor accusing activist Saad Eddin Ibrahim of working for a foreign government in exchange for financial support. One week later, Ibrahim filed a libel suit against Bakry. The investigation was ongoing at year's end.

Under the law, the Public Prosecutor may issue a temporary ban on the publication of news pertaining to cases involving national security in order to protect the confidentiality of the cases. The length of the ban is based on the length of time required for the prosecution to prepare its case.

On December 30, the Public Prosecutor issued a press ban on an ongoing corruption investigation involving the director of the National Heart Institute.

The law provides penalties for individuals who disclose information about the State during emergencies, including war and natural disasters. The penalties include fines of up to \$1,000 (approximately 6,000 LE) and prison sentences of up to 3 years. There were no reports that the law was applied during the year.

The law prohibits current or former members of the police from publishing work-related information without prior permission from the Interior Minister.

The law authorizes various ministries to ban or confiscate books and other works of art upon obtaining a court order. There were no court-ordered book confiscations during the year. However, during the Cairo International book Fair in January, the censorship department banned entry of copies of "Zorba the Greek," by Nikos Kazantzakis, and "The Unbearable Lightness of Being" and "Life is in Another Place" by Milan Kundera, both printed in Arabic by a Lebanese publisher. Other titles denied entry into the country were "The Yearning Flying Creatures" by Edward Kharrat, "Satan's Paradise" by Nawal el-Saadawi, and "Life is Better than Heaven" a memoir by a repentant former member of the IG.

On June 23, the North Cairo Court overturned a decision by the Public Prosecutors office to arrest author Mohamed Abdel Salam El 'Amry and confiscate his book "Beauties: A Novel of Knowledge." The court ordered the release of the book and the writer.

On July 13, the South Cairo Court ordered the confiscation of the book series "The Jurisprudence of the Sunna" by the late Sheikh Mohammed Sayyed Sabek. The series was reprinted by a publishing house without the permission of the heirs.

In December, following international expressions of concern, the special collections section of the Alexandria Library removed a copy of "The Protocols of the Elders of Zion" from a display case. In a statement, the director of the library denied allegations that the protocols had been displayed next to the Jewish Torah, but nonetheless stated that the inclusion of the protocols was a "bad judgment" and regretted any offense the incident might have caused.

The Ministry of Interior regularly confiscated leaflets and other works by Islamists and other critics of the State. Members of the illegal Muslim Brotherhood also were arrested in connection with publications (see Sections 1.d. and 3). In many

cases, the press reported that police confiscated written materials such as leaflets during the arrests.

The Ministry of Interior sporadically prevented specific issues of foreign-published newspapers from entering the country on the grounds of protecting public order (see Section 1.f.). The Ministry of Defense may ban works about sensitive security issues. The Council of Ministers may order the banning of works that it deems offensive to public morals, detrimental to religion, or likely to cause a breach of the peace.

The Government controlled and censored the state-owned broadcast media. The Ministry of Information owned and operated all ground-based domestic television and radio stations. Two private satellite stations, al Mihwar and Dream TV, began broadcasting in 2001 and operated without direct government interference. The Government had a 20 percent financial stake in the first and a 10 percent stake in the second. The Government did not block reception of foreign channels via satellite. The percentage of citizens who received satellite television broadcasts has steadily grown but remained small, while many coffee shops and other public places offered satellite television.

Plays and films must pass Ministry of Culture censorship tests as scripts and as final productions.

The Ministry of Culture censored foreign films to be shown in theaters, but was more lenient regarding the same films in videocassette format. Government censors ensured that foreign films made in the country portrayed the country in a favorable light. On June 9, the Censorship Authority banned the film "The Matrix Reloaded" for public viewing. The authority justified the ban by saying that it dealt with creation and existence, issues considered religiously sensitive. The authority also cited the film's "excessive violence."

On November 5, the authority banned from viewing in the country the film "Bruce Almighty" "because it incarnates the Almighty by an actor."

On December 5, the censorship authority announced it would censor four Egyptian-made films featuring child actors because they "exploit youngsters for commercial against and contradict educational values." Censored scenes involved drugs, improper language, or violence.

Government and private industry experts estimated that approximately 2 million persons in the country were Internet users. The Government did not restrict Internet use and did not monitor citizens' Internet use on a broad scale, although law enforcement officials resulted in some prosecutions for crimes such as "incitement to commit debauchery" (see Section 1.f.).

During the year, other cases of arrest related to the Internet also have included homosexuals in police "sting" operations (see Sections 1.f. and 5).

The Government did not restrict directly academic freedom at universities; however, deans were government-appointed rather than elected by the faculty. The Government justified the measure as a means to combat Islamist influence on campus. Unlike in the past, the Government did not ban books for use on campuses during the year.

b. Freedom of Peaceful Assembly and Association.—The Constitution provides for freedom of assembly and association; however, the Government significantly restricted freedom of assembly. Citizens must obtain approval from the Ministry of Interior before holding public meetings, rallies, and protest marches. Many demonstrations were not approved; however, the Government tightly controlled public demonstrations that did occur to prevent them from spreading into the streets or other areas. The Interior Ministry selectively obstructed some meetings scheduled to be held on private property and university campuses (see Section 4).

During the year, the Government permitted two major antiwar demonstrations (one tacitly organized by the Muslim Brotherhood and the other organized by the ruling National Democratic Party in tightly controlled settings) to take place. On a number of occasions, worshippers at the Al-Azhar mosque in Central Cairo held mainly impromptu demonstrations at the conclusion of Friday prayers. These were tolerated but carefully watched by the Government.

Many smaller antiwar demonstrations were held with and without permission. In both cases, the Government deployed large numbers of security personnel to contain the demonstrations. In a number of unauthorized demonstrations, police detained suspected organizers, some of whom alleged mistreatment while in detention (see Sections 1.c. and 1.d.). On March 20–21, at the launch of the military campaign in Iraq, thousands of demonstrators convened in Tahrir and Abdel Moneim Riad Squares in Central Cairo. Many of the demonstrators were violent and clashed with police. Dozens were injured and detained, including four opposition members of parliament, although almost all were released by mid-April.

The Constitution provides for freedom of association; however, the Government significantly restricted it in practice. The 2002 Law 84 grants to the Minister of In-

surance and Social Affairs the authority to dissolve by decree NGOs, a power previously reserved to the courts. The law also requires NGOs to obtain permission from the Government before accepting foreign funds. According to government officials, funds from foreign government donors with established development programs in the country were excluded from this requirement.

During the year, a number of organizations active in human rights advocacy and civil society development were allowed to register with the Ministry of Social Affairs and thus became officially recognized. However, several other groups were denied registration. In at least two cases, obscure "security objections" were cited in their rejection letters. These groups were challenging these decisions at year's end. In September, one of the groups denied, the "New Woman Center for Research" won a court judgment ordering the Ministry of Social Affairs to allow it to register as an NGO. However, the judgment had not been implemented at year's end (see Section 4).

Under legislation governing professional syndicates, at least 50 percent of the general membership of an association must elect the governing board. Failing a quorum, a second election must be held in which at least 30 percent of the membership votes for the board. If such a quorum is unattainable, the judiciary may appoint a caretaker board until new elections can be scheduled. The law was adopted to prevent well-organized minorities, specifically Islamists, from capturing or retaining the leadership of professional syndicates. Members of the syndicates have reported that Islamists have used irregular electoral techniques, such as physically blocking polling places and limiting or changing the location of polling sites.

c. Freedom of Religion.—The Constitution provides for freedom of belief and the practice of religious rites; however, the Government places restrictions on these rights. The Constitution provides that Islam is the official state religion and the primary source of legislation. Religious practices that conflict with Islamic law (Shari'a) are prohibited. However, the practice of Christianity or Judaism does not conflict with Shari'a and significant members of the non-Muslim minority worship without harassment and maintain links with coreligionists in other countries.

Most citizens are Sunni Muslims. There is a small number of Shi'a Muslims. Approximately 8 to 10 percent of the population are Christian, the majority of whom belong to the Coptic Orthodox Church. There are other small Christian denominations, a small Baha'i community, and a Jewish community that numbers approximately 200 persons.

All mosques must be licensed, and the Government was engaged in an effort to control them. The Government appointed and paid the salaries of the imams who lead prayers in mosques, proposed themes for them, and monitored their sermons. In June, Dr. Hamdy Zaqzouq, Minister of (Islamic) Religious Endowments, said there were 30,000 imams in the country, who preached at 82,000 mosques and zawaya (smaller prayer halls in private buildings). He said that his Ministry annexes approximately 6,000 unregistered mosques and zawaya every year.

Neither the Constitution nor the Civil and Penal Codes prohibits proselytizing or conversion; however, the Government discourages proselytizing by non-Muslims and those who did so risked prosecution under the Penal Code, which prohibits citizens from ridiculing or insulting heavenly religions or inciting sectarian strife.

There were no restrictions in practice on the conversion of non-Muslims to Islam; however, in cases involving conversion from Islam to Christianity, authorities have charged several converts with violating laws prohibiting the falsification of documents. In such instances, converts have altered their identification cards and other official documents themselves to reflect their new religious affiliation because of fear of government harassment if they officially register the change from Islam to Christianity. The law prescribes steps to register the conversion of non-Muslims to Islam but does not recognize the conversion of Muslims to other religions. Converts to Islam are not permitted to revert to their original religion. The minor children of converts to Islam, and in some cases adult children, may automatically become classified as Muslims in the eyes of the state regardless of the status of the other spouse. This is in accordance with established Shari'a rules, which dictates "no jurisdiction of a non-Muslim over a Muslim."

Converts from Islam to Christianity continued to report societal discrimination. In some cases they reported being subjected to harassment from the Government included regular questioning and restriction of travel abroad. Converts from Islam to Christianity cannot amend civil records to reflect their new religious status.

For example, on December 29, 2002, Malak Fahmi, a Christian, and his wife Sarah, a Christian convert from Islam, were arrested while attempting to leave the country with their two children. The couple was charged with falsification of documents. Sarah, who changed her name and religious affiliation on her marriage cer-

tificate only, reportedly stated that she did so without her husband's assistance. At year's end, the couple remained in prison.

In December, State Security forces arrested and detained without charge eight Shi'a Muslims; according to an Egyptian NGO they were questioned intensely about their religious beliefs. Three remained in detention at year's end (see Sections 2.c. and 5).

In June 2002, SSIS detained convert Hisham Samir Abdel-Lateef Ibrahim in Alexandria. He was held for 52 days at SSIS facilities in Alexandria and Cairo before being transferred to Torah Farms Prison, where he was interrogated at least three times (see Section 1.d.). Ibrahim is believed to have been charged with forging identity documents and "contempt of religion;" however, at year's end, his case had not been referred to court. In a letter smuggled out of the prison, Ibrahim claimed that other converts to Christianity were detained in the same prison. He admitted to having procured a falsified identity document that showed his new religious affiliation. Ibrahim's case came to the attention of Coptic activists during the summer, when they retained legal counsel for him and began to sue for his release (see Section 1.d.).

Local and international Christian activists reported in October that 20 persons were arrested in October, for allegedly bribing local officials to alter their civil records to identify them as Christians. Some of those arrested were reportedly converts from Islam, and others were reportedly Christians who had converted to Islam and wished to revert to their original status. Of the 20 reportedly arrested, two remained in custody at year's end, in addition to three Government officials accused of accepting bribes for the alterations.

Repairs to all places of worship are subject to a 1976 civil construction code which governs church repairs. The decree was significant symbolically because it made churches and mosques equal under the law. Christians reported that local permits still were subject to approval by security authorities. According to the Official Gazette, the Government issued 11 permits for church-related construction.

The approval process for church construction suffered from delays and was considered to be insufficiently responsive to the Christian community, although the President reportedly approved all requests for permits that were presented to him. The incidence of blocked or delayed orders varied, often depending on the church's relationship with local security officials and the level of support of the local governor.

In July 2002, following a complaint by Muslim villagers, Sohag security authorities closed a building used as a church since 1975 in Nag'a al Kiman on the grounds that it had no permit. They briefly arrested some of the congregation. Church officials maintained that most churches in the area had no permit and the security authorities were aware of that fact. There was no resolution of the problem by year's end and the church remained closed.

The Constitution requires schools to offer religious instruction. Public and private schools provided religious instruction according to the faith of the student.

The Government occasionally prosecuted members of religious groups whose practices deviated from mainstream Islamic beliefs and whose activities were believed to jeopardize communal harmony (see Sections 1.d. and 1.e.).

In December, State Security Court forces arrested and detained without charge eight Egyptian Shi'a. A leading Egyptian civil rights group reported they were questioned intensely about their religious beliefs. Three remained in detention at year's end (see Sections 1.e. and 5).

During the year, several writers also were charged with expressing unorthodox religious beliefs and practices (see Section 2.a.).

The Islamic Research Center of Al-Azhar University has authority to recommend to the Government the censorship of a book on religious grounds (see Section 2.a.). In December, the Islamic Research Center recommended banning the 2000 book "Discourse and Interpretations" by Nasr Abou Zeid. IRC member Dr. Mohammed Emara was quoted as claiming the book contradicted Islamic tenets. The Government had not acted on the recommendation at year's end.

On May 7, a Supreme Administrative Court postponed a review of an appeal filed by the Ministry of Culture, urging that the tomb of a Jewish spiritual leader, Abu Hasera, be declared a protected archaeological site. The appeal contested a 2001 ruling by a lower court rejecting the Ministry of Culture's designation of the site and canceling an annual festival held there by Jewish pilgrims. The court had not ruled on the case as of year's end.

The Constitution provides for equal public rights and duties without discrimination based on religion or creed; however, discrimination against minority religions, including Christians and Baha'is, existed. There were no Christians serving as governors, police commissioners, city mayors, university presidents, or deans. There were few Christians in the upper ranks of the security services and armed forces.

Discrimination against Christians also continued in public sector employment, in staff appointments to public universities, in failure (with the exception of one case in 2002) to admit Christians into public university training programs for Arabic language teachers that involved study of the Koran, and payment of Muslim imams through public funds (Christian clergy are paid with private church funds).

There were no new reports of violent assaults by the IG or other suspected terrorists against the approximately 6 million Coptic Christians. Several riots and conflicts with injuries and property damage occurred during the year some Christians alleged that the Government was lax in protecting Christian lives and property. In a number of cases, in particular regarding murder, it was difficult to determine whether religion was a factor.

On February 28, the retrial of 95 defendants tried in connection with the 2000 violence which left 21 Christians and 1 Muslim dead in the village of Al-Kush, ended with the acquittal of 93 and the conviction of two. Of those, one Muslim defendant was found guilty of killing the sole Muslim victim mistaken for a Christian. He was sentenced to 15 years in prison. Another Muslim defendant was judged an accomplice in the same killed and sentenced to 3 years. Charges against a third deceased defendant were dropped (see Section 1.a.). The outcome of the trial was criticized because it failed to find anyone accountable for the deaths of the 21 Christians. On March 13, Public Prosecutor Maher Abdel Wahed appealed the verdict, citing misapplication of the law and inadequate justification of the verdict.

In mid-August, at the historic St. Anthony's Monastery at a remote desert location in the Red Sea Governorate, dozens of monks confronted at least 100 government security personnel who had been deployed to the site and were reportedly under orders to demolish a fence constructed by the monks enclosing land which belonged to the State. The existence of a permit to build the fence was disputed, and the Church was in negotiations to buy the land in question. At the end of August, the Church and government security personnel reached a compromise which satisfied both parties.

There were reports of forced conversions of Coptic girls to Islam. Reports of such cases were disputed and often included inflammatory allegations and categorical denials of kidnapping and rape. Observers, including human rights groups, found it extremely difficult to determine whether compulsion was used, as most cases involved a Coptic girl who converted to Islam when she married a Muslim. According to the Government, in such cases the girl must meet with her family, with her priest, and with the head of her church before she is allowed to convert. However, there were credible reports of government harassment of Christian families that attempted to regain custody of their daughters. The law states that a marriage of a girl under the age of 16 is prohibited. Between the ages of 16 and 21 is illegal without the approval and presence of her guardian. The authorities also sometimes failed to uphold the law in cases of marriage between underage Christian girls and Muslim boys.

There is no legal requirement for a Christian girl or woman to convert to Islam in order to marry a Muslim. However, if a Christian woman marries a Muslim man, the Coptic Orthodox Church excommunicates her. Ignorance of the law and societal pressure, including the centrality of marriage to a woman's identity, often affect her decision. Family conflict and financial pressure also are cited as factors. Conversion is regarded as a disgrace to the convert's family, so most Christian families would object strongly to a daughter's wish to marry a Muslim. If a Christian girl converts to Islam, her family loses guardianship, which transfers to a Muslim custodian, who is likely to grant approval.

In April 2002, a court ruled in the case of Iman 'Atiya Soliman, born a Christian in 1982, who "disappeared," or was "kidnapped," (according to her family) in 1999, reportedly converted to Islam in 1999, and married in 2000. The girl's father sued for custody and abolition of the marriage, alleging that authorities had issued her a falsified identity card, which showed her to be 22 at the time of her marriage. The court ruled that the father lost custody of his daughter when she converted to Islam.

Anti-Semitism is found in both the progovernment and opposition press; however, there have been no violent anti-Semitic incidents in recent years.

In 2002, Dream TV aired a historical drama series titled "Horseman without a Horse." The series contained numerous anti-Semitic depictions of Jewish characters and drew significant international protests."

A 1960 ban on Baha'i institutions and community activities remained in place at year's end. All Baha'i community properties, including Baha'i centers, libraries, and cemeteries, that were confiscated in 1960 remained closed. "Baha'i" is not permitted as a religious identity, which is a required category on official documents.

According to media reports, al-Azhar's Islamic Research Center reiterated fatwas issued in previous decades condemning Baha'is as apostates.

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

d. Freedom of Movement within the Country, Foreign Travel, Emigration, and Repatriation.—The law provides for these rights, and the Government generally respected them in practice; however, there were some notable exceptions. Citizens and foreigners were free to travel within the country, except in certain military areas. Males who have not completed compulsory military service may not travel abroad or emigrate, although this restriction may be deferred or bypassed under special circumstances. Unmarried women under the age of 21 must have permission from their fathers to obtain passports and travel. Married women no longer legally require the same permission from their husbands; however, in practice police reportedly still required such permission in most cases (see Section 5). Citizens who leave the country had the right to return.

The Constitution 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; however, the Government limited the ease with which the refugee population could integrate locally. The Government generally did not issue work permits to refugees. The Government admitted refugees on the understanding that their presence in the country was temporary. Because the country lacked national legislation or a legal framework governing the granting of asylum, the Office of the U.N. High Commissioner for Refugees (UNHCR) assumed full responsibility for the determination of refugee status on behalf of the Government. The Government generally cooperated with the UNHCR and treated refugees in accordance with minimum standards and agreed arrangements. The UNHCR provided recognized refugees with a refugee identification card that was considered a residence permit and bore the stamp of the national authorities. Refugees generally may not obtain citizenship. During the year, approximately 9,000 recognized refugees, the majority of whom were Sudanese, resided in the country. In addition, 70,000 Palestinian refugees registered with government authorities. There were also approximately 16,000 asylum seekers awaiting status determination. Although there was no pattern of abuse of refugees, during random security sweeps the Government temporarily detained some refugees who were not carrying proper identification. Following intervention by the UNHCR, the refugees were released.

There were occasional reports that human rights activists were briefly detained for questioning at international ports of entry. On June 14, Mohamed Zarei, director of the Human Rights Association for the Assistance of Prisoners, was detained for 1 hour at the Cairo International Airport and questioned about his activities and Egyptian colleagues during their attendance of a human rights conference in Beirut (see Section 4).

On July 20, the EOHR issued a statement criticizing security officials at Cairo International Airport for questioning human rights activist Yasser Hassan while departing to and returning from a U.N. sponsored conference in Morocco.

During the year, there was also at least one report that converts from Islam to Christianity were prevented from boarding an international flight, a practice that also reportedly occurred in 2002 (see Section 2.c.).

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

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

Citizens did not have the meaningful right to change their government. The ruling National Democratic Party (NDP) dominated the 454-seat People's Assembly, the 264-seat Shura Council, local governments, the mass media, labor, and the large public sector, and controlled the licensing of new political parties, newspapers, and private organizations to such an extent that, as a practical matter, citizens did not have a meaningful ability to change their government.

In 1999, President Hosni Mubarak was elected unopposed to a fourth 6-year term in a national referendum. According to official results, he received 94 percent of the vote. Mubarak had been previously nominated by the People's Assembly. Under the Constitution, the electorate is not presented with a choice among competing presidential candidates.

Despite the overall improvement in the electoral process, there still were problems affecting the fairness of the 2000 parliamentary elections, particularly in the period leading up to elections and outside some polling stations on election day. During the months preceding the elections, the Government arrested thousands of members of the Muslim Brotherhood on charges of belonging to an illegal organization. Most ob-

servers believed that the Government was seeking to undermine the Muslim Brotherhood's participation in the People's Assembly and professional syndicate elections through intimidation. In addition, previous convictions on such charges legally precluded many potential candidates from running.

The People's Assembly debated Government proposals, and members exercised their authority to call cabinet ministers to explain policy. The executive initiated almost all legislation. The Assembly exercised limited influence in the areas of security and foreign policy, and retained little oversight of the Interior Ministry's use of Emergency Law powers. Many executive branch initiatives and policies were carried out by regulation through ministerial decree without legislative oversight. Individual voting records were not published, and citizens had no independent method of checking a member's voting record.

The Shura Council, the upper house of Parliament, had 264 seats. Two-thirds of the members were elected and one-third were appointed by the President. In 2001, President Mubarak appointed 45 members to the Shura Council, including 8 women and 4 Christians.

There were 17 recognized opposition parties.

The Political Parties Committee may withdraw recognition from existing political parties. The Labor Party, which lost recognition in 2000 remained suspended at year's end (see Section 2.a.).

On April 12, an administrative court upheld a decision of the Political Parties Committee rejecting the proposed Mubarak Renaissance Party. Seven appeals of Committee rejections were pending before the courts at year's end.

In January, the Political Parties Committee rejected the Egypt youth party's request. In November, the Committee rejected the establishment of the el-Ghad el-Masri (Egypt's Tomorrow) party. Both parties were contesting the decision in the courts, but there was no outcome at year's end.

Three requests to establish new parties remain before the Political Parties Committee: the Social Constitutional Party, the "Mother Egypt" Party and a second request by Muslim Brotherhood figure Abul Ella Madi to establish the Wasat Party. The Wasat Party's first rejection was in 1998.

In July, the Higher Administrative Court postponed a decision on the disbanding of two political parties. The Social Labor Party was granted three months to contest its rejection before the Supreme Constitutional Court. Consideration of the order disbanding the Social Justice Party, whose head was sentenced in May to 10 years imprisonment for bribery and extortion, was postponed to the October 11 session.

The law prohibits political parties based on religion, and the Muslim Brotherhood remained an illegal organization; however, Muslim Brotherhood members were known as such publicly and openly spoke their views, although they did not explicitly identify themselves as members of the organization. They remained subject to government pressure (see Section 1.d.). Seventeen candidates affiliated with the Muslim Brotherhood were elected to the People's Assembly as independents in 2000. One of the 17 was unseated on January 8, when Gamal Heshmat, lost in a snap by-election result. There were reports of heavy-handed police interference on polling day in favor of his opponent.

There were 11 women in the in the 454-seat People's Assembly. Two women served among the 32 ministers in the Cabinet. There were no women on the Supreme Court. In February, the Government appointed a female jurist to serve on the Supreme Constitutional Court. She became the first female citizen to serve on the bench.

There are 7 Christians in the 454-seat People's Assembly and 2 Christians in the 32-member cabinet.

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

Some domestic and international human rights groups operate without government restriction, investigating and publishing their findings on human rights cases. Government officials were selectively cooperative and responsive to their views. Some human rights activists were briefly detained for questioning at international ports of entry (see Section 2.d.).

In June 2002, the Government passed a law governing the regulation and operation of NGOs. The new law, and its subsequent implementing regulations were controversial and drew criticism from local NGOs and international activists. Some charged that the law and regulations placed unduly burdensome restrictions on NGO operations. Of particular concern was a new provision in the law that granted the Minister of Social Affairs the authority to dissolve an NGO by decree, rather than requiring a court order.

In June, years after it first applied, the EOHR was officially registered. Another established and credible human rights group, the HRAAP, also was granted registration. At least three human rights groups were denied registration for obscure "security reasons." The status of some others was pending at year's end. In September, one of the groups denied, the "New Woman Center for Research," won a court judgment ordering the Ministry of Social Affairs to allow it to register as an NGO. However, the judgment had not been implemented at year's end (see Section 2.b.).

On August 18, organizers of the proposed EAAT received notice that the Ministry of Social Affairs had denied their application to register as an association under the new NGO Law (see Section 1.c.). In June, the Ministry of Social Affairs also denied registration of the Land Centre for Human Rights.

On November 19, the Arab Program for Human Rights Activists and the Word Center for Human Rights announced the rejection by the Ministry of Social Affairs of the Word Center's application for NGO status, citing "security objections." The Ministry also contended that the Center is a group based on religion and therefore not eligible for NGO status under the NGO Law (Law 84/02).

EOHR and other groups at times obtained the cooperation of government officials. EOHR field workers visited some prisons in their capacity as legal counsel, but not as human rights observers. They called on some government officials and received funding from foreign human rights organizations.

Government restrictions on NGO activities, including limits on organizations' ability to accept funding, continued to inhibit significantly reporting on human rights abuses.

During the year, the Government permitted the Cairo Institute for Human Rights Studies (CIHR) and other human rights organizations, including HRCAP, EOHR, and the Arab Center for Independence of Judiciary to hold and participate in international conferences.

In July 2002, the Land Center for Human Rights (LCHR) issued a statement signed by eight other human rights organizations in which they complained of harassment by security officials and the Azbakiya Public Prosecutor's office regarding its irregular publication "Al Ard." According to LCHR, a prosecutorial investigation was continuing at year's end (see Section 2.b.).

In July 2002, a State Security Court convicted Dr. Saad Eddin Ibrahim and his codefendants of defaming the state and illegally accepting foreign funds. Ibrahim was acquitted in March and on June 30, the Ibn Khaldoun Center was reopened. In its March 18 judgment, the Court of Cassation decisively cleared Ibrahim of wrongdoing and excoriated the Government's case against him.

The Government generally cooperated with international organizations. According to the delegate to the November session of the CAT, it had not agreed to a requested visit by the UNCHR Special Rapporteur on Torture by year's end because of an incompatibility of timetables (see Section 1.c.).

In June, the Parliament passed legislation establishing a National Human Rights Council, which was to become operational in early 2004. The Council is composed of 25 members, a Chairman and a Deputy Chair, who serve 3-year terms. The Council's mandate is to receive human rights complaints and request competent Government authorities to investigate them, to consult with the Government on the development of legislation that promotes good human rights practices, to increase public awareness on human rights and coordinate and network with other entities focused on human rights.

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

The Constitution provides for equality of the sexes and equal treatment of non-Muslims; however, aspects of the law and many traditional practices discriminated against women and religious minorities. Anti-Semitism is found in both the progovernment and opposition press; however, there have been no violent anti-Semitic incidents in recent years.

Attorneys for 52 allegedly homosexual men, arrested in 2001 and charged with debauchery and "insulting a heavenly religion," claimed that their clients were abused physically during the initial days of their detention, and that several had confessed under torture. Defendants in other cases involving homosexuality also claimed that they were tortured in order to extract confessions to the charge of "debauchery" (see Sections 1.e. and 2.c.).

During the year, 15 men were arrested by Egyptian undercover police through an Internet sting operation and charged with the habitual practice of debauchery and advertising "against public morals" and inciting passers-by to commit indecent acts. HRW reported that in April another 16 allegedly homosexual men were held in iso-

lation for 15 days in the women's section of the Giza police station and guards beat them three times daily, at every change of shift (see Sections 1.c. and 1.e.).

On February 17, a court rejected the appeal of Lebanese national Wissam Toufic Abyad, who had been arrested on January 16 and convicted of "habitual debauchery" on January 20, after arranging to meet a police informant posing as a gay man on an Internet site (see Sections 1.c. and 1.f.). Abyad's lawyers had argued that there were numerous violations of procedure in his arrest and interrogation, and that no act of sex was even alleged to have taken place, as required by the debauchery statute. The same judge who convicted Abyad in January heard his appeal in February. Abyad, serving a 15-month sentence, was unable to get his case heard by the Court of Cassation at year's end.

On February 23, a Court of Appeal in Agouza, Cairo upheld the 3-year sentences of 11 allegedly gay men convicted of "habitual debauchery." A 12th defendant was tried in juvenile court and later sentenced to 2 years imprisonment. Lawyers for the 12 appealed the case to the Court of Cassation, Egypt's highest appeals court, but no date had been set and the 12 remained in prison at year's end.

On March 15, a criminal court convicted 21 alleged homosexuals of "habitual debauchery" and issued the maximum 3-year sentences. The case, widely known as the "Queen Boat Trial," was originally heard in 2001 by a State Security Emergency Court, which convicted 23 of 50 original defendants. However, President Mubarak declined to ratify all but two of the convictions and in May 2002 ordered the case retried by a criminal court. Nonetheless, observers who had expressed concerns about the first trial were also critical of the criminal court's handling of the case. The criminal court held no substantive sessions before handing down guilty verdicts, effectively allowing defense lawyers no opportunity to argue their clients' cases.

In subsequent court sessions on June 4 and July 16, 14 defendants from the "Queen Boat" case had their sentences reduced to time-served. Although released from prison, under the terms of their probation, they were required to stay overnight in police custody. Seven other defendants, two of whom did not attend their appeal hearings, and five who did not appeal, remained technically "fugitives."

On July 20, a Cairo appeals court acquitted 11 allegedly homosexual men charged with debauchery. The judge who acquitted them was quoted in the press as castigating the men for their alleged orientation, but conceded that procedural errors "left him no choice" but to acquit. The 11 were among 16 arrested in April and had been convicted by a lower court and received 3-year sentences. International human rights monitors alleged the men had been subject to degrading and humiliating treatment following their arrest. Individuals suspected of homosexual activity and arrested on "debauchery" charges regularly reported being subjected to humiliation and abuse while in custody.

In December, State Security Forces arrested and detained without charge eight Egyptian Shi'a Muslims. Leading Egyptian civil rights group reported that they questioned intensely about their religious beliefs. Three remained in detention at year's end (see Sections 1.e. and 2.c.).

Women.—The law does not prohibit spousal abuse; however, provisions of law relating to assault in general are applied. Domestic violence against women was a significant problem and was reflected in press accounts of specific incidents. The Center for Egyptian Women's Legal Affairs conducting a survey of women which found that 67 percent in urban areas and 30 percent in rural areas had been involved in some form of domestic violence at least once during a set period between 2002 and this year. Among those who had been beaten, less than half had ever sought help. Due to the value attached to privacy in the country's traditional society, abuse within the family rarely was discussed publicly. Spousal abuse is grounds for a divorce; however, the law requires the plaintiff to produce eyewitnesses, a difficult condition to meet. Several NGOs offered counseling, legal aid, and other services to women who were victims of domestic violence. Activists believed that in general the police and the judiciary considered the "integrity of the family" more important than the well being of the woman. The Ministry of Insurance and Social Affairs operated more than 150 family counseling bureaus nationwide, which provided legal and medical services.

Established by Presidential Decree in 2000, the National Council for Women (NCW) plays an important role in proposing and advocating policies that promote women's empowerment and also designs development programs that benefit women. The Office of the National Ombudsman for Women, provided counseling, advice, referrals, and other assistance to women pursuing a range of complaints including discrimination in employment and housing to domestic violence, sexual assault, and child custody disputes.

The law prohibits rape; however, marital rape is not illegal. The Government prosecuted rapists, and punishment for rape ranges from 3 years to life imprison-

ment with hard labor. Although reliable statistics regarding rape were not available, activists believed that it was not uncommon, despite strong social disapproval. If a rapist is convicted of abducting his victim, he is subject to execution.

The law does not specifically address "honor killings" (men killing women for perceived lack of chastity). In practice, the courts sentenced perpetrators of honor killings to lesser punishments than those convicted in other cases of murder. There were no reliable statistics regarding the extent of honor killings; however, it was believed that they were not common.

A 1996 decree banned FGM; however, it remained widespread despite the Government's commitment to eradicating the practice and NGO efforts to combat it. Traditional and family pressures remained strong. A study conducted in 2000 estimated 97 percent of women who have ever been married had undergone FGM. The survey showed that attitudes may be changing slowly. Over a 5-year period, the incidence of FGM among the daughters (from ages 11 to 19) of women surveyed fell from 83 to 78 percent. FGM was equally prevalent among Muslims and Christians. The "Cairo Declaration on Female Genital Mutilation" calls on Governments to adopt legislation to combat the practice.

The Government supported a range of efforts via television and by religious leaders to educate the public about FGM. However, illiteracy impedes some women from distinguishing between the deep-rooted tradition of FGM and religious practices. Moreover, many citizens believed that FGM was an important part of maintaining female chastity, and the practice was supported by some Muslim religious authorities and Islamist political activists.

Prostitution and sex tourism are illegal but occurred, mostly in Cairo and Alexandria.

Sexual harassment is not prohibited specifically by law. There were no statistics available regarding its prevalence.

The law provides for equality of the sexes; however, aspects of the law and many traditional practices discriminated against women. By law unmarried women under the age of 21 must have permission from their fathers to obtain passports and to travel. Married women do not, but police sometimes did not apply the law consistently. Only males may confer citizenship; children born to women with foreign husbands are not conferred the benefits of citizenship. In rare cases, this meant that children born to Egyptian mothers and stateless fathers were themselves stateless. A woman's testimony is equal to that of a man's in the courts. There is no legal prohibition against a woman serving as a judge, although in practice no women served as judges. In February, Counselor Tahany al-Gabbani was appointed to the Supreme Constitutional Court, the first, and only, female citizen to be appointed to the bench. At year's end, the Court of Cassation still was examining the cases of two female attorneys, Fatma Lashin and Amany Talaat, who challenged the Government's refusal to appoint them as public prosecutors.

Laws affecting marriage and personal status generally corresponded to an individual's religion. The Law provides that a Muslim woman may obtain a divorce without her husband's consent, provided that she was willing to forego alimony and the return of her dowry. The Coptic Orthodox Church permits divorce only in specific circumstances, such as adultery or conversion of one spouse to another religion.

Under Islamic law, non-Muslim males must convert to Islam to marry Muslim women, but non-Muslim women need not convert to marry Muslim men. Muslim female heirs receive half the amount of a male heir's inheritance, while Christian widows of Muslims have no inheritance rights. A sole female heir receives half her parents' estate. The balance goes to designated male relatives. A sole male heir inherits all of his parents' property. Male Muslim heirs face strong social pressure to provide for all family members who require assistance; however, in practice this assistance is not always provided.

Labor laws provide for equal rates of pay for equal work for men and women in the public sector. According to government figures, women constituted 17 percent of private business owners and occupied 25 percent of the managerial positions in the four major national banks. Educated women had employment opportunities, but social pressure against women pursuing a career was strong. Women's rights advocates claimed that Islamist influence inhibited further gains. Women's rights advocates also pointed to other discriminatory traditional or cultural attitudes and practices, such as FGM and the traditional male relative's role in enforcing chastity.

A number of active women's rights groups worked to reform family law, educate women on their legal rights, promote literacy, and combat FGM.

Children.—The Government remained committed to the protection of children's welfare and attempted to do so within the limits of its budgetary resources. The Child Law provides for privileges, protection, and care for children in general. Six of the law's 144 articles set rules protective of working children (see Section 6.d.).

Other provisions include a requirement that employers set up or contract with a child care center if they employ more than 100 women; the right of rehabilitation for children with disabilities; a prohibition on sentencing defendants between the ages of 16 and 18 to capital punishment; and a prohibition on placing defendants under the age of 15 in preventive custody, although the prosecution may order that they be lodged in an "observation house" and be summoned upon request. International donors provided many of the resources for children's welfare, especially child immunization.

During the year, the country's National Council of Childhood and Motherhood (NCCM), a Government organ which partners with foreign donors, implemented a variety of projects aimed at: expanding the availability and quality of pre-schools programs, combating abuses involving child labor; promoting literacy among women and children; discouraging drug and tobacco abuse among children, and improving educational opportunities. NCCM developed a national plan to increase educational opportunities for girls, to combat the worst forms of child labor (in collaboration with the ILO), and to implement a reproductive health awareness program for public schools. At year's end, implementation was underway.

In February, HRW issued a report documenting police practices of arresting, sometimes en masse, street children and other children deemed "vulnerable to delinquency." The report also documented abuses these children may face during their detention, as well as violations of legal procedures in processing their cases (see Section 1.c.). The Government responded to the HRW report, maintaining that it 'drew general conclusions from a limited base' and said that the cases cited "if true, involved individual transgressions dealt with firmly by Egyptian law."

In a move intended to protect underage detainees, on May 26 the Suggestions and Complaints Committee of the People's Assembly approved a draft law that would allocate special holding cells for minors at police stations. The proposal had not been adopted by the entire Parliament at year's end. The move followed on a December 2002 instruction by the Ministry of Interior to police stations in the Cairo Governorate to establish specially designated rooms for the detention of those without prior criminal records (see Section 1.c.).

The Government provided public education, which is compulsory for the first 9 academic years (typically until the age of 15). The Government treated boys and girls equally at all levels of education.

There were no statistics available regarding the prevalence of child abuse.

Children with foreign fathers were not considered citizens and thus could not attend public school or state universities. They were also barred from certain professional schools and could not work without meeting foreign residency requirements and obtaining work permits. There were an estimated 400,000 such children in the country. However, the Egyptian media reported in September that the Ministry of Interior would begin examining requests by female citizens married to foreigners who wished to transmit their nationality to their children. According to the report, the Minister of Interior would examine these requests to see if "required conditions" were met. The requirements were not specified in any of the reports. This new direction was amplified by President Mubarak on September 29, who announced amendments to this part of the existing nationality law were under consideration. It appeared that children of Palestinian fathers would continue to be ineligible for citizenship.

FGM generally was performed on girls between the ages of 7 and 12 (see Section 5, Women).

Persons with Disabilities.—There are no laws specifically prohibiting discrimination against persons with physical or mental disabilities, but the Government made serious efforts to address their rights. It worked closely with U.N. agencies and other international aid donors to design job-training programs for persons with disabilities. The Government also sought to increase the public's awareness of the capabilities of persons with disabilities in television programming, the print media, and in educational material in public schools. There were approximately 5.7 million persons with disabilities, of whom 1.5 million were disabled severely.

The law provides that all businesses must designate 5 percent of their jobs for persons with disabilities, who are exempt from normal literacy requirements. Although there was no legislation mandating access to public accommodations and transportation, persons with disabilities may ride government-owned mass transit buses free of charge, are given priority in obtaining telephones, and receive reductions on customs duties for private vehicles. A number of NGOs were active in efforts to train and assist persons with disabilities.

Section 6. Worker Rights

a. The Right of Association.—There are no legal obstacles to establishing private sector unions, although such unions were uncommon. Workers may join trade unions, but are not required to do so. A union local or workers' committee may be formed if 50 employees express a desire to organize. Most union members, about one-quarter of the labor force, were employed by state-owned enterprises. Unionization decreased in the past several years as a result of early retirement plans in public sector enterprises, and the privatization of many of these enterprises. In June, a new labor law (Law 12) was passed and 35 ministerial decrees and 9 prime ministerial decrees complementing the new law were issued between June and November by the Ministry of Manpower and Migration.

There were 23 trade unions, all required to belong to the ETUF, the sole legally recognized labor federation. The International Labor Organization's (ILO) Committee of Experts emphasized that a law that requires all trade unions to belong to a single federation infringes on freedom of association. The ILO also criticized ETUF control over the nomination and election procedures for trade union officers. It also criticized the lack of protection of the right of workers' organizations to organize their administration, including their financial activities, without interference from public authorities. However, the Government showed no sign that it intended to accept the establishment of more than one federation. ETUF officials had close relations with the NDP, the ruling party, and some were members of the People's Assembly or the Shura Council. They spoke vigorously on behalf of worker concerns, but public confrontations between the ETUF and the Government were rare.

Some unions within the ETUF were affiliated with international trade union organizations. Others were in the process of becoming affiliated.

b. The Right to Organize and Bargain Collectively.—The new law calls for the establishment of a labor consultative council, including representatives from the Government, from employers and workers associations. With labor experts these representatives address tripartite issues and problems and review labor-related local and international legislation. Only one member of the council was named during the year, and the council has not met. Collective bargaining exists in the law allowing tripartite negotiations to improve labor terms and conditions, enhance cooperation between the parties to increase employees' social development, and resolve disputes between workers and employers. Collective negotiation may be set in motion by any of the concerned parties without the consent of other parties involved with the assistance of the concerned administrative authority.

The Ministry of Manpower and Migration established an administrative unit on November 30 for collective negotiations and agreements affairs. It also is to monitor implementation of collective agreements. The Government sets wages, benefits, and job classifications for public sector and government employees, and the private sector sets compensations for its employees in accordance with the Government's laws regarding minimum wages.

The new labor law also regulates litigation related to collective bargaining. As opposed to the previous labor law, the new law allows collective bargaining in what are identified as strategic and vital establishments, but the ability to call a strike at strategic workplaces is still limited.

The new labor law provides for a limited form of striking, but only after a protracted negotiation process. Wildcat strikes are prohibited. Peaceful strikes are allowed, provided they are announced in advance and organized by the trade union to defend vocational, economic and social interests. To call a strike, the trade union would notify the employer and concerned administrative authority at least 10 days in advance of the strike date, giving the reason for the strike and the date it would commence. Prior to this formal, notification, the strike action would have to be approved by a two-third's majority of the ETUF Board of Directors. This advance notice process effectively eliminates wildcat strikes. Strikes are prohibited by law during the validity of collective bargaining agreements and during the mediation and arbitration process. Strikes are also prohibited in strategic or vital entities in which the interruption of work could result in a disturbance of national security or basic services. A recently issued prime ministerial decree complementing the new labor law identifies strategic and vital entities: national security and military production facilities; hospitals and medical centers; pharmacies; bakeries; public transportation and cargo transportation; civil defense facilities; public utilities (water, waste water, gas, electricity, and communications); ports and airports; and educational institutions.

There were at least a dozen strikes during the year. Strikes mainly concerned delayed payment of salaries, wage cuts, terminations, increased working hours, and suspension of job promotions. Under the new labor law that was approved in June,

workers in strategic utilities are denied the right to strike. Some opposition members of parliament have threatened to challenge the constitutionality of the new law.

Employers are allowed for economic reasons, to completely or partially close down or downsize firms. Under such circumstances, they are granted the right to fire employees after coordinating and consulting with the trade unions. Termination of employee's contracts seems to have become easier under the new law for companies in financial distress, but the new law's provisions in this regard have not been tested. Employers appear to have won more flexibility in contract terms under the new law as well. During the year, an Emergency Unemployment Fund was established under the 2002 Social Insurance Fund to compensate workers laid off from companies in distress.

Firms, apart from large ones in the private sector, generally did not adhere to government-mandated standards. Although they are required to observe some government practices, such as the minimum wage, social security insurance, and official holidays, firms often did not adhere to government practice in non-binding matters, including award of the annual Labor Day bonus. Labor law and practice are the same in the six existing export-processing zones (EPZs) as in the rest of the country. A new Special Economic Zones (SEZ) law was issued in 2002 laying the legal foundation for the establishment of special economic zones that will be export-oriented. According to the SEZ law, rules governing labor in the SEZs will be more flexible as the authority regulating the SEZ can tailor contracts in accordance with business needs while adhering to the general requirements of the labor law.

c. Prohibition of Forced or Bonded Labor.—The Constitution prohibits forced or bonded labor. The labor law and child law do not specifically prohibit forced and bonded labor by children, but they do prohibit working conditions that could harm children mentally and physically in accordance with ILO Convention 182 on the Worst Forms of Child Labor. It has started implementing programs that remove and prevent children from working in hazardous conditions and activities (see Section 6.d.). Ministerial decrees have been issued by the Ministry of Manpower and Migration prohibiting the employment of children under 14, 16, and 18 in specific activities that are hazardous to children defined by ILO Convention 182. The Child Labor Unit of the Ministry of Manpower investigates reports of children working in hazardous conditions. The Ministry reported that it conducted "several" raids, assisted by police, including two on car-painting workshops employing children.

d. Status of Child Labor Practices and Minimum Age for Employment.—Child labor was previously a common practice. The Government took steps to address the problem of child labor. During the year, the Ministries of Manpower and Agriculture conducted three workshops for labor inspectors to sharpen their awareness of child labor law violations that can occur when children work in agriculture. The Ministry of Manpower also offered training to its employees in the provisions of the new labor law that deal with child labor. The National Council on Childhood and Motherhood set up a 24-hour hotline to receive calls from children in distress. When callers complained about working in unsafe or unhealthful conditions, the Ministry of Manpower Child Labor Unit was notified. With the help of international organizations and donor agencies, the Government is trying to implement stricter child labor policies. During the year, the ILO/IPEC conducted two training workshops for labor inspectors on the laws and regulations governing child labor inspections. ILO/IPEC also helped the Ministry of Manpower draft a training program for "Capacity Building and Policy Development for Combating Child Labor." The USAID-funded AFL-CIO Solidarity Center collaborated with the Egyptian Trade Union Federation to conduct four workshops in Cairo and nine in rural areas dealing with child labor. Enforcement is still an issue. In nonagricultural work the minimum age for employment is 14 years of age or the age of completing basic education (15) whichever is higher. UNICEF reported on the widespread practice of poor rural families making arrangements for a daughter to be employed as a domestic servant in the homes of wealthy citizens.

The law limits the type and conditions of work that children below the age of 18 may perform legally. Provincial governors, with the approval of the Minister of Education, may authorize seasonal work for children between the ages of 12 and 14, provided that duties are not hazardous and do not interfere with schooling. During the summer, the President and the Ministry of Education authorized governors to delay the start of the school year in their governorates pending the end of the crop season. According to media reports, one provincial governor delayed school for 1 week pending the end of a crop season. The Minister of Manpower and Migration canceled a 1965 decree that required each family in rural areas to engage at least one child in cotton picking and pest control. The Minister also made several statements to the press against children working in hazardous agricultural activities.

Preemployment training for children under the age of 12 is prohibited. Children are prohibited from working for more than 6 hours a day and one or more breaks totaling at least 1 hour must be included. Several other restrictions apply to children: they may not work overtime, during their weekly day(s) off or official holidays, or between 7 p.m. and 7 a.m. Children are also prohibited from working for more than 4 hours continuously.

The Government worked closely during the year with international organizations—in particular UNICEF and the ILO—as well as international and domestic NGOs and labor unions to implement programs designed to address child labor and its root causes. In 2000, the Ministry of Manpower child labor unit created a database for tracking child labor in the country and inspectors began raids to uncover violations in 2001. Inspection raids increased during the year. Enforcement was still spotty, and in the cases where offenders of the child labor laws have been prosecuted, the fines imposed are often too small (e.g., \$3.25 or 20 LE) per offense to act as a deterrent. Regulations proposed in June under the new labor law would sharply increase the minimum amount of fines in child labor cases, to \$81 (500 LE), but they not yet been implemented by year's end.

Statistical information regarding the number of working children was difficult to obtain and often out-of-date. NGOs estimated that up to 1.5 million children worked. Government studies indicate that the concentration of working children was higher in rural than in urban areas. Approximately 78 percent of working children were in the agricultural sector. However, children also worked in light industry. In 2001, the Central Agency for Public Mobilization and Statistics (CAPMAS) conducted a household survey at the request of the NCCM for use in formulation of appropriate national child labor policies. The results of the survey were not made public during the year.

While local trade unions reported that the Ministry of Labor adequately enforced the labor laws in state-owned enterprises, enforcement in the private sector, especially in the informal sector, was lax. Many working children were abused, overworked, and exposed to potentially hazardous conditions by their employers and the restrictions in the Child Law have not improved conditions due to lax enforcement on the part of the Government. The Minister of Manpower and Migration has been vocal about the need to address the enforcement issue and the Ministry is working with the ILO at the grass roots level in governorates to increase effective enforcement of child labor regulations. The First Lady, Suzanne Mubarak, is sponsoring activities aimed at improving the conditions for children in general and working children specifically. During the year, she chaired four workshops in to raise awareness of the social and long-term economic problems associated with child labor. The National Council on Childhood and Motherhood, whose Technical Secretariat is headed by the First Lady, is taking the lead on formulating a national plan to eliminate hazardous forms of child labor that exist in the country. During the year, this national strategy was expected to be announced in but was postponed.

e. Acceptable Conditions of Work.—During the year, the minimum wage for government and public sector employees increased to \$ 28.4 (174 LE) per month for a 6-day, 36-hour workweek. The new law stipulates that 48 hours is the maximum number of hours that may be worked in 1 week. Overtime for hours worked beyond 36 per week is payable at the rate of 25 percent extra for daylight hours and 50 percent extra for nighttime hours. The nationwide minimum wage generally was enforced effectively larger private companies; however, smaller firms did not always pay the minimum wage. The minimum wage frequently did not provide a decent standard of living for a worker and family; however, base pay commonly was supplemented by a complex system of fringe benefits and bonuses that may double or triple a worker's take-home pay and provide a decent standard of living. In September the new labor law established a National Wages Council headed by the Minister of Planning that held its first meeting. The Council's mandate is to set minimum wages at a national level considering costs of living and address issues related to employees compensations. The new law also established a Supreme Human Resources Development Council headed by the Minister of Manpower and Migration. In September, the Prime Minister established an executive committee for the Council including representatives from the Ministries of Manpower, Social Affairs, Housing, Administrative Development, Foreign Trade, Petroleum, Electricity, Communication and Agriculture. In addition, representatives from the ETUF, Federation of Egyptian Industries, chambers of tourism, commerce, construction and contracting will also sit on the Council.

The Ministry of Labor sets worker health and safety standards, which also apply in the EPZs; however, enforcement and inspections were uneven. A new council for occupational health and safety has also been established by the new labor law to address health and safety issues nation-wide.

The new labor law prohibits employers from maintaining hazardous working conditions, and workers had the right to remove themselves from hazardous conditions without risking loss of employment.

In August, the Minister of Manpower said that the total number of foreign workers holding work and residence permits was 18,177, not including Sudanese, Palestinians, and foreigners married to citizens. Unofficial estimates of undocumented workers were as high as 116,000. Foreign workers with the required permits enjoyed legal protections. In December, the Ministry of Manpower and Migration issued ministerial decrees regulating foreigners' employment in the country. The 10 percent ratio of foreign/national workers remained in effect.

There were occasional reports of employer abuse of undocumented workers, especially domestic workers. A few employers were prosecuted during the year for abuse of domestic workers, but many claims of abuse were unsubstantiated because undocumented workers were reluctant to make their identities public.

f. Trafficking in Persons.—The law does not specifically prohibit trafficking in persons; however, other portions of the criminal code may be used to prosecute traffickers. There were anecdotal reports of trafficking of persons from sub-Saharan Africa and Eastern Europe through the country to Europe and Israel. There have also been reports in the press about foreigners trying to cross over to Israel seeking employment there. It is very difficult to determine how many of the aliens smuggled through the country were actually being trafficked and how many were voluntary economic migrants. The Government aggressively patrolled its borders to prevent alien smuggling, but geography and resource limitations precluded total success. Government officials participated in international conferences on combating trafficking in persons.

IRAN¹

The Islamic Republic of Iran is a constitutional, theocratic republic in which Shi'a Muslim clergy dominate the key power structures. The Supreme Leader of the Islamic Revolution, Ayatollah Ali Khamene'i, dominates a tri-cameral division of power among legislative, executive, and judicial branches. Khamene'i directly controls the armed forces and exercises indirect control over the internal security forces, the judiciary, and other key institutions. The executive branch was headed by President Mohammad Khatami, who won a second 4-year term in June 2001, with 77 percent of the popular vote in a multiparty election. The legislative branch featured a popularly elected 290-seat Islamic Consultative Assembly, Majlis, which develops and passes legislation. Reformist and moderate candidates won a landslide victory for 4-year terms in the 2000 Majlis election, gaining a clear majority of that body. However, the 12-member Guardian Council, which reviews all legislation passed by the Majlis for adherence to Islamic and constitutional principles, blocked much of the reform legislation. The 34-member Expediency Council is empowered to resolve legislative impasses between the Guardian Council and the Majlis. The Constitution provides that "the judiciary is an independent power"; however, the judicial branch is widely perceived as heavily biased against pro-Khatami reformist forces.

Several agencies share responsibility for law enforcement and maintenance of order, including the Ministry of Intelligence and Security, the Ministry of Interior, and the Islamic Revolutionary Guards Corp, a military force established after the revolution. Paramilitary volunteer forces known as Basijis, and various gangs of men known as the Ansar-e Hezbollah (Helpers of the Party of God), or more simply "plain clothes," acted as vigilantes aligned with extreme conservative members of the leadership. Civilian authorities did not fully maintain effective control of the security forces and there were instances in which elements of the security forces acted independently of government authority. The regular and the paramilitary security forces both committed numerous, serious human rights abuses.

The mixed economy depends on oil and gas for 80 percent of its export earnings. The population was approximately 68 million. All large-scale industry is publicly owned and administered by the State. Large para-statal charitable foundations called bonyads, most with strong connections to the clerical regime, controlled as much as a third of the country's economy and exercised considerable influence. The Government heavily subsidized basic foodstuffs and energy costs. Government mismanagement and corruption negatively affected economic performance. The official

¹The United States does not have an embassy in Iran. This report draws heavily on non-U.S. Government sources.

unemployment rate was approximately 16 percent, although other estimates were higher. Estimated inflation was 17 percent with economic growth at 6 percent during the year.

The Government's poor human rights record worsened, and it continued to commit numerous, serious abuses. The right of citizens to change their government was restricted significantly. Continuing serious abuses included: summary executions; disappearances; torture and other degrading treatment, reportedly including severe punishments such as beheading and flogging; poor prison conditions; arbitrary arrest and detention; lack of habeas corpus or access to counsel and prolonged and incommunicado detention. Citizens often did not receive due process or fair trials. The Government infringed on citizens' privacy rights, and restricted freedom of speech, press, assembly, association and religion.

An intense political struggle continued during the year between a broad popular movement favoring greater liberalization in government policies, particularly in the area of human rights, and certain hard-line elements in the Government and society, which viewed such reforms as a threat to the survival of the Islamic Republic. In many cases, this struggle was played out within the Government itself, with reformists and hard-liners squaring off in divisive internal debates. As in the past, reformist members of parliament were harassed, prosecuted, and threatened with jail for statements made under parliamentary immunity.

The Government restricted the work of human rights groups; however, it permitted visits during the year by the U.N. Working Group on Arbitrary Detention and the U.N. Special Rapporteur for the Promotion and Protection of the Right to Freedom of Opinion and Expression. Violence and legal and societal discrimination against women were problems. The Government restricted the work of human rights groups. The Government discriminated against minorities and severely restricted workers' rights, including freedom of association and the right to organize and bargain collectively. Child labor persisted. Vigilante groups, with strong ties to certain members of the Government, enforced their interpretation of appropriate social behavior through intimidation and violence. There were reports of trafficking in persons.

In October, lawyer and human rights activist Shirin Ebadi was awarded the Nobel Peace Prize for her work in advancing human rights both in the country and internationally.

RESPECT FOR HUMAN RIGHTS

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

a. Arbitrary or Unlawful Deprivation of Life.—There were reports of political killings. The Government was responsible for numerous killings during the year, including executions following trials in which there was a lack of due process. Government affiliated vigilante groups also were responsible for extrajudicial killings.

The law criminalized dissent and applied the death penalty to offenses such as "attempts against the security of the State, outrage against high-ranking officials, and insults against the memory of Imam Khomeini and against the Supreme Leader of the Islamic Republic." Citizens continued to be tried and sentenced to death in the absence of sufficient procedural safeguards.

Exiles and human rights monitors alleged that many of those supposedly executed for criminal offenses, such as narcotics trafficking, actually were political dissidents. Supporters of outlawed political groups, or in the case of the Mujahedin-e Khalq, a terrorist organization, were believed to constitute a large number of those executed each year.

In July, an Iranian-Canadian photographer, Zahra Kazemi, died in custody after being arrested for taking photographs at Evin prison in Tehran. After initially claiming that she had died as a result of a stroke, the Government subsequently admitted that she died as a result of a blow to the head and charged individuals involved in her detention. The Government also denied Canada's request, based on her son's statement, that Kazemi's remains be sent to Canada for further autopsy and burial. The Government claimed to be following the wishes of her mother that she be buried in the country, but the mother later said that she was coerced into making the request.

Two political activists associated with the outlawed Komala party, Sassan al-Kanaan and Mohammad Golabi, were executed in February and March. The Democratic Party of Iranian Kurdistan (KDPI), an opposition party, alleged that the Government executed party member Jalil Zewal in December, after 9 years in prison during which he was reportedly subjected to torture. KDPI member Ramin Sharifi was also executed in December after his arrest in July. Mohammad Golabi was reportedly tortured while in detention. Sassan al-Kanaan's execution was reportedly

carried out while his mother was in Tehran meeting on his behalf with the U.N. Working Group on Arbitrary Detention. KPI reports that hard-line vigilante groups killed at least seven other Kurdish civilians were killed during the year.

The 1998 murders of prominent political activists Darioush and Parvaneh Forouhar, writers Mohammad Mokhtari and Mohammad Pouyandeh, and the disappearance of political activist Pirouz Davani continued to cause controversy about what is perceived to be the Government's cover-up of involvement by high-level officials. Prominent investigative journalist Akbar Ganji, who was arrested in 2000 and sentenced to 6 years in prison for his reporting on the case, remained in prison (see Sections 1.d. and 1.e.). In 2001, the Special Representative for Iran of the Commission on Human Rights (UNSR) also reported claims that there were more than 80 killings or disappearances over a 10-year period as part of a wider campaign to silence dissent. Members of religious minority groups, including the Baha'is, evangelical Christians, and Sunni clerics were killed in recent years, allegedly by government agents or directly at the hands of authorities.

b. Disappearance.—Little reliable information was available regarding the number of disappearances during the year.

The Government announced that approximately 4,000 persons—both protesters and vigilantes—were arrested in connection with pro-reform protests in June and stated that roughly 2,000 remained in jail in mid-July. There were no reliable statistics to indicate how many protestors were still being held at year's end.

According to Baha'i sources, since 1979 15 Baha'i have disappeared and are presumed dead. The KDPI noted the continued detention of six Iranian Kurds arrested in 1996 with no subsequent word on their whereabouts. The Families of Iranian Jewish Prisoners (FIJP) have heard anecdotal stories that some of 12 Jewish citizens, who disappeared while attempting to escape from the country in the 1990s, were being held in prison (see Section 2.c.).

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.—The Constitution forbids the use of torture; however, there were numerous credible reports that security forces and prison personnel continued to torture detainees and prisoners. Some prison facilities, including Tehran's Evin prison, were notorious for the cruel and prolonged acts of torture inflicted upon political opponents of the Government. Common methods included suspension for long periods in contorted positions, burning with cigarettes, sleep deprivation, and most frequently, severe and repeated beatings with cables or other instruments on the back and on the soles of the feet. Prisoners also reported beatings about the ears, inducing partial or complete deafness, and punching in the eyes, leading to partial or complete blindness.

In August, the Council of Guardians rejected a bill on accession to the U.N. Convention against Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment. The Majlis amended the bill in late December, reportedly addressing Council of Guardians concerns over the monetary costs of joining the convention. The Council of Guardians also rejected in mid-2002 a bill passed by the Majlis to end torture and forced confessions.

In July 2002, in an effort to combat "un-Islamic behavior" and social corruption among the young, the Government announced the formation of a new "morality force." The force was meant to enforce the Islamic Republic's strict rules of moral behavior. Press reports indicated that members of this force chased and beat persons in the streets for offenses such as listening to music, or in the case of women, wearing makeup or clothing that was not modest enough (see Section 1.f.). While not uniformly enforced, in November, 7 women in Shiraz were reportedly sentenced to 50 lashes for disrespectful behavior during the month of Ramadan.

In March, activist Siamak Pourzand was re-imprisoned after his provisional release in November 2002. After his arrest in 2001, Siamak Pourzand was tried in March 2002 behind closed doors and sentenced to 11 years in prison for "undermining state security through his links with monarchists and counter-revolutionaries." Press reports said that he had confessed to his crimes at his trial, but his wife claimed that the confession was extracted under duress. Pourzand suffered severe health problems while held incommunicado, reportedly including a heart attack, and was allegedly denied proper medical treatment. At year's end, he remained in jail.

In April, Former Deputy Prime Minister and longtime political dissident, Abbas Amir-Entezam was re-imprisoned, after his release in 2002 for medical reasons. Amir-Entezam was reportedly incarcerated for calling for a referendum on whether the country should remain under clerical rule during a speech at Tehran University. He was reportedly a frequent victim of torture in prison and has had numerous medical problems as a result, including a ruptured eardrum due to repeated beatings, kidney failure resulting from denial of access to toilet facilities, and an un-

treated prostate condition. He reported having been taken on numerous occasions before a firing squad (see Section 1.e.).

In July, an Iranian-Canadian photographer, Zahra Kazemi, died in custody as a result of a blow to the head (see Section 1.a.).

In November, four men were reportedly sentenced to death by stoning for involvement in kidnapping and rape. In December 2002, the Government officially suspended the practices of amputation and lapidation or stoning—a form of capital punishment for adultery and other crimes, although the law has not been rescinded.

During the year, Amnesty International (AI) reported at least six cases of amputation.

Prison conditions in the country were poor. Some prisoners were held in solitary confinement or denied adequate food or medical care to force confessions. After its February visit, the U.N. Working Group on Arbitrary Detentions reported that “for the first time since its establishment, [the Working Group] has been confronted with a strategy of widespread use of solitary confinement for its own sake and not for traditional disciplinary purposes.” The Working Group described Sector 209 of Evin Prison as a “prison within a prison,” designed for the “systematic, large-scale use of absolute solitary confinement, frequently for long periods.”

The 2001 report by the UNSR noted a significant increase in the prison population and reports of overcrowding and unrest. In March, the nongovernmental organization (NGO) Penal Reform International (PRI) reported that 180,000 prisoners occupied facilities constructed to hold a maximum of 65,000 persons. In July, the head of the National Prisons Organization (NPO) assessed the number of prisoners at 156,000.

The UNSR reported that much of the prisoner abuse occurred in unofficial detention centers run by the secret service and military. The UNSR further reported that the unofficial detention centers were to be brought under the control of the NNPO during 2001; however, November press reports indicated that a number of unofficial detention centers continued to operate outside NPO control. The U.N. Working Group on Arbitrary Detention raised this issue with the country’s Article 90 Parliamentary Commission, generating a Commission inquiry that reportedly confirmed the existence of numerous unofficial prisons.

In March, PRI announced a cooperative initiative with authorities to improve prison conditions through workshops and training of judges and prison administrators. The report of the U.N. Working Group on Arbitrary Detention noted that the judicial authorities expressed the need for prison reform, but observed that implementation had been limited.

The Government generally has not granted access to human rights monitors other than the International Committee of the Red Cross (ICRC); however, it permitted visits to imprisoned dissidents by U.N. human rights officials during the year (see Section 4). U.N. Working Group on Arbitrary Detention officials visited Evin prison in Tehran—including sector 209, in which many political prisoners were believed held—as well as Esfahan and Shiraz prisons, the Shiraz military prison, and police stations in each city. The Working Group interviewed approximately 140 “ordinary” prisoners plus 14 out of a requested 45 inmates described as political prisoners and prisoners of conscience. The Working Group described the authorities’ cooperation as “on the whole positive,” although it noted problems with fulfillment of follow-up requests generated by the visit and disappointment over arrests carried out after the Group’s departure. Following his November visit to the country, the UNSR for the Promotion and Protection of the Right to Freedom of Opinion and Expression noted that his delegation met with almost 40 dissidents, both in and out of prison.

d. Arbitrary Arrest, Detention, or Exile.—The Constitution prohibits arbitrary arrest and detention; however, these practices remained common. There is reportedly no legal time limit for incommunicado detention, nor any judicial means to determine the legality of detention. In the period immediately following arrest, many detainees were held incommunicado and denied access to lawyers and family members. Suspects may be held for questioning in jails or in local Revolutionary Guard offices.

The security forces often did not inform family members of a prisoner’s welfare and location. Authorities often denied visits by family members and legal counsel. In addition, families of executed prisoners did not always receive notification of the prisoners’ deaths. Those who did receive such information reportedly were forced on occasion to pay the Government to retrieve the body of their relative.

In January, the Government released Ayatollah Hossein Ali Montazeri, amid reports of health problems after 5 years of house arrest. Montazeri was formerly the designated successor of the late Spiritual Leader, Ayatollah Khomeini, who became an outspoken critic of the Supreme Leader (see Section 2.a.). In recent years, the Government has used the practice of house arrest to restrict the movements and

ability to communicate of senior Shi'a religious leaders whose views regarding political and governance issues were at variance with the ruling orthodoxy.

In July, the press reported that Iranian-American academic Dariush Zahedi was detained during a private visit to the country and reportedly held in solitary confinement in Evin prison. Parliament officials noted that Zahedi was held on suspicion of espionage but, after a 40-day investigation, was cleared by the Ministry of Intelligence. However, Zahedi remained in detention after the case was transferred to the judiciary, reportedly at the intervention of Tehran's chief prosecutor. Zahedi was released on \$250,000 (approximately 2 million rials) bail in November and, though technically free to leave the country, is still subject to criminal prosecution.

In November, security agents briefly arrested two sons of Ayatollah Hossein Ali Montazeri, the dissident cleric released from house arrest in January (see Section 1.d.). The arrests were reportedly in response to the sons' attempts to refurbish a building purchased by the family for use as a teaching facility. The Qom mosque and Koranic school at which Montazeri formerly taught has remained closed since 1997, when comments by the cleric questioning the authority of the Supreme Leader sparked attacks on the school and his home by Ansar-e Hezbollah mobs.

In November, student activist Ahmed Batebi met with the UNSR for the Promotion and Protection of the Right to Freedom of Opinion and Expression, while on medical leave from prison where he is serving a 15-year sentence for participating in the 1999 student demonstrations. He was re-arrested shortly afterward and at year's end, he was reportedly being held in Evin prison.

In July 2002, the Government permanently dissolved the Freedom Movement, the country's oldest opposition party, and sentenced over 30 of its members to jail terms ranging from 4 months to 10 years on charges of trying to overthrow the Islamic system. Other members were barred from political activity for up to 10 years, and ordered to pay fines up to more than \$6,000 (approximately 48,000 rials).

Numerous publishers, editors, and journalists were either detained, jailed, and fined, or were prohibited from publishing their writings during the year (see Section 2.a.).

Adherents of the Baha'i faith continued to face arbitrary arrest and detention. According to Baha'i sources, four Baha'is remained in prison for practicing their faith at year's end, one facing a life sentence, two facing sentences of 15 years, and the fourth a 4-year sentence. A small number of Baha'is were and have been in detention at any given time. Sources claimed that such arrests were carried out to "terrorize" the community and to disrupt the lives of its members. Others were arrested, charged, and then quickly released. However, the charges against them often were not dropped, generating continued apprehension (see section 2.c.).

During the year, the Government continued to exchange with Iraq prisoners of war (POWs) and the remains of deceased fighters from the 1980-88 Iran-Iraq war. In March, the Government agreed to release over 900 remaining Iraqi POWs in exchange for 349 Iranian POWs.

The Government did not use forced exile, and no information was available regarding whether the law prohibits forced exile; however, the Government used internal exile as a punishment. Many dissidents and ethnic and religious minorities left and continue to leave the country due to a perception of threat from the Government.

e. Denial of Fair Public Trial.—The Constitution provides that the judiciary is "an independent power"; however, in practice the court system was subject to government and religious influence. It served as the principal vehicle of the Government to restrict freedom and reform in the society. U.N. representatives, including the UNSR, and the U.N. Working Group on Arbitrary Detention, and independent human rights organizations noted the absence of procedural safeguards in criminal trials.

There are several different court systems. The two most active are the traditional courts, which adjudicate civil and criminal offenses, and the Islamic Revolutionary Courts. The latter try offenses viewed as potentially threatening to the Islamic Republic, including threats to internal or external security, narcotics and economic crimes, and official corruption. A special clerical court examines alleged transgressions within the clerical establishment, and a military court investigates crimes committed in connection with military or security duties by members of the army, police, and the Revolutionary Guards. A press court hears complaints against publishers, editors, and writers in the media. The Supreme Court has limited review authority.

After the revolution, the judicial system was revised to conform to an Islamic canon based on the Koran, Sunna, and other Islamic sources. Article 157 provides that the Head of the Judiciary, currently Ayatollah Mahmoud Hashemi Shahrudi,

shall be a cleric chosen by the Supreme Leader. The head of the Supreme Court and Prosecutor General also must be clerics. Women were barred from serving as judges.

Many aspects of the pre-revolutionary judicial system survived in the civil and criminal courts. For example, defendants have the right to a public trial, may choose their own lawyer, and have the right of appeal. Panels of judges adjudicate trials. There is no jury system in the civil and criminal courts. If post-revolutionary statutes did not address a situation, the Government advised judges to give precedence to their own knowledge and interpretation of Islamic law.

The U.N. Working Group on Arbitrary Detention noted in its report failures of due process in the court system, caused by the absence of a "culture of counsel" and the concentration of authority in the hands of a judge who prosecutes, investigates, and decides cases. The Working Group called for active involvement of counsel in cases, from the custody and investigation phase through the trial and appeals phases. The Working Group welcomed the 2002 reinstatement of prosecution services, after a 7-year suspension, but noted that the reforms have thus far only been applied in three jurisdictions.

Trials in the Revolutionary Courts, in which crimes against national security and other principal offenses are heard, were notorious for their disregard of international standards of fairness. Revolutionary Court judges acted as both prosecutor and judge in the same case, and judges were chosen in part based on their ideological commitment to the system. Pretrial detention often was prolonged and defendants lacked access to attorneys. Indictments often lacked clarity and included undefined offenses such as "anti-revolutionary behavior," "moral corruption," and "siding with global arrogance." Defendants did not have the right to confront their accusers. Secret or summary trials of 5 minutes duration occurred. Others were show trials that were intended merely to highlight a coerced public confession.

The legitimacy of the Special Clerical Court (SCC) system continued to be a subject of debate. The clerical courts, which investigate offenses and crimes committed by clerics, and which are overseen directly by the Supreme Leader, were not provided for in the Constitution, and operated outside the domain of the judiciary. In particular, critics alleged that the clerical courts were used to prosecute clerics for expressing controversial ideas and for participating in activities outside the sphere of religion, such as journalism. The recommendations of the U.N. Working Group on Arbitrary Detention included a call to abolish both the Special Clerical Courts and the Revolutionary Courts, which were described as "responsible for many of the cases of arbitrary detention for crimes of opinion."

No accurate estimates were available regarding the number of citizens imprisoned for their political beliefs. In November, the UNSR for the Promotion and Protection of the Right to Freedom of Expression and Opinion estimated the number to be in the hundreds. The Government has arrested, convicted, and sentenced persons on questionable criminal charges, including drug trafficking, when their actual "offenses" were political. The Government has charged members of religious minorities with crimes such as "confronting the regime" and apostasy, and conducted trials in these cases in the same manner as threats to national security.

In March 2002, after a trial behind closed doors but with his lawyer present, Nasser Zarafshan, the attorney representing the families of the victims of the 1998 extrajudicial killings of dissidents by intelligence ministry officials, was sentenced to 5 years in prison and 70 lashes. He was charged with leaking confidential information pertaining to the trial. Human Rights Watch (HRW) reported that he was also charged with "having weapons and alcohol at his law firm." Zarafshan was originally arrested in 2000 but released after a month pending trial. An appeals court upheld his conviction in July 2002. In November, the Supreme Court reportedly dismissed his appeal (see Section 1.a.).

Several other human rights lawyers were also reportedly abused, among them Mohammad Dadkhah, who participated in the defense of members of the Iran Freedom Movement and is a founding member of the Iranian Center for Protection of Human Rights, and Abdol Fattah Soltani, who was reportedly charged for raising accusations of torture during the 2002 defense of a number of political prisoners. In 2002, Dadkhah was sentenced to 5 months in jail and banned from practicing law for 10 years; Soltani was sentenced to 4 months in prison and barred from practicing law for 5 years. Both men reportedly began their jail terms in January. The U.N. Working Group on Arbitrary Detention included among its recommendations the need for guaranteeing the immunity of counsel in pleading cases as an essential element of the right to due process.

In November 2002, academic Hashem Aghajari was sentenced to death at a closed trial for the crime of blaspheming against Islam during a speech in Hamedan. In addition to the death sentence, he was sentenced to 74 lashes, exile to a remote

desert location, 8 years in jail, and a ban on teaching for 10 years. The death sentence was widely denounced both domestically and abroad. President Khatami and hundreds of Majlis members questioned the verdict. In February, the Supreme Court revoked his death sentence, but the case was sent back to the lower court for retrial. No verdict was issued by year's end (see Section 2.b.).

Former Deputy Prime Minister and longtime political dissident, Abbas Amir-Entezam was re-imprisoned in April, after his release in 2002 for medical reasons. Amir-Entezam, who has spent much of the past 24 years in prison, was reportedly incarcerated for calling for a referendum on whether the country should remain under clerical rule during a speech at Tehran University (see Section 1.c.).

The trials in 2000 and 2001 of 13 Jewish citizens on charges related to espionage for Israel were marked by a lack of due process. Ten of the original 13 were sentenced to jail terms ranging from 4 to 13 years. The last five in prison were reportedly released in April (see Section 2.c.).

f. Arbitrary Interference with Privacy, Family, Home or Correspondence.—The Constitution states that “reputation, life, property, (and) dwelling(s)” are protected from trespass except as “provided by law;” however, the Government infringed on these rights. Security forces monitored the social activities of citizens, entered homes and offices, monitored telephone conversations, and opened mail without court authorization.

Vigilante violence included attacking young persons considered too “un-Islamic” in their dress or activities, invading private homes, abusing unmarried couples, and disrupting concerts or other forms of popular entertainment. Attacks targeted women whose clothing did not cover their hair and all parts of their body except the hands and face, or those who wore makeup or nail polish.

Authorities entered homes to remove television satellite dishes, or to disrupt private gatherings in which unmarried men and women socialized, or where alcohol, mixed dancing, or other forbidden activities were offered or took place. The Government campaign against satellite dishes continued, although enforcement appeared to be arbitrary and sporadic, varying widely with the political climate and the individuals involved. Press reports from November noted that, after a roughly 4-month hiatus, security authorities resumed efforts to remove satellite dishes from Tehran homes, confiscating 450 dishes in 1 neighborhood during a single day. A Revolutionary Court order reportedly mandated the security forces to dismantle all satellite dishes in Tehran and confiscate any satellite-related equipment found during house searches.

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Speech and Press.—The Constitution provides for freedom of the press, except when published ideas are “contrary to Islamic principles, or are detrimental to public rights;” however, the Government restricted freedom of speech and of the press in practice. Since the election of President Khatami, the independent press, especially newspapers and magazines, played an increasingly important role in providing a forum for an intense debate regarding reform in the society. However, basic legal safeguards for freedom of expression did not exist, and the independent press was subjected to arbitrary enforcement measures by elements of the Government, notably the judiciary, which treated such debates as a threat.

The Government continued to harass senior Shi'a religious and political leaders and their followers who dissent from the ruling conservative establishment. In July 2002, the Friday prayer leader of Isfahan, Ayatollah Jalaleddin Taheri, resigned and, in a written statement, said he could no longer tolerate the corruption and repression of the country's clerical leadership. The Supreme Leader of the Islamic Republic appoints Friday prayer leaders, who are the senior religious authorities in their districts. According to HRW, the conservative establishment attempted to limit the damage by restricting coverage of Taheri's statement.

In October, reformist parliamentarian and outspoken critic Mohsen Armin was sentenced to 6 months in prison for insulting a conservative parliament member, according to press reports. The judge reportedly also stripped Armin of his “social rights” for 1 year for not appearing in court. Armin ascribed his absence from court to his assumption that he held parliamentary immunity. At year's end, Armin had not been imprisoned.

In January 2002, reformist members of Parliament staged a walkout to protest pro-reform Parliamentarian Hossein Loqmanian's imprisonment, which led the Supreme Leader to pardon him after he had spent several weeks in prison. In late 2001, Loqmanian began serving a 13-month sentence for insulting the judiciary. He became the first Majlis member to serve a jail sentence.

In spring 2001, security forces arrested parliament member Fatima Haghghatjoo for inciting public opinion and insulting the judiciary for criticizing the arrest of a

female journalist and claiming that the Government tortured prisoners. She was the first sitting Majlis member to face prosecution for statements made under cover of immunity. Haghghatjoo was sentenced to 17 months in prison, though she has not yet served time.

Newspapers and magazines represented a wide variety of political and social perspectives, many allied with members of the Government. Many subjects were tolerated, including criticism of certain government policies. However, the Press Law prohibits the publishing of a broad and ill-defined category of subjects, including material "insulting Islam and its sanctities" or "promoting subjects that might damage the foundation of the Islamic Republic." Prohibited topics include fault-finding comments regarding the personality and achievements of the late Leader of the Revolution, Ayatollah Khomeini; direct criticism of the Supreme Leader; assailing the principle of velayat-e faqih, or rule by a supreme religious leader; questioning the tenets of certain Islamic legal principles; publishing sensitive or classified material affecting national security; promotion of the views of certain dissident clerics, including Ayatollah Montazeri; and advocating rights or autonomy for ethnic minorities.

The Press Law established the Press Supervisory Board, which is composed of the Minister of Islamic Culture and Guidance, a Supreme Court judge, a Member of Parliament, and a university professor appointed by the Minister of Islamic Culture and Guidance. The Board is responsible for issuing press licenses and for examining complaints filed against publications or individual journalists, editors, or publishers. In certain cases, the Press Supervisory Board may refer complaints to the Press Court for further action, including closure. Its hearings were conducted in public with a jury composed of clerics, government officials, and editors of government-controlled newspapers. The jury was empowered to recommend to the presiding judge the guilt or innocence of defendants and the severity of any penalty to be imposed, although these recommendations were not legally binding.

Since 2000, approximately 100 newspapers and magazines have been closed for varying lengths of time. In the last few years, some human rights groups asserted that the increasingly conservative Press Court assumed responsibility for cases before Press Supervisory Board consideration, often resulting in harsher judgments. Recent efforts to amend the press laws have not met with success, although in October, parliament passed a law limiting the duration of temporary press closures to a maximum of 10 days for newspapers, 4 weeks for weeklies or bi-weeklies, 2 months for monthlies, and 3 months for other publications. The importance of the legislation was to stop the practice of extending "temporary" bans indefinitely.

Public officials frequently lodged complaints against journalists, editors, and publishers. Offending writers were subject to lawsuits and fines. Suspension from journalistic activities and imprisonment were common punishments for guilty verdicts for offenses ranging from "fabrication" to "propaganda against the State" to "insulting the leadership of the Islamic Republic."

Freedom of the press continued to deteriorate during the year. Many newspapers and magazines were closed, and many of their managers were sentenced to jail and, sometimes, lashings. Several dozen pro-reform newspapers continued to publish, most with heavy self-censorship. When shut down, others often opened to take their place. A number of Internet news sites continued to operate from outside the country. There is little information on the extent of readership inside the country.

Dozens of individual editors and journalists have been charged and tried by the Press Court in recent years, and several prominent journalists were jailed for long periods without trial. Others have been sentenced to prison terms or exorbitant fines. At year's end, at least 10 journalists, editors, and publishers remained in prison, according to Reporters Without Borders (RSF). Journalists imprisoned during the year include: Ali-Reza Jabari, arrested in March and sentenced to 3 years in prison and 253 lashes; Iraj Jamshidi, imprisoned without trial and held mostly in isolation since July; Taghi Rahmani, held in solitary confinement since June and reportedly sentenced in a separate case to 13 years in jail; and Reza Alijani and Hoda Saber, both held since June, and reportedly sentenced in separate cases to 6 and 10 years, respectively. In October, journalist Mohsen Sazgara was released from jail amid rumors of ill health, after 4 months in prison on charges of inciting protest.

In January, the judiciary halted efforts by deputy speaker of the Majlis, Mohammad-Reza Khatami, to re-open the banned newspaper Norouz under the new name Rouz-e No, by extending the 6-month ban on the original publication. Khatami was slated to replace former Norouz editor and parliament member Mohsen Mirdamadi, who was sentenced despite parliamentary immunity in May 2002 to 6 months in jail and banned from practicing journalism for 4 years for "insulting the state, pub-

lishing lies, and insulting Islamic institutions.” At year’s end, there were no reports that Mirdamadi had been imprisoned.

In January, the newspaper *Hayat-e No* was banned and editor Alireza Eshraghi arrested after the paper reprinted a 1937 U.S. cartoon about President Franklin Roosevelt’s battle with the Supreme Court. The authorities deemed that the judge portrayed too closely resembled the late Ayatollah Ruhollah Khomeini. The daily *Hamshahri* was also temporarily suspended in January after refusing to print an article from the chief of a state-run trade union.

In January, the Press Court also closed the reformist daily *Bahar* after the newspaper ran an article about a company whose shareholders include former president Hashemi Rafsanjani, former judiciary head Ayatollah Yazdi, and Ahmad Janati, head of the Council of the Guardians of the Revolution. *Bahar* was first closed in 2000 and had only re-opened in December 2002.

In February, according to AI, Abbas Abdi and Hussein Qazian, were sentenced to 8 and 9 years, respectively, in the National Institute for Research Studies and Opinion Polls case. In April, an appeals court reduced the sentences to 4 years and 6 months for each. The third defendant in the case, Behrouz Geranpayeh, was reportedly released on bail in January, pending a final ruling. The case originated in October 2002, when the judicial authorities closed the Institute which had found in a poll commissioned by the Majlis that a majority of citizens supported dialogue with the United States. The defendants were charged with spying for the United States, illegal contacts with foreign embassies, working with anti-regime groups, and carrying out research on the order of a foreign polling organization. Government intelligence officials had publicly stated that the accused were not spies. According to press reports, President Khatami also rejected the charges, stating that the Intelligence and Foreign Ministries had cleared the pollsters’ work. Reformist parliamentarians were reportedly barred from the court and the defendants were not allowed to see their families or their attorneys.

In October, RSF reported that the Government closed the newspaper *Avay-e Kordestan*, marking the first time a Kurdish language newspaper was banned in the country.

The Government directly controlled and maintained a monopoly over all television and radio broadcasting facilities; programming reflected the Government’s political and socio-religious ideology. Because newspapers and other print media had a limited circulation outside large cities, radio and television served as the principal news source for many citizens. Satellite dishes that received foreign television broadcasts were forbidden; however, many citizens, particularly the wealthy, owned them. In December 2002, the Majlis passed a bill legalizing private ownership of satellite receiving equipment. However, the Guardians Council rejected the legislation in January on constitutional and religious grounds. The Government reportedly acted to block foreign satellite transmissions during the year using powerful jamming signals (see Section 1.f.).

The Ministry of Islamic Culture and Guidance was in charge of screening books prior to publication to ensure that they did not contain offensive material. However, some books and pamphlets critical of the Government were published without reprisal. The Ministry inspected foreign printed materials prior to their release on the market. In August, author of “Iran’s women Musicians,” Toka Maleki, its publisher Jaafar Homai, and cultural critic Banafsheh Samgis received prison terms for publishing and publicly commenting on the book, which was deemed to contain “lies” about Islamic history. Translator of the book, “Women behind Veil and Well-Dressed Men,” Maliheh Moghazei and Ministry of Culture and the Islamic Guidance Director General Majid Sayyad also received prison terms in connection with the book’s publication.

The Government effectively censored domestic films, since it remained the main source of production funding. Producers must submit scripts and film proposals to government officials in advance of funding approval. However, such government restrictions appeared to have eased in recent years.

The Government censored Internet sites. In May, a government spokesman acknowledged state attempts to block access to “immoral” websites. The judiciary also announced the creation of a special unit to handle Internet-related issues. According to press reporting, the judiciary highlighted over twenty subject areas to be blocked, including: insulting Islam, opposing the Constitution, insulting the Supreme Leader or making false accusations about officials, undermining national unity and solidarity, creating pessimism among the people regarding the Islamic system, and propagating prostitution and drugs.

The Government restricted academic freedom. Government informers were common on university campuses. Admission to universities was politicized; all applicants had to pass “character tests” in which officials screened out applicants critical

of the Government's ideology. To obtain tenure, professors had to refrain from criticism of the authorities.

b. Freedom of Peaceful Assembly and Association.—The Constitution permits assemblies and marches “provided they do not violate the principles of Islam;” however, in practice the Government restricted freedom of assembly and closely monitored gatherings to prevent anti-government protest. Such gatherings included public entertainment and lectures, student gatherings, labor protests, funeral processions, and Friday prayer gatherings.

During a wave of student protests in June, vigilantes beat many protestors, and police arrested approximately 4,000 persons (both protestors and vigilantes), according to government figures shortly after the protests. The Government banned demonstrations planned for July 9 to commemorate the killing of several students by security forces in demonstrations held in 1999 and arrested more student activists at that time (see Sections 1.b. and 1.f.).

Paramilitary organizations such as the Ansar-e Hezbollah, a group of vigilantes who seek to enforce their vision of appropriate revolutionary comportment upon the society, harassed, beat, and intimidated those who demonstrated publicly for reform. Ansar-e Hezbollah gangs were used to harass journalists, intimidate dissident clerics, and disrupt peaceful gatherings (see Section 2.b.). Ansar-e Hezbollah cells were organized throughout the country and some were reportedly linked to individual members of the country's leadership.

In June, during a wave of pro-reform protests, members of vigilante groups, such as Ansar-e Hezbollah, attacked protestors, according to press reports. Ansar-e Hezbollah members reportedly stormed a university dormitory in Tehran, destroyed student property, and injured more than 50 students. Some vigilantes were reportedly included among those arrested by authorities during the clashes. Vigilantes who attacked a demonstration in Shiraz reportedly killed one protestor. Before being transferred to Government custody, vigilantes reportedly seized and beat journalist Ensafali Hedayat. Vigilante groups were also reported to have attacked protestors during pro-reform demonstrations near Tehran University in December.

In December, vigilantes beat reformist parliamentarian, Mohsen Mirdamadi, as he began a speech in Yazd. President Khatami ordered a crackdown on vigilantes after the attack; five individuals were subsequently arrested. At year's end, there was no further information on the status of their detention.

In November 2002, the Aghajari verdict sparked large and ongoing protests at universities throughout the country (see Section 1.e.). Students boycotted classes for almost 2 weeks and staged the largest pro-reform demonstrations in 3 years, with crowds of up to 5,000 at any given location. In late December 2002, two students were given jail terms for their protests against the Aghajari sentence. Hojatollah Rahimi was sentenced to 2 years in prison and 70 lashes for “insulting religious sanctities and issuing an insulting declaration.” Co-defendant Parviz Torkashvand was sentenced to 4 months in jail and 40 lashes.

A government clampdown using Basiji and other forces restored quiet for 2 weeks, until a large demonstration occurred at the University of Tehran, attended by over 2,000 within the walls of the campus, and with a larger crowd outside. Law enforcement officials and “plainclothes” forces wielding batons, whips, and belts suppressed the protest. Basiji violently dispersed subsequent demonstrations.

The Constitution provides for the establishment of political parties, professional associations, Islamic religious groups, and organizations for recognized religious minorities, provided that such groups do not violate the principles of “freedom, sovereignty, and national unity,” or question Islam as the basis of the Islamic Republic; however, the Government limited freedom of association, in practice.

In 2001, the Government provisionally closed the 50-year-old Iran Freedom Movement political party for “attempting to overthrow the Islamic regime,” and the Government permanently banned it in 2002. In response to the permanent dissolution of the movement, President Khatami warned against the banning of political groups, saying that suppression did not eliminate ideas; they were simply forced underground and continue to grow (see Sections 1.d. and 1.e.).

c. Freedom of Religion.—The Constitution declares that the “official religion of Iran is Islam and the doctrine followed is that of Ja'fari (Twelver) Shi'ism.” The Constitution also states that “other Islamic denominations are to be accorded full respect,” and recognizes Zoroastrians, Christians, and Jews, the country's pre-Islamic religions, as “protected” religious minorities; however, in practice The Government restricted freedom of religion. Religions not specifically protected under the Constitution did not enjoy freedom of religion. This situation most directly affected the approximately 300,000 followers of the Baha'i faith, who were not recognized by the Government as a community and were considered to belong to an outlawed political

organization. The central feature of the country's Islamic republican system is rule by a "religious jurisconsult." Its senior leadership, including the Supreme Leader of the Revolution, the President, the Head of the Judiciary, and the Speaker of the Islamic Consultative Assembly (Parliament) was composed principally of Shi'a clergymen.

The Ministry of Intelligence and Security (MOIS) monitored closely religious activity. Adherents of recognized religious minorities were not required to register individually with the Government. However, their community, religious, and cultural organizations, as well as schools and public events, were monitored closely. The population was approximately 99 percent Muslim, of which 89 percent were Shi'a and 10 percent Sunni (mostly Turkomans, Arabs, Baluchis, and Kurds). Baha'i, Christian, Zoroastrian, and Jewish communities constituted less than 1 percent of the population.

Members of the country's religious minorities, particularly Baha'is, reported imprisonment, harassment, and intimidation based on their religious beliefs. All religious minorities suffered varying degrees of officially sanctioned discrimination, particularly in the areas of employment, education, and housing. The Government generally allowed recognized religious minorities to conduct religious education of their adherents, although it restricted this right considerably in some cases. Religious minorities, by law and practice, are barred from election to a representative body, except to the five Majlis seats reserved for minorities, and from holding senior government or military positions. Members of religious minorities were allowed to vote, but they could not run for President. Although the Constitution mandates an Islamic Army, members of religious minority communities sometimes served in the military.

The Government allowed recognized religious minorities to establish community centers and certain privately-financed cultural, social, sports, or charitable associations. However, since 1983 the Government has denied the Baha'i community the right to assemble officially or to maintain administrative institutions.

The legal system discriminated against religious minorities, awarding lower monetary compensation in injury and death lawsuits for non-Muslims than for Muslims and imposing heavier punishments on non-Muslims than on Muslims. In April, the Council of Guardians rejected a bill passed by the Majlis in late 2002 equalizing the "blood money" paid to the families of male crime victims except for Baha'is. Proselytizing of Muslims by non-Muslims is illegal and the Government was harsh in its response, in particular against Baha'is and evangelical Christians. The Government did not ensure the right of citizens to change or recant their religion. Apostasy, specifically conversion from Islam, is punishable by death.

Although Sunni Muslims are accorded full respect under the terms of the Constitution, some Sunni groups claimed to be discriminated against by the Government.

Baha'is were considered apostates because of their claim to a religious revelation subsequent to that of the Prophet Mohammed. The Government defined the Baha'i faith as a political "sect" linked to the Pahlavi monarchy and therefore, as counterrevolutionary. Historically at risk, Baha'is often have suffered increased levels of mistreatment during times of political unrest. Baha'is may not teach or practice their faith or maintain links with co-religionists abroad. The Government continued to imprison and detain Baha'is based on their religious beliefs. A 2001 Ministry of Justice report indicated that government policy aimed at the eventual elimination of the Baha'is as a community.

In 2001, the UNSR estimated the Christian community at approximately 300,000. Of these, the majority were ethnic Armenians and Assyro-Chaldeans. Protestant denominations and evangelical churches also were active, but reported restrictions on their activities. The authorities became particularly vigilant in recent years in curbing proselytizing activities by evangelical Christians.

Estimates of the size of the Jewish community varied from 25,000 to 30,000, a substantial reduction from the estimated 75,000 to 80,000 Jews in the country prior to the 1979 revolution. While Jews were a recognized religious minority, allegations of official discrimination were frequent. The Government's anti-Israel stance, and the perception among many citizens that Jewish citizens supported Zionism and the State of Israel, created a threatening atmosphere for the small community. Jews limited their contact with and did not openly express support for Israel out of fear of reprisal. Jewish leaders reportedly were reluctant to draw attention to official mistreatment of their community due to fear of government reprisal.

The Government carefully monitored the statements and views of the country's senior Muslim religious leaders. It has restricted the movement of several who have been under house arrest for 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 Government placed some restrictions on these rights. Citizens may travel within the country and change their place of residence without obtaining official permission. The Government required exit permits (a validation stamp in the passport) for foreign travel for draft-age men and citizens who were politically suspect. Some citizens, particularly those whose skills were in short supply and who were educated at government expense, must post bonds to obtain exit permits. The Government restricted the movement of certain religious minorities and several religious leaders (see Sections 1.d. and 2.c.).

Citizens returning from abroad sometimes were subjected to searches and extensive questioning by government authorities for evidence of anti-government activities abroad. Recorded and printed material, personal correspondence, and photographs were subject to confiscation.

The Government permitted Jews to travel abroad, but often denied them multiple-exit permits issued to other citizens. Baha'is often experienced difficulty in obtaining passports.

Women must obtain the permission of their husband, father, or other male relative to obtain a passport. Married women must receive written permission from their husbands before being allowed to leave the country.

The law contains provisions for granting 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 were no reports of the forced return of persons to a country where they feared persecution; however, there were reports that the Government deported refugees deemed "illegal" entrants into the country. In times of economic uncertainty, the Government increased pressure on refugees to return to their home countries. The Government generally cooperated with the U.N. High Commissioner for Refugees (UNHCR) and other humanitarian organizations in assisting refugees.

The country hosted a large refugee population, mostly Afghans, as well as a significant number of Iraqis. At year's end, UNHCR estimated that approximately 1 million refugees from Afghanistan remained in the country. Up to 500,000 Afghan refugees have returned to Afghanistan since early 2002, including approximately 100,000 during the first half of the year, according to UNHCR. The Government denied UNHCR concerns that the Government was pressing them to leave. Most refugees subsisted on itinerant labor. The Government accused many Afghans of involvement in drug trafficking. After the September 2001 terrorist attacks, the Government sealed its border in anticipation of a war in Afghanistan and a resulting wave of refugees. The Government set up several refugee camps just inside Afghanistan to deal with the crisis.

The UNHCR estimated that there were approximately 200,000 Iraqi refugees in the country, the majority of whom were Iraqi Kurds, but also including Shi'a Arabs. Iraq expelled many of the Iraqi refugees at the beginning of the Iran-Iraq war because of their suspected Iranian origin. In numerous instances, both the Iraqi and Iranian Governments disputed their citizenship, rendering many of them stateless. Other Iraqi refugees arrived following Iraq's invasion of Kuwait in 1990. During the year, the Government took substantial steps to prepare for the possibility of new Iraqi refugees, but significant outflows never appeared. In November, UNHCR initiated a pilot repatriation of refugees from the country and had repatriated a few hundred to Iraq by early December. According to press reports, refugee officials speculated that up to three-quarters of the 200,000 refugees in the country may have crossed back into Iraq without formal assistance since April.

Although the Government claimed to host more than 30,000 refugees of other nationalities, including Tajiks, Bosnians, Azeris, Eritreans, Somalis, Bangladeshis, and Pakistanis, it did not provide information about them or allow the UNHCR or other organizations access to them.

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

The right of citizens to change their government is restricted significantly. The Supreme Leader, the recognized Head of State, is elected by the Assembly of Experts, and can only be removed by a vote of this same Assembly. The Assembly itself is restricted to clerics, who serve an 8-year term and are chosen by popular vote from a list approved by the Government. There is no separation of state and religion, and clerical influence pervades the Government, especially in appointed, rather than elected, positions. The Government effectively controlled the selection of candidates for elections. The Council of Guardians, which reviews all laws for consistency with Islamic law and the Constitution, also screens candidates for election for ideological, political, and religious suitability. It accepts only candidates who support a theocratic state; clerics who disagree with government policies or with a

conservative view of the Islamic state also have been disqualified. Two bills approved by the Majlis in late 2002 to expand presidential power and limit the Council of Guardians's ability to disqualify candidates were rejected by the Council of Guardians at mid-year.

Regularly scheduled elections are held for the Presidency, the Majlis, and the Assembly of Experts. Mohammad Khatami, a former Minister of Culture and Islamic Guidance who was impeached in 1992 by the Majlis for "liberalism" and "negligence," was elected President in 1997 and reelected in 2001 with 77 percent of the vote. The UNSR reported that the Guardian Council significantly limited the number of candidates permitted to run in elections and noted that the Interior Minister denounced the "unprincipled disqualification" of candidates.

Elections were held in the fall of 1998 for the 86-member Assembly of Experts. The Council of Guardians disqualified numerous candidates, which led to criticism from many observers that the Government improperly predetermined the election results.

Elections were last held for the 290-seat Majlis in 2000 and were scheduled to be held again in February 2004. Of more than 6,000 candidates, the Council of Guardians disqualified 576 before the 2000 elections, a substantial decrease from the 44 percent of candidates disqualified before the 1996 elections. Most of those disqualified were outspoken advocates of political reform, including some of the most prominent supporters of President Khatami. In 2001, by-elections were held for vacant Majlis seats. The Council of Guardians reportedly disqualified 100 potential candidates, more than one-quarter of those wishing to run. Furthermore, the Supreme Leader and other conservatives within the Government used constitutional provisions to block much of the early reform legislation passed by the Majlis.

In 1999, elections for nationwide local councils were held for the first time since the 1979 revolution. Government figures indicated that roughly 280,000 candidates competed for 130,000 council seats across the nation. Women were elected to seats in numerous districts. However, the Councils did not appear to wield significant autonomy or authority. A second series of municipal council elections took place in February. A combination of low voter turnout (below 50 percent) and popular dissatisfaction with both the performance of the councils and the record of reformists swept many reformists from office.

Women held 9 out of 290 Majlis seats. There were no female cabinet members, although several held high-level positions, such as Vice-President, and a woman served as Presidential Adviser for Women's Affairs, and another as head of the Environmental Protection Agency.

Majlis seats were reserved for elected Christian (three), Jewish (one) and Zoroastrian (one) deputies. Religious minorities were barred from being elected to any other seats on a representative body and from holding senior government or military positions.

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

The Government continued to restrict the work of local human rights groups. The Government denies the universality of human rights and has stated that human rights issues should be viewed in the context of a country's "culture and beliefs."

Various professional groups representing writers, journalists, photographers, and others attempted to monitor government restrictions in their fields, as well as harassment and intimidation against individual members of their professions. However, their ability to meet, organize, and effect change was curtailed severely by the Government. There were domestic NGOs working in areas such as health and population, women and development, youth, environmental protection, human rights, and sustainable development. Some reports estimate a few thousand local NGOs currently in operation.

International human rights NGOs such as HRW and AI were not permitted to establish offices in or conduct regular investigative visits to the country. Authorities barred HRW and AI representatives from attending the European Union's late 2002 human rights talks in Tehran, despite the EU's invitation. An October EU-Iran human rights dialogue was held in Brussels to facilitate the participation of NGO representatives. The Government also opened a human rights dialogue with Australia in 2002 and with Switzerland in October.

The ICRC and the UNHCR both operated in the country. However, the Government did not allow the UNSR to visit the country from 1997 to 2001, the last year his mandate to monitor human rights in the country was in effect. The Government allowed two visits by U.N. human rights representatives during the year, one by the UNSR for the Promotion and Protection of the Right to Freedom of Opinion and Expression and one by a U.N. Working Group on Arbitrary Detention. In December,

the Plenary of the U.N. 58th General Assembly adopted a resolution condemning the country for human rights abuses, include public executions, amputation, torture, suppression of free speech, and discrimination against women and minorities.

The Islamic Human Rights Commission (IHRC) was established in 1995 under the authority of the head of the judiciary, who sits on its board as an observer. In 1996 the Government established a human rights committee in the Majlis, the Article 90 Commission, which receives and considers complaints regarding violations of constitutional rights. However, many observers believed that these committees lacked independence.

In October, the Article 90 Commission issued a report on the death in custody of Iranian-Canadian photojournalist Zahra Kazemi. The report identified Tehran's Chief Prosecutor and other members of the judiciary as being directly involved in subjecting Kazemi to violent interrogations in Evin Prison, and later attempting to cover up the cause of her death. The report noted that Kazemi had applied for and received official government permission to act as a journalist and photographer while in the country. The Article 90 Commission findings reportedly dismissed allegations of MOIS involvement in Kazemi's death, though an MOIS officer was charged with her murder.

In October, lawyer and human rights activist Shirin Ebadi was awarded the Nobel Peace Prize for her work in advancing human rights both in the country and internationally. Ms. Ebadi, who served as one of the first female judges in the country before being forced to resign after the revolution, has campaigned on behalf of women, children, and victims of government repression. She represented the family of Darius and Parvaneh Forouhar, killed in 1998, and of a student killed during the 1999 student protests, which exposed links between vigilante groups and government officials and led to her arrest in 2000. Ms. Ebadi is a founder of the Center for the Defense of Human Rights, which represents defendants in political cases. She has also agreed to represent the family of Ms. Kazemi.

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

In general the Government did not discriminate on the basis of race, disability, language, or social status; however, it discriminated on the basis of religion, sex, and ethnicity. Kurds, Azeris, and Ahwazi Arabs were not allowed to study their languages.

Women.—Although spousal abuse and violence against women occurred, statistics were not available. Abuse in the family was considered a private matter and seldom was discussed publicly. Rape is illegal, and subject to strict penalties, but remained a widespread problem. The UNSR published statistics provided by the IHRC indicating that, at the end of 2001, an estimated 1,000 of approximately 3,000 active files were related to women's issues.

Prostitution was illegal. Accurate information regarding the extent of the problem was not widely available, although the issue received greater attention as a result of the public's growing interest in social problems. Press reports described prostitution as a widespread problem.

Provisions in the Islamic Civil and Penal Codes, in particular those sections dealing with family and property law, discriminate against women. Shortly after the 1979 revolution, the Government repealed the Family Protection Law, a hallmark bill adopted in 1967 that had given women increased rights in the home and workplace, and replaced it with a legal system based largely on Shari'a practices. In 1998, the Majlis passed legislation that mandated segregation of the sexes in the provision of medical care. In August, the Guardian Council rejected a bill that would require the country to adopt U.N. conventions on eliminating torture and ending discrimination against women.

Even though the law permits it, marriage at the minimum age of 9 was rare. In mid-2002, authorities approved a law that requires court approval for the marriage of girls below the age of 13 and boys younger than 15. All women must have the permission of their father or a male relative to marry. The law allowed for the practice of temporary marriages based on a Shi'a custom in which a woman or a girl may become the wife of a married or single Muslim male after a simple and brief religious ceremony. The temporary marriage may last any length of time. According to Shi'a Islamic law, men may have as many temporary wives as they wish. Such wives are not granted rights associated with traditional marriage.

The Penal Code includes provisions for the stoning of women and men convicted of adultery, although judges were instructed at the end of 2002 to cease imposing such sentences (see Section 1.c.). Women have the right to divorce if their husband has signed a contract granting that right or if the husband cannot provide for his family, is a drug addict, insane, or impotent. However, a husband is not required

to cite a reason for divorcing his wife. In December 2002, a new law made the adjudication of cases in which women demand divorces less arbitrary and less costly.

A widely used model marriage contract limits privileges accorded to men by custom, and traditional interpretations of Islamic law recognize a divorced woman's right to a share in the property that couples acquire during their marriage and to increased alimony. Women who remarry are forced to give the child's father custody of children from earlier marriages. However, the law granted custody of minor children to the mother in certain divorce cases in which the father is proven unfit to care for the child. In November, women were granted the right to custody of both male and female children up to 7 years of age; previously divorced women were allowed to retain custody over boys only until two years of age.

The testimony of a woman is worth half that of a man in court. The "blood money" paid to the family of a female crime victim is half the sum paid for a man. A married woman must obtain the written consent of her husband before traveling outside the country (see Section 2.d.).

Women had access to primary and advanced education; however, social and legal constraints limited their professional opportunities. Women were represented in many fields of the work force, and the Government has not prevented women from entering many traditionally male-dominated fields. However, women are barred from seeking the presidency and from appointment to the judiciary. The law provides maternity, child care, and pension benefits.

The Government enforced gender segregation in most public spaces, and prohibited women from mixing openly with unmarried men or men not related to them. Women must ride in a reserved section on public buses and enter public buildings, universities, and airports through separate entrances. Women were prohibited from attending male sporting events, although this restriction did not appear to be enforced universally. While the enforcement of conservative Islamic dress codes varied, what women wore in public was not entirely a matter of personal choice. The authorities sometimes harassed women if their dress or behavior was considered inappropriate, and women may be sentenced to flogging or imprisonment for such violations (see Section 1.c.). The law prohibits the publication of pictures of uncovered women in the print media, including pictures of foreign women. There are penalties for failure to observe Islamic dress codes at work.

Children.—There is little current information available to assess Government efforts toward assuring the welfare of children. Except in isolated areas of the country, children had access to free education through the 12th grade (compulsory to age 11), and to some form of health care.

There was not enough information available to reflect how the Government dealt with child abuse (see Sections 6.c. and 6.d.).

Persons with Disabilities.—There is no current information available regarding whether the Government has legislated or otherwise mandated accessibility for persons with disabilities, or whether discrimination against persons with disabilities is prohibited.

National/Racial/Ethnic Minorities.—The Kurds sought greater autonomy from the central Government and continued to suffer from government discrimination. Sunni Kurdish tensions with the Shi'a dominated government predate the 1979 revolution. Kurds often were suspected of harboring separatist or foreign sympathies. These suspicions have led to sporadic outbreaks of fighting between government forces and Kurdish groups. In recent years, greater Kurdish cultural expression has been allowed and Kurdish publications and broadcasting have expanded. However, there was still no public school education in the Kurdish language.

The KDPI claimed that the Government executed at least four Kurdish party members and activists during the year. According to KDPI, plainclothes vigilantes in five separate attacks killed seven more Kurds during the year (see Section 1.a.). Other activists were reported imprisoned.

Azeris comprise roughly one-quarter of the country's population and are well integrated into the Government and society. The Supreme Leader is of Azeri descent, but complained of ethnic and linguistic discrimination, including banning the Azeri language in schools, harassing Azeri activists or organizers, and changing Azeri geographic names. The Government traditionally viewed Azeri nationalism as threatening, particularly since the dissolution of the Soviet Union and the creation of an independent Azerbaijan. Azeri groups also claimed that there were a number of Azeri political prisoners jailed for advocating cultural and language rights for Iranian Azerbaijanis. The Government has charged several of them with "revolting against the Islamic state."

Foreign representatives of the Ahwazi Arabs of Khuzistan, whose numbers could range as high as 4 million or more, claimed that their community in the southwest

of the country suffered from discrimination, including the right to study and speak Arabic. In July, authorities reportedly closed two bilingual Arabic/Farsi newspapers, and imprisoned scores of political activists. They asserted that the Government has ignored their appeals to de-mine the vast stretches of Khuzistan, mined during the Iran-Iraq War. They further stated that many Arabs, both Shi'a and Sunni, have been imprisoned and tortured for criticizing government policies. According to Ahwazi sources, political activist with the Islamic Wafagh Party, Kazem Mojaddam, was sentenced to 2 years imprisonment in November after his initial arrest in June on charges of secession and endangering internal security.

Section 6. Worker Rights

a. The Right of Association.—The Labor Code provides workers the right to establish unions; however, the Government did not allow independent unions to exist. A national organization known as the Workers' House was the sole authorized national labor organization. It served primarily as a conduit for the Government to exert control over workers. The leadership of the Workers' House coordinated activities with Islamic labor councils, which were made up of representatives of the workers and one representative of management in industrial, agricultural, and service organizations of more than 35 employees. These councils also functioned as instruments of government control, although they frequently were able to block layoffs and dismissals.

According to the International Confederation of Free Trade Unions (ICFTU), the role of the Worker's House changed in recent years, and there was more tolerance of workers' organizations, which included four nurses organizations, a health workers' union, and a textile workers' union. The report also notes that a 2000 law exempted companies with up to five employees from the need to comply with labor legislation for 6 years. This law affected approximately 3 million workers, making them easier to hire and fire. The Labor Code allows employers and employees to establish guilds. The guilds issued vocational licenses and helped members find jobs. Instances of late or partial pay for government workers reportedly were common.

There were no known affiliations with international labor organizations.

b. The Right to Organize and Bargain Collectively.—Workers did not have the right to organize independently and negotiate collective bargaining agreements. The ICFTU noted that the presence of security/intelligence forces in the workplace, as well as increasing use of temporary contracts, acted as obstacles to organizing.

The law prohibits public sector strikes and the Government did not tolerate any strike deemed to be at odds with its economic and labor policies; however, strikes occurred. In addition to strikes, there were also work stoppages and protests by oil, textile, electrical manufacturing, and metal workers, as well as by the unemployed. Many of these protests were due to non-payment of wage arrears, according to the ICFTU. In May, textile workers in Behshar staged a hunger strike to protest non-payment of overdue wages. Teachers staged demonstrations and sit-ins in several cities during the year for improved working conditions and wage benefits.

It is not known whether labor legislation and practice in the export processing zones (EPZs) differ from the law and practice in the rest of the country. According to the ICFTU, labor legislation did not apply in the EPZs.

c. Prohibition of Forced or Bonded Labor.—The Penal Code provides that the Government may require any person who does not have work to take suitable employment; however, this did not appear to be enforced regularly. The International Labor Organization (ILO) has criticized this provision frequently as contravening ILO Convention 29 on forced labor. The law prohibits forced and bonded labor by children; however, this was not enforced adequately, and such labor by children was a serious problem.

d. Status of Child Labor Practices and Minimum Age for Employment.—The law prohibits forced and bonded labor by children; however, there appears to be a serious problem with child labor. The Labor Law prohibits employment of minors less than 15 years of age and places restrictions on the employment of minors under age 18; however, laws pertaining to child labor were not enforced adequately. The law permits children to work in agriculture, domestic service, and some small businesses. The law prohibits the employment of women and minors in hard labor or night work. Information regarding the extent to which these regulations were enforced was not available.

e. Acceptable Conditions of Work.—The Labor Code empowers the Supreme Labor Council to establish annual minimum wage levels for each industrial sector and region; however, no information was available regarding mechanisms used to set wages. It was not known if the minimum wages were adjusted annually or enforced. The Labor Code stipulates that the minimum wage should be sufficient to meet the

living expenses of a family and should take inflation into account. However, under poor economic conditions, many middle-class citizens must work at two or three jobs to support their families.

The Labor Code establishes a maximum 6-day, 48-hour workweek, with 1 weekly rest day, normally Fridays, and at least 12 days of paid annual leave and several paid public holidays.

According to the Labor Code, a Supreme Safety Council, chaired by the Labor Minister or his representative, is responsible for promoting workplace safety and health. Labor organizations outside the country have alleged that hazardous work environments were common in the country and have resulted in thousands of worker deaths per year. It was not known how well the Ministry's inspectors enforced regulations. It was not known whether workers could remove themselves from hazardous situations without risking the loss of employment.

f. Trafficking in Persons.—The law does not specifically prohibit trafficking in persons, and persons reportedly were trafficked to, through, and from the country during the year. It was difficult to measure the extent of the Government's efforts to curb human trafficking, but national and international press reporting indicated that Tehran has taken action against bandits involved in abducting women and children and pursued agreements with neighboring states to curb human trafficking. The Government has also reportedly arrested, convicted, and executed numerous human trafficking offenders. During the year, police reportedly arrested numerous members of prostitution rings and closed down brothels.

In April, a court in Mashhad reportedly sentenced 53 individuals to 281 years in prison and 222 lashes on charges of abduction and slavery for trafficking scores of young girls to Pakistan.

IRAQ¹

On April 9, Coalition-led forces militarily overthrew the Ba'athist regime of Saddam Hussein in Operation Iraqi Freedom. Under U.N. Security Council Resolutions 1483, 1500, and 1511, an Interim Administration, comprised of the Coalition Provisional Authority (CPA) and the Iraqi Governing Council, administers the country until an internationally recognized, representative government is established and assumes responsibility.

The regime's 1968 provisional Ba'athist Constitution claimed the country to be a democratic republic. However, political power rested exclusively in a harshly repressive one-party apparatus dominated by Saddam Hussein Al-Tikriti and members of his extended family. According to the Constitution, the Arab Ba'ath Socialist Party governed the country through the Revolutionary Command Council (RCC), which exercised both executive and legislative authority. President Saddam Hussein, who was also Prime Minister, Chairman of the RCC, and Secretary General of the Regional Command of the Ba'ath Party, therefore wielded absolute decisive power. Hussein and his regime claimed 99.96 percent of the votes cast in a nondemocratic "referendum" on his presidency held in October 2002 that did not include secret ballots; many credible reports indicated that voters feared possible reprisal for a dissenting vote. The judiciary was not independent, and the President had the ability to override any ruling or refer any case to a secret system of Special Courts outside the normal judiciary.

Under the RCC and Ba'ath party structure, the Tikriti family maintained total effective control of the security forces and the military. The regime's security apparatus included militias attached to the President, the Ba'ath Party, and the Interior Ministry. The military and these paramilitary forces often played an internal security role and were central to maintaining the environment of intimidation and fear on which regime power depended. The regime historically made little attempt to acknowledge, investigate, or punish officials or members of the military or security forces accused of human rights abuses; however, in February 2002, it admitted that state police were commonly accused of human rights violations. Members of the military and security forces committed numerous, serious human rights abuses.

The country has an estimated population of 24.7 million. The regime owned all major industries and controlled most of the highly centralized economy, which was based largely on oil production. The Iran-Iraq and gulf wars damaged the economy, and the country was subject to U.N. sanctions from its 1990 invasion of Kuwait

¹This report draws to a large extent on non-U.S. Government sources. The Coalition Provisional Authority has furnished additional information. This 2003 report covers the human rights record of the regime of Saddam Hussein until its fall on April 9.

until the suspension of sanctions following Operation Iraqi Freedom. Although the economy suffered from the regime's channeling resources to large military and internal security forces and to key supporters, the U.N.'s Oil-for-Food Program beginning in 1996 helped improve the standard of living for the average citizen.

Ethnically and linguistically the country's population includes Arabs, Kurds, Turkmen, Chaldeans, Assyrians, and Armenians. The religious mix likewise is varied and consists of Shi'a and Sunni Muslims (both Arab and Kurdish), Christians (including Chaldeans and Assyrians), Kurdish Yazidis, and a small number of Jews, Sabean Mandaeans, and Baha'i. Civil uprisings have occurred in various areas over the past 3 decades, especially in Kurdish areas in the North and Shi'a areas in the South. The minority Arab Sunni regime reacted with extreme repression against those who opposed or even questioned it. The regime also systematically forced the removal of ethnic minorities under its admitted policy of "Arabizing" arable land.

The regime's human rights record remained extremely poor and it continued to commit numerous, serious human rights abuses. Citizens did not have the right to change the Government. The regime continued to summarily execute alleged political opponents and leaders of the Shi'a religious community. Persons were executed arbitrarily because of their association with an opposition group or as part of a continuing effort to reduce prison populations. Until its fall, the regime continued to be responsible for disappearances and to kill and torture persons suspected of or related to persons suspected of oppositionist politics, economic crimes, military desertion, and a variety of other activities. Mass graves related to five major atrocities were identified by year's end. More remained to be investigated. The number of those buried in the graves already discovered was difficult to estimate, but many observers believed that the total will reach 300,000.

Security forces routinely tortured, beat, raped, and otherwise abused detainees. Prison conditions were extremely poor and frequently life-threatening. The regime at times conducted "prison cleansing" campaigns to kill inmates in order to relieve overcrowding in the prisons. The authorities routinely used arbitrary arrest and detention, prolonged detention, and incommunicado detention, and continued to deny citizens the basic right to due process.

Until April 9, Saddam Hussein and his inner circle of supporters continued to impose arbitrary rule. The regime continued to infringe on citizens' privacy rights. The regime severely restricted freedoms of speech, the press, assembly, association, religion, and movement. Violence and discrimination against women occurred. The regime neglected the health and nutritional needs of children, and discriminated against religious minorities and ethnic groups. The regime restricted severely trade union rights. Child labor persisted, and there were instances of forced labor.

Since the 1991 Kurdish uprising and the regime's subsequent military withdrawal, the Kurdistan Democratic Party (KDP) and the Patriotic Union of Kurdistan (PUK) controlled most areas in the northern provinces of Erbil, Duhok, and Sulaymaniah. Despite conflict from 1994-1997, a unified Assembly of PUK and KDP members convened for the first time in October 2002.

The KDP, PUK, and other opposition groups have committed human rights abuses in the past. However, prior to the fall of the regime, the PUK and KDP enacted laws establishing an independent judiciary, providing for freedom of religion, freedom of the press, freedom of assembly, the right to form political parties, and women's and workers' rights. According to press reporting and independent observers, both groups generally observed such laws in practice. In addition, both the PUK and KDP established human rights ministries to monitor human rights conditions, to submit reports to relevant international bodies, and to recommend ways to end abuses.

RESPECT FOR HUMAN RIGHTS

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

a. Arbitrary or Unlawful Deprivation of Life.—The regime, in power until the fall of Baghdad on April 9, continued to commit numerous political and other extrajudicial killings, especially by executing perceived or alleged political opponents. The U.N. Special Rapporteur of the U.N. Commission on Human Rights on the situation of Human Rights in Iraq had repeatedly criticized the regime for the "sheer number of executions" taking place in the country, the number of "extra judicial executions on political grounds," and "the absence of a due process of the law." Arbitrary or summary executions were widespread.

The discovery of mass graves, considered to be unmarked sites containing at least six bodies, provided evidence of the vast dimension of the practice. Immediately following the fall of the regime and throughout the remainder of the year, mass graves were reported from sources throughout the country. By the end of the year, 275

mass graves had been reported to the CPA and 55 of these mass graves had been confirmed.

Sites have been discovered in all regions and contained members of every major religious and ethnic group in the country, as well as foreign citizens, including Iranian POWs, Kuwaitis and Saudis. Graves contained forensic evidence of atrocities, including signs of torture, decapitated or mutilated corpses, or evidence that victims had been shot in the head at close range. According to results published by the CPA, most of the graves discovered by year's end corresponded to one of five major atrocities perpetrated by the regime:

In the 1983 attack against Kurdish citizens, the regime rounded up 8,000 members of the Barzani tribe in the North and executed them in deserts at great distances from their homes.

In the 1988 Anfal campaign, as many as 182,000 persons disappeared. Most of the men were separated from their families and were executed in deserts in the west and southwest of the country. The remains of some of their wives and children have also been found in mass graves. Chemical attacks against Kurdish villages from 1986 to 1988, including the Halabja attack, when the Air Force dropped sarin, VX and tabun chemical agents on the civilian population, killing 5,000 people immediately and causing long-term medical problems, related deaths, and birth defects among the children of thousands more.

The 1991 massacre after the Shi'a uprising at the end of the gulf war killed tens of thousands of Shi'a in such regions as Basra and Al-Hillah.

The 1991 massacre of Kurds targeted civilians and soldiers who fought for autonomy in the North after the gulf war.

At or near prisons or military establishments, opponents and critics of the regime from all religious and ethnic groups were also executed and buried in mass graves.

These crimes have acquired a measure of notoriety and salience. However, thousands of other citizens, including Marsh Arabs, Shi'a citizens in the 1970s and 1980s, and students involved in uprisings in Najaf in 1999 may also be in as-yet undiscovered mass graves.

There have also been mass extrajudicial executions of prisoners. In a prison cleansing campaign between 1997 and 1999 approximately 2,500 prisoners were executed. In October 2001, 23 political prisoners were executed at Abu Ghraib prison.

The list of offenses with mandatory death penalties grew substantially in the last years of the regime and included minor offenses such as smuggling cars and spare parts. More significantly, the Special Rapporteur has noted that mere membership in certain political parties was punishable by death, and that fear of death for any act or expression of dissent was pervasive. There were recurrent reports of the use of the death penalty for such offenses as "insulting" the President or the Ba'ath Party. The Special Rapporteur also noted that even the "suggestion that someone was not a supporter of the President carried the prospect of the death penalty." In response to the Special Rapporteur's request for information concerning those executed in 2000 and 2001, the regime responded that the number was 249—for the crimes of homicide, drug-related offenses and immoral offenses. The Special Rapporteur commented that compliance with his request was "limited."

Apart from the mass graves, the regime practiced a policy of selective elimination of prominent Shi'a clerics and their followers suspected of disloyalty to the Government. Regime agents publicly targeted family members of defectors and dissidents for torture and killing (see Section 1.f.). Regime security forces killed numerous political prisoners, minority group members, criminal suspects, and others during attempted apprehension or while in custody.

Land mines continued to kill civilians. Approximately 7 million landmines left over from the Iran/Iraq war remained in place in the North. PUK representatives reported that the population living in the region under its control suffered approximately 250 casualties per month from exploded mines. Many of these victims died.

In February 2002, the Minister of Justice specifically informed the Special Rapporteur that prostitution was not punishable by death under the law and claimed that no one had been sentenced to death for prostitution in the country in many years. However, in the past, security forces used allegations of prostitution to intimidate opponents of the regime. Security forces allegedly beheaded at least 130 women between June 2000 and April 2001, and an additional number of men suspected of facilitating such activities in October 2000. Security agents reportedly decapitated numerous women and men in front of their family members. According to Amnesty International (AI), the victim's heads were displayed in front of their homes for several days (see Section 5).

b. Disappearance.—There is a substantial overlap between the victims of arbitrary and unlawful killings reported in the previous Section and the "disappeared" in this

Section. Those who disappeared frequently belonged to groups whose corpses were unearthed in mass graves.

Until the regime's fall, there continued to be widespread reports of disappearances. The regime did nothing to address accusations of previously reported disappearances. A large number of citizens remain unaccounted for.

Local human rights associations, international human rights, representatives of the CPA, U.N. officials, the U.N. Special Rapporteur, representatives of the Governing Council, the Interim Authority's Human Rights Ministry, and the regional human rights ministries in Irbil and Sulimaniyah have all provided estimates on the number of missing persons in the country. By the end of the year, it was widely believed among all of these organizations that the regime had executed as many as 300,000 civilians, and probably more. Several of these organizations held the view that as many as 1.3 million persons were missing as a result of wars, executions, and defection.

The majority of the disappearance cases known to the Special Rapporteur were persons of Kurdish origin who disappeared during the 1988 Anfal Campaign. The Special Rapporteur estimated that the total number of Kurds who disappeared during that period could reach several tens of thousands. Human Rights Watch (HRW) estimated the total at between 70,000 and 150,000, and AI at more than 100,000. During the year, the two regional Human Rights Ministers claimed that 182,000 Kurds were executed during the Anfal Campaign. The second largest group of disappearance cases known to the Special Rapporteur consisted of Shi'a who were reported to have disappeared in the late 1970's and early 1980's as their families were expelled to Iran due to their alleged Persian ancestry. Subsequently, there were large-scale killings of Shi'a in the South at the end of the gulf war.

Hundreds were still missing in the aftermath of the brief Iraqi military occupation of Erbil in 1996. Many of these persons may have been killed surreptitiously late in 1997 and throughout 1998, in the prison-cleansing campaign (see Section 1.a.). The missing were primarily from the Kurd minority but included members of the Assyrian, Turkmen, and Yazidi communities.

Despite several well-publicized exchanges with Kuwait, Saudi Arabia, and Iran, the regime ignored requests from those governments to account for those who had disappeared during Iraq's 1990–91 occupation of Kuwait, and regarding prisoners of war captured in the 1980–88 Iran-Iraq war. The regime failed to return, and did little to account for, a large number of Kuwaiti citizens and citizens of other countries who were detained during the Iraqi occupation of Kuwait. Of 609 cases of missing Kuwaiti citizens under review by the Tripartite Commission on Gulf War Missing, only 3 were resolved. In the past, the regime denied having any knowledge of the others and claimed that any relevant records were lost in the aftermath of the gulf war although it subsequently claimed to have provided such records to Kuwait in October 2002.

After the fall of the former regime, officials from the CPA, working with Iraqis, the Human Rights Ministry, the Ministry of Foreign Affairs and the International Committee of the Red Cross (ICRC) through the Tripartite Commission process, have closed 45 cases of Kuwaiti and Saudi Arabian missing persons whose corpses were found in mass graves and confirmed through DNA testing.

Numerous credible reports have alleged the existence of special prison wards that hold individuals whose whereabouts, status, and fate were not disclosed (see Section 1.c.).

Few victims became targets of the regime because of any crime they had committed; rather, they were arrested and held as hostages in order to force a relative, who may have escaped abroad, to surrender. Others were arrested because of their family's link to a political opponent or because of their ethnic origin (see Sections 1.d. and 1.f.).

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.—The 1968 Constitution expressly prohibited torture; however, the security services routinely and systematically tortured detainees. According to former prisoners, torture techniques included branding, electric shock administered to the genitals and other areas, beating, removal of fingernails, amputation without anesthesia, burning with hot irons and blowtorches, suspension from rotating ceiling fans, dripping of acid on the skin, rape, breaking of limbs, denial of food and water, extended solitary confinement in dark and extremely small compartments, and threats to rape or otherwise harm family members and relatives. Evidence of such torture was often apparent when security forces returned the mutilated bodies of torture victims to their families. There were persistent reports that families were made to pay for the cost of executions of loved ones. Refugees often reported to host governments in a variety of countries instances of torture, and displayed scars and mutilations to substantiate their claims. Since the fall of the former regime, Iraqis have repeatedly and

consistently reported to the CPA, human rights organizations, and the international media that they suffered from these types of torture.

Arrested persons routinely were subjected to mistreatment, including prolonged interrogations accompanied by torture, beatings, and various deprivations. Cruel and unusual punishments prescribed by the law, including amputations and branding. In 2000, the authorities introduced tongue amputation as a punishment for persons who criticized Saddam Hussein or his family. Soldiers had their ears cut off as punishment for desertion. An "X" was branded on their foreheads so that citizens would not think that they were wounded war veterans. In February 2002, the Minister of the Interior admitted the existence of this practice, but claimed "it had now definitively ceased." Since the fall of the regime, Iraqis with amputated hands, tongues, and ears have presented themselves to CPA authorities confirming these reports of torture and seeking assistance.

There were numerous allegations of politically motivated torture and reports of torture against family members, including the children, of suspected critics of the regime. For instance, a health coordinator for the refugee health program in Yemen claimed in January 2002 that an Iraqi child under her care in Yemen bearing the marks of needle scars on its wrists and forearms had been injected with an agent that caused severe mental retardation in retaliation for the father's suspected opposition to the regime.

Beyond the use of torture, the regime systematically employed cruel, inhuman, and degrading treatment of people for political purposes. Human rights organizations and opposition groups continued to receive reports of women who suffered from severe psychological trauma after being raped while in custody. Security forces also reportedly sexually assaulted and threatened sexual assault against officials, opposition members and their families, in order to blackmail them into compliance (see Section 1.f.). This continued an alleged pattern of the regime's systematic use of rape for political purposes. One former female prisoner reported to the CPA that she suffered repeated rape, including with metal objects, and burning of her breasts while in the custody of the former regime. She showed significant scarring. Former Mukhabarat (Intelligence Service) member Khalid Al-Janabi reported in 2001 that its Technical Operations Directorate used rape and sexual assault in a systematic and institutionalized manner for political purposes. The unit reportedly also videotaped the rape of female relatives of suspected oppositionists and used the videotapes for blackmail purposes and to ensure their future cooperation (see Section 1.f.). The security forces allegedly also raped women who were captured during the Anfal Campaign in the 1980s and during the 1990 occupation of Kuwait. The regime never acknowledged these reports, conducted any investigation, nor took action against those who committed the rapes.

Prison conditions were extremely poor and life-threatening. There reportedly were numerous official, semi-official, and private prisons throughout the country. Overcrowding was a serious problem. In February 2002, the Minister of Labor and Social Affairs admitted to the Special Rapporteur that its prison system was overcrowded. The regime granted a much-publicized amnesty in October 2002 to all prisoners except those accused of spying for the United States or Israel. This public relations event served mainly to corroborate previous reporting of summary executions, disappearances, torture, and inhuman living conditions within the regime's prison system. Many prisoners remained unaccounted for after the amnesty which released many hardened criminals into the population.

Certain prisons were infamous for routine mistreatment of detainees and prisoners. Abu Ghurayb, Baladiat, Makasib, Rashidiya, Radwaniyah, and other prisons reportedly have torture chambers. Hundreds of Fayli (Shi'a) Kurds and other citizens of Iranian origin, who had disappeared in the early 1980s during the Iran-Iraq war, reportedly were being held incommunicado at the Abu Ghurayb prison. There were numerous mentally ill prisoners at Al-Shamma'iyah prison in Baghdad, which reportedly was the site of torture and a number of disappearances. The Al-Radwaniyah detention center was a former prisoner of war (POW) facility near Baghdad and reportedly the site of torture as well as mass executions (see Section 1.a.). Since the fall of the former regime, the CPA has received numerous and consistent complaints of torture during interrogations in secret detention centers immediately following arrest and prior to transfer to prisons. Many of these individuals also claimed that they were tortured in the prisons after their transfer. Al-Radwaniyah has been consistently reported as a site of mass executions, and hundreds of Iraqis have reported that they believed there is a mass grave somewhere in the immediate vicinity of the prison.

The regime did not permit international monitoring of prisons; however, in 2002 the Special Rapporteur visited prisons and noted that the Abu Ghurayb prison's conditions "were appalling."

Kurdish regional officials reported in 2000 that prisons in the three northern provinces were open to the International Committee for the Red Cross (ICRC) and other international monitors. According to the ICRC, regular and consistent improvement in conditions was observed on their weekly prison visits to declared prisons. However, both the PUK and the KDP reportedly maintained private, undeclared prisons, and both groups reportedly deny access to ICRC officials. There were reports that authorities of both the PUK and KDP tortured detainees and prisoners.

d. Arbitrary Arrest, Detention, or Exile.—The Constitution and the legal code explicitly prohibited arbitrary arrest and detention; however, the authorities routinely engaged in these practices. The Special Rapporteur received numerous reports of widespread arbitrary arrest and detention, often for long periods of time, without access to a lawyer or the courts. As indicated in the 1999 AI report, “Iraq: Victims of Systematic Repression,” many thousands of persons were arrested arbitrarily in the last few years of the regime because of suspected opposition activities or because they were related to persons sought by the authorities. Those arrested often were taken away by plainclothes security agents who offered no explanation and produced no warrant to the person or family members (see Section 1.f.). The authorities frequently denied detainees legal representation and visits by family members. In most cases, family members did not know the whereabouts of detainees and did not make inquiries for fear of reprisal. Many persons were taken away in front of family members, who heard nothing further until days, months, or years later, when they were told to retrieve the often-mutilated corpse of their relative. There also were reports of the widespread practice of holding family members and close associates responsible for the alleged actions of others (see Section 1.f.). Since the fall of the former regime, Iraqis have consistently reported to the CPA and national human rights institutions that the former regime arrested them for their political or religious beliefs, ethnic background or disloyalty. Specific allegations have included arrest for membership in the Communist party, refusal to join the Ba’ath party, marriage to or association with foreigners, and being of Shi’a, Kurd, Jewish, Chaldean Christian, Turkmen, Yazidi, or Assyrian background.

According to international human rights groups, numerous foreigners arrested arbitrarily in previous years also remained in detention. Although no statistics were available, observers estimated the number of political detainees to be in the tens of thousands, some of whom have been held for decades. The PUK and the KDP reportedly hold some political prisoners and detainees in the north of the country.

e. Denial of Fair Public Trial.—Under the former regime, the judiciary was not independent, and there was no check on the President’s power to override any court decision. Numerous laws facilitated continued repression, and the regime used extrajudicial methods to extract confessions or coerce cooperation. Historically, during the constitutional monarchy, a Council of Judges administered the judiciary independently of the executive branch of Government. The Ba’ath party abolished the Council of Judges and placed the regular courts within the Ministry of Justice.

There were two parallel judicial systems. The regular courts under the Ministry of Justice dealt with the civil courts, courts of personal status and criminal courts. In addition to the Court of Appeal, there was the Court of Cassation or Supreme Court, which was the highest court. The many special courts and tribunals affiliated with, and supervised by, parts of the executive other than the Ministry of Justice operated independently of the regular judicial system. For example, the national security courts tried all cases related to the internal and external security of the state but also could try criminal cases.

National security courts had jurisdiction in all cases involving espionage and treason, peaceful political dissent, smuggling, currency exchange violations, and drug trafficking. Military officers or civil servants with no legal training headed these tribunals, which heard cases in secret. Authorities often held defendants incommunicado and did not permit contact with lawyers (see Section 1.d.). The courts admitted confessions extracted by torture, which often served as the basis for conviction (see Section 1.c.). Many cases appeared to end in summary execution; defendants could appeal to the President for clemency. The Minister of Justice, in February 2002, claimed that they were staffed with judges from the regular judiciary, and trials in such courts were conducted with all the rights and procedures of the normal civil courts. This assertion prompted the Special Rapporteur to conclude that if this were true, such courts were unnecessary.

At the fall of the regime, there were approximately 860 Iraqi judges and prosecutors. A number were not corrupt, connected to the security court or to high levels of the Ba’ath Party. Although far from a model of fairness, the judiciary was not significantly involved in the worst abuses of the prior regime. Pervasive human

rights abuses existed in the regular judicial system, such as the use of tortured confessions. However, the ordinary courts in the Ministry of Justice were marginalized due to the regime's mistrust of many of the regular judges.

Bribery was a chronic problem in the judiciary, as was political influence. The regime intervened in the ordinary judicial system when a person of influence was arrested for the commission of an offense that was prosecuted in the Ministry of Justice Courts or where the victim of the crime had regime ties. However, judges, at times, demonstrated great courage. In one well-known case, the regime removed nine judges from the Supreme Court when the facts made the death penalty inapplicable and they refused to impose the death penalty in a murder case in which the victim was associated with the regime. In another instance, a judge was imprisoned when he authored an opinion declaring that a decision of the RCC was unconstitutional. In another case, the regime refused to appoint an entire class of judges after 2 years of study at the Judicial Institute because they did not clap after a speech by Ali Hassan Al-Majid, Saddam Hussein's cousin who organized the gas killings of the Kurds in 1986.

Procedures in the regular courts in theory provided for many protections; however, the regime often assigned to the security courts cases that, on their legal merits, would appear to fall under the jurisdiction of the regular courts. Trials in the regular courts were public, and defendants were entitled to counsel, at regime expense in the case of indigents. Defense lawyers had the right to review the charges and evidence brought against their clients. There was no jury system; panels of three judges tried cases. Defendants had the right to appeal to the Court of Appeal and then to the Court of Cassation.

The regime shielded certain groups from prosecution for alleged crimes. For example, a 1990 decree granted immunity to men who committed "honor crimes," a violent assault with intent to commit murder against a woman by a relative for her perceived immodest behavior or alleged sexual misconduct (see Section 5). A 1992 decree granted immunity from prosecution to members of the Ba'ath Party and security forces who killed anyone while in pursuit of army deserters. Unconfirmed but widespread reports indicate that this decree was applied to prevent trials or punishment of regime officials.

f. Arbitrary Interference with Privacy, Family, Home or Correspondence.—The 1968 Constitution prohibited such practices; however, the regime frequently infringed on citizens' right to privacy, particularly in cases allegedly involving national security. The law defined security offenses so broadly that authorities effectively were exempt from the legal requirement to obtain search warrants, and searches without warrants were commonplace. The regime routinely ignored constitutional provisions designed to protect the confidentiality of mail, telegraphic correspondence, and telephone conversations. The regime periodically jammed news broadcasts from outside the country, including those of opposition groups (see Section 2.a.). The security services and the Ba'ath Party maintained pervasive networks of informers to deter dissident activity and instill fear in the public.

The authorities systematically detained, abused, and killed family members and close associates of alleged regime opponents (see Sections 1.a., 1.b., 1.d., and 1.g.).

The regime pursued an Arabization campaign of ethnic cleansing designed to harass and expel ethnic Kurds and Turkmen from regime-controlled areas. According to press reports and opposition sources, the regime forcibly displaced hundreds of families. Since the fall of the regime, citizens throughout the country have reported histories of forced expulsion from their homes and relocation by the former regime. It is currently estimated that hundreds of thousands of citizens were forcibly displaced, although actual numbers are unknown. Large numbers of these forced relocations occurred in Kirkuk, Sinjar, throughout the southern Shi'a region, especially in the marshlands and Basra.

Regime officials also took hostage members of minority groups to intimidate their families into leaving their home regions (see Sections 1.d., 2.d., and 5). Authorities demolished the houses and detained and executed family members of Shi'a who protested regime actions (see sections 1.d. and 1.g.).

The Special Rapporteur has noted that guilt by association was facilitated by administrative requirements imposed on relatives of deserters or other perceived opponents of the regime. For example, conscripts were required to secure a guarantor to sign a document stating that the named conscript would not desert military service and that the guarantor would accept personal responsibility if the conscript deserted. Relatives who did not report deserters could lose their ration cards for purchasing regime-controlled food supplies, be evicted from their residences or face the arrest of other family members.

g. Use of Excessive Force and Violations of Humanitarian Law in Internal and External Conflicts.—The authorities detained, abused, and killed family members and close associates of alleged regime opponents (see Sections 1.a., 1.b., and 1.f.). The regime directed a campaign of intimidation at U.N. and nongovernmental organization (NGO) relief workers. In 2001, the Foreign Minister threatened to cut official ties to U.N. workers supervising Oil-for-Food Program distribution in the North, and to revoke their visas and deport them. In 2001, the regime expelled six U.N. humanitarian relief workers without explanation.

The regime continued to “Arabize” certain Kurdish areas, such as the urban centers of Kirkuk and Mosul, through the forced movement of local residents from their homes and villages and their replacement by Arabs from outside the area (see Sections 1.d., 1.f., 2.d., and 5).

Landmines in the north, mostly planted by the regime before 1991, continued to kill and maim civilians. Many of the mines were laid during the Iran-Iraq and Gulf Wars; however, the army failed to clear them before it abandoned the area. Kurdish officials estimate that at least 7 million landmines remain in place in Kurdish-controlled areas. Landmines also are a problem along the Iraq-Iran border throughout the central and southern areas in the country. There is no information regarding civilian casualties or the regime’s efforts, if any, to clear old mine fields in areas under the central regime’s control. According to reports by the U.N. Office of Project Services, the Mines Advisory Group, and Norwegian Peoples’ Aid, landmines have killed more than 3,000 persons in the three northern provinces since the 1991 uprising. PUK officials have estimated that mine casualties in its area of control occur at a rate of approximately 250 per month. The Special Rapporteur repeatedly reminded the regime of its obligation under the Landmines Protocol to protect civilians from the effects of mines. Various NGOs continued efforts to remove landmines from the area and increase awareness of mines among local residents. PUK officials have stated that the regime repeatedly refused requests to provide maps of known minefields (see Section 1.a.).

The regime continued to attack Shi’a worshippers (see Section 1.a.). For example, following the 1999 killing of Ayatollah Mohammad Sadeq Al-Sadr and his sons, security forces reportedly killed and tortured hundreds of alleged supporters of Al-Sadr. In 1999 and 2000, as a reprisal for the disturbances following Al-Sadr’s killing, the regime expelled approximately 4,000 Shi’a families from Baghdad.

After the 1991 Gulf War, victims and eyewitnesses described war crimes perpetrated by the regime, including deliberate killing, torture, rape, pillage, and hostage-taking. The remains of Kuwaiti and Saudi citizens captured during the gulf war were discovered in mass graves in during the year, and showed evidence of summary execution.

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Speech and Press.—The 1968 Constitution provided for freedom of speech and of the press “in compliance with the revolutionary, national, and progressive trend;” however, in practice the regime did not permit freedom of speech or of the press, and did not tolerate political dissent in areas under its control.

The regime, the Ba’ath Party, or persons close to Saddam Hussein owned all print and broadcast media, and operated them as propaganda outlets. They generally did not report opposing points of view that were expressed either domestically or abroad. Several statutes and decrees suppressed freedom of speech and of the press.

The Ministry of Culture and Information periodically issued general guidelines for the press. Foreign journalists had to work from offices located within the ministry building and were accompanied everywhere by ministry officers, who reportedly restricted their movements and made it impossible for them to interact freely with citizens.

According to the Special Rapporteur, citizen journalists were under continuous pressure to join the Ba’ath party and had to follow the mandates of the Iraqi Union of Journalists, headed by the President’s son, Uday Hussein.

The regime regularly jammed foreign news broadcasts (see Section 1.f.). Availability of satellite dishes, modems, and fax machines was highly restricted. Regime-controlled areas had two terrestrial television channels, the official Iraq Television, and Youth TV, owned by Uday Hussein, who also controlled the satellite television service. According to press reports, Internet service was available but highly restricted by the regime. Reportedly, only 500 computers had links to the web within regime-controlled areas and these access points were closely censored. Books could be published only with the authorization of the Ministry of Culture and Information. The Ministry of Education often sent textbooks with pro-regime propaganda to Kurdish regions, which the Kurds routinely removed

The regime did not respect academic freedom and exercised strict control over academic publications and foreign travel by academics. University, secondary and primary school employees were hired and fired depending on their support for the regime.

b. Freedom of Peaceful Assembly and Association.—The 1968 Constitution provided for freedom of assembly; however, the regime restricted this right in practice. Citizens could not assemble legally other than to express support for the regime, which regularly orchestrated crowds to demonstrate support for the regime and its policies through financial incentives for those who participated and threats of violence against those who did not.

The Constitution provided for freedom of association; however, the regime restricted this right in practice. The regime controlled the establishment of political parties, regulated their internal affairs, and monitored their activities. New political parties had to be based in Baghdad and were prohibited from having any ethnic or religious character. A 1999 law stipulated that new parties had to “take pride” in the 1958 and 1968 revolutions, which created the republic and brought the Ba’ath party to power. Several parties were outlawed, and membership in them was a capital offense (see Section 3). The law prescribed the death penalty for anyone “infiltrating” the Ba’ath Party.

c. Freedom of Religion.—The Constitution provided for freedom of religion provided that it does not violate “morality and public order”; however, the regime severely limited freedom of religion in practice. Islam is the official state religion. The Ministry of Endowments and Religious Affairs monitored places of worship, appointed the clergy, approved the building and repair of all places of worship, and approved the publication of all religious literature.

More than 95 percent of the population is Muslim. The (predominantly Arab) Shi’a constitute a 60 to 65 percent majority, while Sunni make up 32 to 37 percent (approximately 18 to 20 percent are Sunni Kurds, 13 to 16 percent are Sunni Arabs, and the rest are Sunni Turkmen). The remaining approximately 5 percent consist of Christians—Chaldeans (Roman Catholic), Assyrians (Church of the East), Syriac (Eastern Orthodox), and Armenian Orthodox—Yazidis, and a small number of Jews and Sabeans Mandaean.

The regime did not recognize political organizations formed by Shi’a Muslims or Assyrian Christians. There were religious qualifications for government office.

Various segments of the Sunni Arab community, which itself constitutes a minority of the population, effectively controlled the Government since independence in 1932. Sunni Arabs were at a distinct advantage in all areas of secular life, including civil, political, military, and economic. Shi’a and Sunni Arabs are not distinct ethnically. Shi’a Arabs have supported an independent country alongside Sunni Arabs since the 1920 Revolt, many joined the Ba’ath Party, and Shi’a formed the core of the army in the 1980–88 Iran-Iraq War. Shi’a Arabs, the religious majority of the population, have long been economically, politically, and socially disadvantaged. Like the Sunni Kurds and other ethnic and religious groups in the North, the regime targeted Shi’a Arabs in the south for particular discrimination and abuse.

For decades, the regime conducted a brutal campaign of murder, summary execution, and protracted arbitrary arrest against the religious leaders and followers of the majority Shi’a population (see Sections 1.a., 1.d., and 1.g.). Despite nominal legal protection of religious equality, the regime severely repressed the Shi’a clergy and those who follow the Shi’a faith. Forces from the Mukhabarat, General Security (Amin Al-Amm), the Military Bureau, Saddam’s Commandos (Fedayeen Saddam), and the Ba’ath Party killed senior Shi’a clerics, desecrated Shi’a mosques and holy sites, and interfered with Shi’a religious education. Security agents were stationed at all major Shi’a mosques and shrines and searched, harassed, and arbitrarily arrested worshipers.

The following regime restrictions on religious rights remained in effect until April: Restrictions and outright bans on communal Friday prayer by Shi’a; restrictions on the loaning of books by Shi’a mosque libraries; a ban on the broadcast of Shi’a programs on regime-controlled radio or television; a ban on the publication of Shi’a books, including prayer books and guides; a ban on funeral processions other than those organized by the regime; a ban on other Shi’a funeral observances such as gatherings for Koran reading; and the prohibition of certain processions and public meetings that commemorate Shi’a holy days. Shi’a groups report that they captured documents from the security services during the 1991 uprising that listed thousands of forbidden Shi’a religious writings.

Shi’a groups reported numerous instances of religious scholars being subjected to arrest, assault, and harassment in the last several years of the regime, particularly in the internationally renowned Shi’a academic center of Najaf. In 2000, AI reported

that the regime systematically deported tens of thousands of Shi'a (both Arabs and Kurds) to Iran in the late 1970s and early 1980s, on the basis that they were of Persian descent. According to Shi'a sources, religious scholars and Shi'a merchants who supported the schools financially were the principal targets for deportation. After the 1991 popular uprising, the regime relaxed some restrictions on Shi'a attending the schools. However, the revival of the schools appears to have exceeded greatly the regime's expectations, and led to an increased crackdown on the Shi'a religious establishment, including the requirement that speeches by imams in mosques be based upon regime-provided material that attacked fundamentalist trends.

The regime consistently politicized and interfered with religious pilgrimages, both of Iraqi Muslims who wished to make the Hajj to Mecca and Medina and of Iraqi and non-Iraqi Muslim pilgrims who traveled to holy sites within the country (see Section 2.d.).

Twice each year—on the 10th day of the Muslim month of Muharram and 40 days later in the month of Safar—Shi'a pilgrims from throughout the country and around the world travel to Karbala to commemorate the death there centuries ago of the Imam Hussein. The regime for several decades interfered with these Ashura commemorations by preventing processions on foot into the city. In 2000, security forces opened fire on persons who attempted to walk from Al-Najaf to Karbala (see Section 1.g.).

The regime also sought to undermine the identity of minority Christian (Assyrian and Chaldean) and Yazidi groups.

The regime engaged in various abuses against the country's estimated 350,000 Assyrian and Chaldean Christians, especially in terms of forced movements from northern areas and repression of political rights (see Section 2.d.). Most Assyrians live in the northern provinces, and the regime often accused them of collaborating with Iraqi Kurds. Military forces destroyed numerous Assyrian churches during the 1988 Anfal Campaign and reportedly tortured and executed many Assyrians.

d. Freedom of Movement within the Country, Foreign Travel, Emigration, and Repatriation.—The regime restricted movement within the country of citizens and foreigners. Police checkpoints were common on major roads and highways. Persons who entered sensitive border areas and numerous designated security zones were subject to arrest.

The regime required citizens to obtain specific regime authorization and expensive exit visas for foreign travel. Citizens could not make more than two trips abroad annually. Before traveling abroad, citizens were required to post collateral, which was refundable only upon their return. Women were not permitted to travel outside the country alone; male relatives had to escort them (see Section 5).

The law provided for additional penalties for citizens who attempted to leave the country illegally. Under the law, a prison term of up to 10 years and "confiscation of movable and immovable property" could be imposed on anyone who attempted to leave illegally. Similar penalties were given to anyone found to encourage or assist persons banned from travel, including health care professionals, engineers, and university professors.

The regime restricted foreign travel by journalists, authors, university professors, doctors, scientists, and all employees of the Ministry of Information. Security authorities interrogate all media employees, journalists, and writers upon their return from foreign travel.

The regime consistently politicized and interfered with religious pilgrimages, both of Muslim citizens who wished to make the Hajj to Mecca and Medina and of citizen and non-citizen Muslim pilgrims to holy sites in the country (see Section 2.c.).

Non-Arab citizens were forced to either change their ethnicity on their identity documents and adopt Arabic names or be expelled to the Kurd-controlled northern provinces. Persons could avoid expulsion if they relinquished their Kurdish, Turkmen, Chaldean, or Assyrian identity and registered as Arabs. Persons who refused to relinquish their identity had their assets expropriated and their ration cards withdrawn prior to being deported. Those expelled were not permitted to return. Citizens who provided employment, food, or shelter to returning or newly arriving Kurds were also subject to arrest.

According to the U.N. High Commissioner for Refugees (UNHCR), hundreds of thousands of refugees remained abroad. Apart from those suspected of sympathizing with Iran, most fled after the regime's suppression of the civil uprising of 1991; others are Kurds who fled during the Anfal Campaign of 1988. Of the 1.5 million refugees who fled following the 1991 uprisings, the great majority, particularly Kurds, repatriated themselves in northern areas outside of regime control.

The regime did not provide asylum or refugee status in accordance with the 1951 U.N. Convention relating to the Status of Refugees and its 1967 Protocol, did not cooperate with the UNHCR, and did not respect the rights of refugees.

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

Under the regime, citizens did not have the right to change their government. The President wielded power over all instruments of government. Most important officials either were members of Saddam Hussein's family or were family allies from his hometown of Tikrit.

There were strict qualifications for parliamentary candidates; by law the candidates for the National Assembly had to be over 25 years old and "believe in God, the principles of the July 17–30 revolution, and socialism." Elections for the National Assembly were held in March 2000; 220 of the 250 parliamentary seats were contested and presidential appointees filled the 30 remaining seats. Out of the 250 seats, members of the Ba'ath reportedly won 165 seats, independents won 55, and the President appointed 30 Ba'ath party members to represent the northern provinces. According to the Special Rapporteur, the Ba'ath Party allegedly instructed a number of its members to run as nominally independent candidates. Uday Hussein was elected to the National Assembly by 99.9 percent of the vote.

Full political participation at the national level was restricted to members of the Arab Ba'ath Socialist Party, who were estimated to constitute approximately 8 percent of the population. The political system was dominated by the Party, which governed through the RCC. President Saddam Hussein headed the Council. The RCC exercised both executive and legislative authority. The RCC dominated the executive branch and the National Assembly, which was completely subordinate to it.

Opposition political organizations were illegal and severely suppressed. Membership in certain political parties was punishable by death.

The regime did not recognize the various political groupings and parties that were formed by Shi'a Muslims, Kurds, Assyrians, Turkmen, or other communities. These political groups continued to attract support despite their illegal status.

The law provides for the election of women and minorities to the National Assembly; however, representation was token.

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

The regime did not permit the establishment of independent human rights organizations. Monitors from most foreign and international human rights groups were not allowed in the country.

The regime operated an official human rights group that routinely denied allegations of abuses.

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

The 1968 Constitution and the legal system provided for some rights for women, children, and minorities; however, in practice the regime systematically violated these rights.

Women.—Domestic violence against women occurred but little is known about its extent. Such abuse customarily was addressed within the tightly knit family structure. There was no public discussion of the subject, and no statistics were published. Under the Constitution, spousal violence constituted grounds for divorce and could be prosecuted; however, suits brought on such charges reportedly were rare. Under a 1990 law, men who committed honor crimes could receive immunity from prosecution (see Section 1.e.).

Law prohibited rape; however, security forces routinely raped family members of persons in the opposition as punishment (see section 1.c). Prostitution is illegal. The regime denied claims that it beheaded women accused of prostitution (see Section 1.a.).

Children.—No information was available regarding whether the regime enacted specific legislation to promote the welfare of children. However, the Special Rapporteur and several human rights groups have collected a substantial body of evidence indicating the regime's continued disregard for the rights and welfare of children.

The regime's management of the U.N. Oil-for-Food Program did not take into account the special requirements of children between the ages of 1 and 5, despite the U.N. Secretary General's specific injunction that the regime modify its implementation procedures to address the needs of this vulnerable group. In 1999, UNICEF issued the results of the first surveys of child and maternal mortality in the country that have been conducted since 1991. The surveys were conducted in 1999, in co-

operation with the regime in the southern and central regions, and in cooperation with the local Kurdish authorities in the North. The surveys revealed that in the south and central parts of the country, home to 85 percent of the population, children under 5 years old were dying at more than twice the rate that they were a decade before. In contrast, mortality rates for children less than 5 years old in the Kurdish-controlled North dropped in the period between 1994 and 1999. The Special Rapporteur criticized the regime for “letting innocent people suffer while [it] maneuvered to get sanctions lifted.” Had the regime not waited 5 years to adopt the Oil-for-Food Program in 1996, he stated in October 1999, “millions of innocent people would have avoided serious and prolonged suffering.”

The regime held 3-week training courses in weapons use, hand-to-hand fighting, rappelling from helicopters, and infantry tactics for children between 10 and 15 years of age. Camps for these “Saddam Cubs” operated throughout the country. Senior military officers who supervised the course noted that the children held up under the “physical and psychological strain” of training that lasted for as long as 14 hours each day. Families reportedly were threatened with the loss of their food ration cards if they refused to enroll their children in the course. Similarly, authorities reportedly withheld school examination results to students unless they registered in the Fedayeen Saddam organization (see Section 1.f.).

Regime officials allegedly took children from minority groups in order to intimidate their families to leave cities and regions in which the regime wishes to create a Sunni Arab majority (see Sections 1.d., 1.f., and 2.d.).

Persons with Disabilities.—No information was available regarding the regime’s policy towards persons with disabilities.

National/Racial/Ethnic Minorities.—The country’s cultural and linguistic diversity was not reflected in the regime’s political and economic structure. Non-Arabs were denied equal access to employment, education, and physical security. Non-Arabs were not permitted to sell their homes except to Arabs, nor to register or inherit property. As part of its “Arabization” policy, the regime forcibly displaced the non-Arab population, including Kurds, Turkmen, and Assyrians living in Kirkuk, Sinjar, and other districts (see Sections 1.f. and 2.d.). Similarly, the regime forced many Arabs to relocate to regions forcibly vacated by other groups. Both major Kurdish political parties have indicated that the regime occasionally targeted Assyrians, as well as ethnic Kurds and Turkmen, in expulsions from Kirkuk in order to attempt to “Arabize” the city (see Section 2.d.).

Assyrians and Chaldeans are considered by many to be a distinct ethnic group, as well as the descendants of some of the earliest Christian communities. These communities speak a different language (Syriac), preserve traditions of Christianity, and have a rich cultural and historical heritage that they trace back more than 2,000 years. Although these groups do not define themselves as Arabs, the regime, without any historical basis, defined Assyrians and Chaldeans as such, evidently to encourage them to identify with the Sunni-Arab dominated regime (see Section 2.c.).

The regime did not permit education in languages other than Arabic and Kurdish. In areas under regime control, Assyrian and Chaldean children were not permitted to attend classes in Syriac.

The Constitution did not provide for a Yazidi identity. Many Yazidis consider themselves to be ethnically Kurdish, although some would define themselves as both religiously and ethnically distinct from Muslim Kurds. However, the regime, without any historical basis, defined the Yazidis as Arabs. There was evidence that the regime compelled this re-identification to encourage Yazidis to join in domestic military action against Muslim Kurds. Captured regime documents included in a 1998 HRW report describe special all-Yazidi military detachments formed during the 1988–89 Anfal campaign to “pursue and attack” Muslim Kurds. The regime imposed the same repressive measures on Yazidis as on other groups (see Section 2.c.).

Citizens of Iranian origin were required to carry special identification and often are precluded from desirable employment; the regime deported hundreds of thousands of citizens of Iranian origin.

Section 6. Worker Rights

a. The Right of Association.—The regime controlled all trade unions. The Trade Union Organization Law of 1987 established the Iraqi General Federation of Trade Unions (IGFTU), a regime-controlled trade union structure, as the sole legal trade federation. The IGFTU was linked to the Ba’ath Party, which used it to promote party principles and policies among union members.

Workers in private and mixed enterprises, but not public employees or workers in state enterprises, had the right to join local union committees. The committees were affiliated with individual trade unions, which in turn belonged to the IGFTU.

The Labor Law restricted the right to strike. According to the International Confederation of Free Trade Unions, such restrictions on the right to strike include penal sanctions. No strike has been reported during the past 2 decades.

The IGFTU was affiliated with the International Confederation of Arab Trade Unions and the formerly Soviet-controlled World Federation of Trade Unions.

In the Kurd-controlled northern region, the law allows persons to form and join trade unions and other organizations, and to use such organizations for political action. Dozens of trade groups have been formed since 1991.

b. The Right to Organize and Bargain Collectively.—The regime did not recognize the right to bargain collectively. The regime set salaries for public sector workers, the majority of employed persons. Wages in the much smaller private sector were set by employers or negotiated individually with workers. Public sector workers frequently were shifted from one job and work location to another to prevent them from forming close associations with other workers. The Labor Code did not protect workers from anti-union discrimination, an omission that was criticized repeatedly by the Committee of Experts of the International Labor Organization (ILO).

The Labor Law also restricted the right to strike. According to the International Confederation of Free Trade Unions, such restrictions on the right to strike included penal sanctions.

There were no export processing zones.

c. Prohibition of Forced or Bonded Labor.—The law prohibits forced labor; however, the Penal Code mandated prison sentences, including compulsory labor, for civil servants and employees of state enterprises for breaches of labor “discipline,” including resigning from a job. According to the ILO, foreign workers in the country were prevented from terminating their employment and returning to their native countries because of regime-imposed penal sanctions on persons who did so. There is no information available regarding forced and bonded labor by children under the former regime.

d. Status of Child Labor Practices and Minimum Age for Employment.—The regime prohibited the employment of children under the age of 14, except in small-scale family enterprises. However, children reportedly were encouraged increasingly to work in order to help support their families because of the country’s harsh economic conditions. The law stipulated that employees between the ages of 14 and 18 should work fewer hours per week than adults. Each year the regime enrolled children as young as 10 years of age in a paramilitary training program (see Section 5).

e. Acceptable Conditions of Work.—There was no information available regarding regime minimum wages. Most workers in urban areas worked a 6-day, 48-hour workweek. The head of each ministry set hours for regime employees. Working hours for agricultural workers varied according to individual employer-employee agreements.

f. Trafficking in Persons.—There was no information available regarding whether the law prohibited trafficking in persons, or whether persons were trafficked to, from, or within the country.

ISRAEL AND THE OCCUPIED TERRITORIES

Israel is a parliamentary democracy with a multiparty system and free elections. There is no constitution; a series of “basic laws” provide for fundamental rights. The legislature, or Knesset, has the power to dissolve the Government and limit the authority of the executive branch. On January 28, elections for the Knesset were held. Likud Party leader Ariel Sharon was re-elected Prime Minister. The judiciary is independent.

Since the Intifada began in September 2000, and during the year, Palestinians from the West Bank and Gaza continued to perpetrate terrorist attacks against Israeli targets. Terrorist organizations such as the Islamic Resistance Movement (Hamas), Hizballah, Islamic Jihad in Palestine, and the Popular Front for the Liberation of Palestine (PLFP), among others, committed numerous acts of terrorism in Israel and the occupied territories. Between January and November, approximately 130 terrorist attacks occurred within Israel and Jerusalem, killing more than 145 Israelis and injuring more than 720. Israeli security forces prevented numerous terrorist attacks against citizens on a daily basis.

Israel occupied the West Bank, the Gaza Strip, East Jerusalem, and the Golan Heights after the 1967 War. (The human rights situation in the occupied territories is discussed in the annex appended to this report.) The international community

does not recognize Israel's sovereignty over any part of the occupied territories. Since 1991, the Israelis and the Palestinians made repeated attempts at negotiating peace. Despite meetings between high-level Israeli and Palestinian officials, efforts to resolve the conflict yielded few results.

Internal security is the responsibility of the Israel Security Agency (ISA), formerly the General Security Service (GSS) and also known as Shin Bet or Shabak, which is under the authority of the Prime Minister's office. The police are under the authority of the Minister of Internal Security. The Israel Defense Forces (IDF) is under the authority of a civilian Minister of Defense. The IDF included a significant portion of the adult population on active duty or reserve status and played a role in maintaining security. The Foreign Affairs and Defense Committee in the Knesset reviewed the activities of the IDF and the ISA. Security forces were under effective government control. Members of the security forces committed serious human rights abuses in the occupied territories and against Palestinian detainees.

The country's population is approximately 6.7 million (including Israeli settlers in the occupied territories). The country has an advanced industrial economy with a relatively high standard of living. During the year, unemployment was approximately 11 percent, but was substantially higher in the country's peripheral regions, among lower-skilled workers and the country's Arab citizens. The country's economic growth was accompanied by an increase in income inequality. The long-standing gap in levels of income within the Jewish population and between Jewish and Arab citizens increased. Arab citizens populated most of the 17 towns in Israel with the highest unemployment rates. During the year, the country relied heavily on foreign workers, principally from Asia, Africa and Eastern Europe, who were employed in agriculture and construction and constituted approximately 10 percent of the labor force.

The Government generally respected the human rights of its citizens; however, there continued to be problems with respect to its treatment of its Arab citizens. Israeli and international human rights organizations continued to report allegations that security forces tortured detainees during interrogation and that police officers beat detainees. The conditions in military detention camps and Israeli interrogation centers for Palestinian security detainees held in Israel remained poor, and did not meet international standards. Human rights groups issued complaints regarding torture, insufficient living space, and inadequate medical care for those detained in interrogation centers. During the year, the Government detained without charge thousands of persons in Israel, the West Bank, and Gaza. According to human rights nongovernmental organizations (NGOs) in the country, some security prisoners were sentenced on the basis of coerced confessions.

The Government did little to reduce institutional, legal, and societal discrimination against the country's Arab citizens, who constituted approximately 20 percent of the population but did not share fully the rights and benefits provided to, and obligations imposed on, the country's Jewish citizens. The Government interfered with individual privacy in some instances. The Government interfered with an individual's ability to marry within the country by not recognizing Jewish marriages other than those performed by the Orthodox Jewish establishment and by prohibiting civil marriages. Discrimination and societal violence against women persisted, although the Government continued to take steps to address these problems. Discrimination against persons with disabilities persisted. Trafficking in women into the country for the purpose of forced prostitution was a continuing problem. There was evidence of labor trafficking among the country's estimated 236,000 foreign workers. Abuse of foreign workers, including prostitutes, some of whom were trafficked to and employed illegally in the country, continued.

RESPECT FOR HUMAN RIGHTS

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

a. Arbitrary or Unlawful Deprivation of Life.—There were no political killings in Israel during the year.

On September 1, the Orr Legal Commission of Inquiry (COI), established in 2000 to investigate the demonstrations of October 2000, during which police killed 12 Arab citizens and 1 Palestinian, released a report of its findings. The report criticized then Prime Minister Ehud Barak and then Minister of Internal Security Shlomo Ben-Ami for their handling of the situation and recommended personnel action and, in some cases, criminal investigations, against several government and police officials. The report also criticized police practices with regard to the Israeli-Arab population and noted the historical, societal, and governmental discrimination against Arab citizens.

On September 14, the Government established a ministerial committee to advise the Government on implementation of the COI recommendations within 60 days. By year's end, the committee's tenure had been extended.

Several Israeli-Arab advocacy groups alleged that police and security forces wrongfully killed other Arab citizens since the killings of the 12 Arab citizens in the October 2000 demonstrations. On July 22, Israeli Border Police shot and killed unarmed 28-year-old Morassi Jibali, a passenger in a car that the police claimed had failed to stop upon order. The police claimed the victim had been mistaken for a terrorist. It was later discovered that the driver had tried to avoid the roadblock as he was driving without a license. On July 24, the police shot and killed an unarmed Bedouin man, Nasser Abu al Qia'an, who was behind the wheel of a car near a junction. Several witnesses reportedly stated that the victim's car had stopped in traffic, and that a police officer shot Qia'an at point blank range. Police claimed that the victim had tried to run them over. Commenting on a pattern within the Israeli police forces, the COI wrote in its report that the "police must learn to realize that the Arab sector in Israel is not the enemy and must not be treated as such."

On September 11, police and residents of an Arab community, Kfar Qassem, clashed when police reportedly searched for Palestinians who allegedly entered Israel illegally. The police shot and wounded one Israeli Arab when, according to police reports, village residents began to throw stones at them. At year's end, the police were still investigating the incident.

According to the Government, there was a 50 percent decrease in the number of terrorist attacks in the country by Palestinian groups or individuals as compared to 2002. The Government reported that these attacks resulted in the deaths of about 213 Israelis, including about 50 members of the IDF (see Sections 1.a. and 1.c. of the annex). Terrorists injured approximately 900 Israelis during the year. The Government and Israeli society continued to function on a heightened state of alert due to continuous and numerous threats of attacks from these groups.

On January 5, a double suicide bombing killed 23 persons, including 15 Israeli citizens and 8 foreign nationals, and injured approximately 120 persons near the Tel Aviv Central Bus Station. On June 11, 17 people were killed and over 100 wounded in a suicide bombing on a bus on Jaffa Road in Jerusalem. On August 19, 23 persons were killed and over 130 wounded when a suicide bomber detonated a bomb on a bus in Jerusalem. On October 4, 20 people were killed and more than 60 wounded in a suicide bombing at Maxim's restaurant in Haifa.

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

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.—Laws, judicial decisions, and administrative regulations prohibit the physical abuse of detainees. During the year, there continued to be allegations that security forces tortured Palestinian detainees from the occupied territories during interrogation. The Attorney General has the authority to accept a "necessity defense" in deciding whether to prosecute those accused of alleged abuses. There also were numerous allegations that security officers beat Palestinian detainees from the occupied territories during arrest and on the way to interrogation or detention facilities.

The Public Committee Against Torture in Israel (PCATI) submitted approximately 80 complaints of alleged torture by the ISA to the State Prosecutor during the year. According to the PCATI, the Government did not respond to 27 complaints, and approximately 30 cases were still under investigation. The Government, according to PCATI, claimed that 3 detainees had since been released from detention, and 12 others either withdrew their complaints or refused to meet with the investigator. Human rights groups maintained that no ISA agent has been criminally charged with torture or other ill treatment for the past several years. NGOs and international organizations reported government use of sleep deprivation, prolonged shackling and tightening of shackles, enforced positioning, forcing the detainee to run blindfolded and then tripping him, threats of violence, humiliation, threats against detainees' family members, and threats of house demolition against detainees held for interrogation. Human rights groups further complained that the investigators who did field work for the State Prosecutor's office on such claims were ISA agents and, therefore, biased in favor of their colleagues.

The law provides for the right to live in conditions that do not harm the health or dignity of the detainee, access to adequate health care, a bed for each detainee, and exercise and fresh air daily. Conditions varied in incarceration facilities in the country and the occupied territories that were administered by the Israeli Prison Service (IPS), the IDF, or the national police. IPS prisons, which generally housed citizens accused or convicted of common crimes, generally met international standards. There were some enlargements of IPS facilities to address overcrowding dur-

ing the year, including the addition of 400 prison cells since June. Expansions and initiatives to renovate and repair existing facilities were underway at year's end.

In July 2002, Physicians for Human Rights (PHR) filed a petition with the Supreme Court calling for improved prison conditions. In June, the Supreme Court issued a permanent injunction prohibiting prisoners from being forced to sleep on the floor and demanded every prisoner be provided a bed. The Minister of Internal Security stated publicly that all persons held in the IPS would receive a bed, daily outdoor exercise, telephone and visitation rights, and less crowded facilities. During the year, the Government has begun to ease overcrowding in some facilities thereby freeing up more bed space.

Conditions in interrogation facilities for Palestinians were generally poorer than those of detention facilities and prisons.

In Israel, security detainees were held in IDF detention camps such as the Megiddo and Ketsiot facilities, and in special sections of police detention facilities. In August, hundreds of Palestinian prisoners at Megiddo Prison rioted against the Government's decision to transfer some of them to the Ketsiot detention camp in the south. Ketsiot is further away from most prisoners' homes in the West Bank, making it difficult for families to visit. However, the Government transferred the prisoners.

Conditions in IDF facilities for security detainees were more basic than those of IPS facilities. Detention camps were mainly open-air, makeshift facilities, composed of tents on concrete floors with no heating. Beds were composed of mattresses on wooden palettes on the floor. A new wing opened at the Ketsiot facility alleviated overcrowding to some degree. According to the Government, security detainees may receive financial assistance from the Palestinian Authority (PA), including food required for observing religious holidays from their families and other persons or organizations and medical supplies from the International Committee for the Red Cross (ICRC) and other aid organizations. The IDF detention facilities held mainly male Palestinian detainees. The total number of Palestinian prisoners held by Israel on security grounds reached approximately 6,000 by year's end.

Approximately 650 Palestinians from Gaza and the West Bank were held in administrative detention (that is, not charged or tried and considered security threats) at year's end.

Conditions at the Russian Compound interrogation center in Jerusalem remained extremely poor. According to a PHR report released in November, prisoners in the Russian Compound holding cells were routinely handcuffed with their hands behind their backs to their feet, sometimes for hours. A major Israeli newspaper further reported that the Jerusalem police confirmed the use of this practice but noted it was used only in "extreme cases." According to the PHR, the Israeli Supreme Court has prohibited the use of painful handcuffing. In response to a petition by the PHR, the Attorney General notified the PHR that the Police Commissioner had been instructed to stop the use of this handcuffing position. The PHR report also stated that medical examinations given to arriving prisoners were used to determine if the prisoner could withstand "the application of violent approaches to those jailed." In addition, the report claimed that the Russian Compound was overcrowded.

Since the Intifada began, only Israeli lawyers or Palestinian lawyers with Jerusalem identification cards were permitted to visit Palestinian prisoners in jails as advocates or monitors, which reduced significantly the availability and timeliness of legal aid for such prisoners.

Conditions at some national police detention facilities remained poor. Such facilities were intended to hold criminal detainees prior to trial but often became de facto prisons. Those individuals held included some security detainees and some persons who were convicted and sentenced. Inmates in the national police detention facilities often were not accorded the same rights as prisoners in the IPS system.

Women were held separately from men, and children were held separately from adults. Israeli citizens 18 years and over were treated as adults within the criminal justice system. Military orders, however, provide that Palestinian youth age 16 and above are treated as adults. According to one international organization, as of November, about 180 Palestinian minors were held by Israeli authorities for security violations. In September, according to media reports, the IDF detained a 12-year-old Palestinian boy for security reasons. He was released in December. Overcrowding, poor physical conditions, lack of social workers, and denial of visits by parents remained problems for Palestinian youth. According to the National Council for the Child, detention centers for Israeli juveniles had problems with poor infrastructure and overcrowding.

Various institutions, including government ministries, the Knesset, the ICRC, or human rights groups regularly monitored incarceration facilities (see Section 1.d. of the annex). However, in August, in response to a Supreme Court petition, the Gov-

ernment admitted the existence of a secret IDF detention facility. The Government prohibited the media from publishing the exact location of the prison, the names of persons held, and prison conditions. The Government has not allowed the ICRC, Knesset members, or the media access to the facility. Prisoners, their lawyers, and their families did not know the prison's exact location. On December 1, Supreme Court ordered the Government to release information on this prison by February 20, 2004.

d. Arbitrary Arrest, Detention, or Exile.—The law prohibits arbitrary arrest; however, the Government did not always observe this prohibition. Defendants are considered innocent until proven guilty and have the right to writs of habeas corpus and other procedural safeguards. The law permits, subject to judicial review, administrative or preventive detention (i.e., detention without charge or trial), which was used in a small percentage of security cases. In such cases, the Minister of Defense may issue a detention order for a maximum of 1 year, which can be extended every 3 months. Within 24 hours of issuance of a detention order, detainees must be brought before a district judge who can confirm, shorten, or overturn the order. If the order is confirmed, an automatic review takes place after 3 months. Detainees have the right to be represented by counsel and to appeal detention orders to the High Court of Justice; however, according to the Association for Civil Rights in Israel (ACRI) and Adalah, the Legal Center for Arab Minority Rights in Israel, the police can delay a suspect's meeting with counsel for up to 48 hours in certain extreme cases. If the detainee is suspected of committing a "security offense," the police can delay notification of counsel for up to 10 days with the consent of a judge, which was usually granted. The court can delay the suspect's meeting with counsel for an additional 21 days. The Government may withhold evidence from defense lawyers on security grounds.

The 1997 Arrest and Detention Law limited the grounds for pretrial detention in criminal and security cases and reduced to 24 hours the length of time a person may be held without charge; however, this law does not extend to administrative detention cases. Human rights groups noted abuse of detention orders in cases in which the accused did not pose a clear danger to society.

Some protections afforded to citizens were not extended to Palestinian detainees, who fell under the jurisdiction of military law even if they were detained in Israel.

At year's end, the Government held approximately 8,400 Palestinians in custody. Those held were a combination of common criminals (approximately 1,250), administrative detainees (approximately 650), and ordinary security detainees (approximately 5,650). In 2000, a High Court ruling declared illegal the holding of Lebanese detainees in Israeli prisons as "bargaining chips" to extract concessions or the release of Israeli prisoners held in Lebanon. Since 1989 and 1994, the Government has held, without explicit charges, both Sheikh Obeid, a Lebanese Hezbollah leader, and Mustafa Dirani, a head of security for the Amal militia. The Government claimed both were security threats and that Dirani personally oversaw the detentions of Israeli MIA Ron Arad, to whose release the Government linked Dirani's detention. In 2002, in response to the High Court's 2000 decision that detaining Lebanese captives indefinitely as "bargaining chips" violated the administrative detention law, the Knesset passed the Illegal Combatant Law. This law allows the IDF to detain anyone if there is a basis to assume that he or she "takes part in hostile activity against Israel, directly or indirectly" or "belongs to a force engaged in hostile activity against the State of Israel." Detainees can be held indefinitely and without charge or trial. This law allowed for Dirani's continued incarceration. In June 2002, the ICRC began regularly visiting both Obeid and Durani. At year's end, Obeid, Dirani, and some 25 other Lebanese prisoners (3 on administrative custody as illegal combatants, 19 on security grounds, and 5 on criminal grounds) remained in custody. In October, the Tel Aviv District Court disclosed that a Lebanese citizen imprisoned in the country for 5 years but eligible for release, had been detained under administrative detention for the past year because the IDF decreed him an illegal combatant.

The law prohibits forced exile of citizens, and the Government generally respected this prohibition in practice.

e. Denial of Fair Public Trial.—The law 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. However, in practice, Arab citizens often received harsher punishments than Jewish citizens did. Palestinians from the occupied territories are prosecuted under a separate system of military law and courts.

The judicial system is composed of civil, military, religious, labor relations, and administrative courts, with the High Court of Justice as the ultimate judicial au-

thority. The High Court of Justice is both a court of first instance (in cases involving government action) and an appellate court (when it sits as the Supreme Court). All courts in the judicial system, including the High Court of Justice, have appellate courts of jurisdiction.

The law provides for the right to a hearing with representation by counsel, and authorities generally observed this right in practice. A regional and national system of public defenders operated by the Ministry of Justice employed approximately 700 attorneys through 5 regional offices. The Public Defenders Office represents all eligible persons, including Palestinians from the occupied territories. Under the system, all persons who were accused of crimes punishable by sentences of 10 years or longer received mandatory legal representation. Defendants who lack means and who are facing possible prison sentences of 5 to 9 years are provided with a public defender on a discretionary basis. Judges also have discretionary power to appoint an attorney in all cases. Counsel represented approximately 70 percent of defendants. All nonsecurity trials were public except those in which the interests of the parties were determined to be best served by privacy.

Cases involving national security may be tried in either military or civil courts, and may be partly or wholly closed to the public. The prosecution must justify closing the proceedings to the public in such cases, and the Attorney General determines the venue. Adult defendants have the right to be represented by counsel even in closed proceedings but may be denied access to some evidence on security grounds. Under the law, convictions may not be based on any evidence denied to the defense, although that evidence may be used to influence a judge's decision.

The 1970 regulations governing military trials are the same as evidentiary rules in criminal cases. Convictions may not be based solely on confessions; however, according to PCATI, in practice, some security prisoners have been sentenced on the basis of the coerced confessions made by both themselves and others. Counsel may assist the accused, and a judge may assign counsel to those defendants when the judge deems it necessary. Charges are made available to the defendant and the public in Hebrew, and the court can order that they be translated into Arabic if necessary. Sentencing in military courts was consistent with that in criminal courts. Defendants in military trials have the right to appeal through the Military High Court. Defendants in military trials also can petition the civilian High Court of Justice (sitting as a court of first instance) in cases in which they believed there were procedural or evidentiary irregularities.

According to human rights organizations, the legal system in practice often imposed harsher punishments on Israeli-Arab citizens than on Israeli-Jewish citizens. A study released in December by Haifa University indicated that there is serious discrimination against Israeli-Arabs in the criminal justice system, including a tendency to render heavier prison terms to Israeli-Arabs. For example, human rights advocates claimed that Arab citizens were more likely to be convicted of murder (which carries a mandatory life sentence for adults) than Jewish citizens. The courts reportedly also were more likely to detain without bail Arab citizens until the conclusion of proceedings. According to the Government, as of December 1, of the 3,572 citizens held in detention, 1,177 were Arab. In May, the former mayor of the Israeli-Arab city of Umm al-Fahm and leader of the Islamic Movement-Northern Branch in Israel, Sheikh Raed Salah, was arrested for allegedly funneling funding to charity organizations associated with a terrorist organization. The current mayor of Umm al-Fahm and other leaders of the Islamic Movement were also arrested. Despite Salah's and the serving mayor's status and ties to the community, they were detained without bail. At year's end, they remained imprisoned pending conclusion of their trial. Human rights groups have criticized their remand during trial as discriminatory.

There were no reports of political prisoners.

f. Arbitrary Interference with Privacy, Family, Home or Correspondence.—The law generally protected privacy of the individual and the home; however, there also were laws that provide that authorities may interfere with mail and monitor telephone conversations in certain circumstances. In criminal cases, the law permits wiretapping under court order; in security cases, the Ministry of Defense must issue the order. Under emergency regulations, authorities may open and destroy mail based on security considerations. The Government indirectly interferes with an individual's ability to marry by recognizing only religious marriages in Israel. Muslims may marry through the Shari'a court system, and Christians under church jurisdiction. Israeli Jews can only marry in Orthodox Jewish services. Those who wish to have a civil marriage, Jews who wish to marry according to Reform or Conservative Judaism, those not recognized as being Jewish, and those marrying someone from another faith must marry in civil marriages abroad. While civil marriages are available in nearby Cyprus and are recognized by the Government, this requirement pre-

sents a hardship to those seeking such an alternative or having no other choice but to marry in a civil ceremony.

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Speech and Press.—The cumulative rulings of the Supreme Court provide for freedom of speech. The Prevention of Terrorism Ordinance of 1948 prohibits persons from expressing support for illegal organizations. On occasion, the Government prosecuted persons for allegedly speaking or writing on behalf of terrorist groups.

All newspapers were privately owned and managed. Newspaper licenses were valid only for Israel; separate licenses were required to distribute publications in areas in the occupied territories still under the Government's authority. There were 12 daily newspapers, 90 weekly newspapers, more than 250 periodical publications, and 8 Internet news sites.

Directed by a government appointee, the quasi-independent Israel Broadcast Authority controlled television Channel 1 and Kol Israel (Voice of Israel) radio, both major sources of news and information. There were two privately owned commercial television channels. The Second Television and Radio Authority, a public body that also supervised 14 private radio stations, supervises both channels. There were five cable television companies that carried both domestic and international networks and produced shows specifically for the Israeli audience.

In 2001, the Attorney General announced that he would file an indictment against Knesset Member Azmi Bishara for making statements perceived by some as supportive of Hizballah during Bishara's June visit to Syria (a country still in a state of war with Israel) and during a 2000 visit to the Israeli-Arab city of Umm al-Fahm. In November 2001, the Knesset voted to lift Bishara's immunity so that he could face prosecution. In November, the Nazareth Magistrate Court decided in a preliminary hearing to uphold the charges against Bishara. At year's end, the case was still pending.

The law prohibits hate speech and incitement to violence and individuals, groups, and the press freely addressed public issues and criticized government policies and officials without reprisal. In the past, the Government has investigated a significantly higher number of Arab Members of the Knesset (MKs) than Jewish MKs for the use of hate speech and incitement to violence; however, during the year, there were no reports that the Government investigated any Arab or Jewish MK.

In November, a three-member Supreme Court panel unanimously ruled that the Film Censorship Board's decision to prohibit the screening of the film "Jenin, Jenin" violated freedom of speech. The film depicts fighting in the West Bank refugee camp of Jenin during April 2002. In response to an appeal by the Attorney General, the State Prosecutor, soldiers who fought in Jenin, and families of soldiers who died there, the Supreme Court issued a temporary injunction in December barring the screening of the controversial film until the court decided whether to rehear the case before an expanded panel. Critics claimed that the film contains lies about the events and incites violence against Israel.

The law provides for freedom of the press, and the Government generally respected this right in practice. The law authorizes the Government to censor any material reported from Israel or the occupied territories that it regards as sensitive on national security grounds. Foreign correspondents and news agencies complained of harassment by the Government Press Office (GPO), which falls under the Prime Minister's office. Specifically, foreign agencies complained that their Palestinian employees, whom the agencies claimed were necessary for adequate coverage of events in the territories, were denied press cards (and thereby unable to travel unhindered in the occupied territories) for no valid reason. Since January 2002, the Government has denied press credentials to all Palestinians, based on security grounds. Press credentials were not required in Israel or the occupied territories; however, they were important to facilitate access to official events. As a general rule, Israeli journalists/technicians cover the occupied territories only under IDF protection.

Foreign and domestic media harshly criticized the GPO's proposed eligibility rules for Israeli and foreign journalists as a Government attempt to control the press. The new eligibility rules published in November would have required Israeli and foreign journalists to fill out a 25-page application as well as to pay a fee. The GPO would provide copies of the applications to the ISA for security checks while the GPO examined them. The GPO indicated that it could revoke passes already granted if the ISA found unspecified derogatory information. In the past, only Palestinian journalists were subject to a vetting process by the ISA. After meeting with press representatives, the GPO rescinded the controversial rules.

The security forces detained without charge several foreign media employees. On April 24, security forces arrested without charge Agence France-Presse photog-

rapher Hossam Abu Alan, and on April 30, Reuters cameraman Yusri Al Jamal. Both were released 6 months later without charge. Abu Alan's equipment was confiscated and never returned. Security forces also detained without charge other Palestinians working for foreign agencies. Most were released shortly thereafter. None were charged and they were told only that their detention was based on their alleged assistance to terrorist organizations.

In 2002, the Ministry of Interior closed an Israeli-Arab newspaper, *Sawt al-Haqq Wal-Hurriya*. The newspaper was affiliated with the northern branch of the Islamic movement in the country and had previously published articles the Government believed supported terrorism. The newspaper has since been allowed to open and continued to publish regularly during the year. A censorship agreement between the Government and media representatives, and applicable to all media organizations in the country, provided that military censorship was to be applied only in cases involving national security issues that had a near certainty of harming the country's defense interests. All media organizations may appeal the censor's decision to the High Court of Justice. Moreover, a clause prohibits the military censor from closing a newspaper for censorship violations and from appealing a court judgment against it. News previously printed or broadcast abroad may be reported in Israel without the censor's review, which permits the media to run previously censored stories that have appeared in foreign sources.

During the year, journalists and professional journalist groups claimed that the Government placed limitations on their freedom of movement within the occupied territories, between the West Bank and Gaza, and between the occupied territories and Israel during violent unrest. The Government and security forces have stated that they did not target journalists due to their profession; however, three journalists were killed, and at least five were injured while covering events in the occupied territories during the year (see Section 2.a. of the annex).

The GPO, on security grounds, required foreign journalists to sign an agreement stating that they would submit to the military censor certain news stories and photographs; however, they rarely were challenged for not doing so. In practice, foreign and Israeli journalists sometimes submitted articles and photographs for military censorship; however, the requirement was not systematically followed or enforced, live broadcasts precluded such submission. The military censor decides whether a violation has occurred after the fact. In December, two major Israeli papers were fined for failing to submit material to the censor.

The Government generally respected academic freedom; however, the Government continued to interfere with the education of Israeli-Arab students because a member of the ISA monitored and approved the appointment of teachers and administrators in Arab schools.

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. During the year, there were a number of peaceful demonstrations for and against peace negotiations with the Palestinians. According to an Israeli-Arab advocacy NGO, Mossawa Center, on December 27, security forces dispersed a small demonstration in Tel Aviv by surrounding the group and arresting many of the participants. The security forces then declared the demonstration, which had been approved, illegal.

The law provides for the right of association, and the Government generally respected this provision in practice.

c. Freedom of Religion.—The law provides for freedom of religion, and the Government generally respected this right; however, it imposed some restrictions. Approximately 80 percent of citizens consider themselves Jewish, although some persons in that group are not considered Jewish under Orthodox Jewish law or are related by marriage to a Jewish citizen. Muslims, Christians, and Druze make up the remaining 20 percent of the population. The law recognizes certain "religious communities" as carried over from those recognized under the British Mandate. These communities include the Eastern Orthodox Church, several Catholic orders, Maronites, and Jews. Three additional communities have subsequently been recognized by the Government—the Druze, the Evangelical Episcopal Church, and the Baha'i. Several other religious communities are not officially recognized. According to the Government, this lack of official recognition does not affect the ability of these communities to practice their religion freely or to maintain communal institutions.

Each recognized religious community has legal authority over its members in matters of marriage and divorce. For so-called "unrecognized religions," there were no local religious tribunals that had jurisdiction over their members in matters of personal status. The principle consequence of non-recognition is that they do not receive government funding for their religious services, as do many of the recognized

communities. The fact that there was no recognized Muslim community is a vestige of the Ottoman period, during which time Islam was the dominant religion, and does not affect the rights of Muslims to practice their faith. Legislation enacted in 1961 afforded the Muslim courts exclusive jurisdiction to rule in matters of personal status concerning Muslims. Secular courts have primacy over questions of inheritance, but parties, by mutual agreement, may bring cases to religious courts. Jewish and Druze families may ask for some family status matters, such as alimony and child custody in divorces, to be adjudicated in civil courts as an alternative to religious courts. Christians may ask only that child custody and child support be adjudicated in civil courts as an alternative to religious courts. Despite not having legal recognition, Muslims, since 2001, also have the right to bring matters such as alimony and property division associated with divorce cases to civil courts in family-status matters. However, paternity cases remain under the exclusive jurisdiction of the Muslim or Shari'a Court.

Under the Law of Return, the Government grants automatic citizenship and residence rights to Jewish immigrants and their families; the Law of Return does not apply to those not officially recognized by the Orthodox establishment as Jews or to persons of Jewish descent who have converted to another faith (see Section 2.d.). Persons qualifying under the Law of Return as Jews may, nonetheless, fail to meet stricter criteria defining who is a Jew by some government organizations. Members of unrecognized religious groups (particularly evangelical Christians, but also Russian immigrants and others who considered themselves Jewish but were not recognized as such by all Israeli institutions) at times faced problems obtaining marriage certificates or burial services. However, informal arrangements provided relief in some cases.

Many Jewish citizens objected to exclusive Orthodox control over Jewish marriages, and it has been at times a source of serious controversy in society, particularly in recent years, as thousands of immigrants from the former Soviet Union have not been recognized as Jewish by Orthodox authorities (see Section 1 f.).

The 1996 Alternative Burial Law established the individual right to be buried in an alternative civil cemetery and that these cemeteries were to be located throughout the country. The Orthodox Rabbinate must certify the Jewish heritage of Russian immigrants in order for them to receive full Jewish burial rights; however, many Russian immigrants could not obtain approval to be buried in a Jewish cemetery. Several non-Orthodox Jewish and secular groups have complained, however, that the Ministry of Religious Affairs has been slow to implement this law and that there have been an inadequate number of civil cemeteries designated. According to one organization advocating the timely implementation of the 1996 law, many persons who would like a civil interment were forced to finance civil burials privately through a kibbutz, which was costly.

At year's end, the Israeli Religious Action Center, a civil rights NGO in the country, petitioned the Supreme Court to overturn the government practice whereby the Adoption Service of the Ministry of Social Affairs places non-Jewish children only with Orthodox Jewish homes. Pursuant to law, the adopted child must be of the same religion as the parents who adopt him or her. Since conversions to non-Orthodox forms of Judaism are not recognized in the country, the Government argued that by placing these children with Orthodox parents, they would not face any limbo periods during which their conversions could be questioned.

Under the Jewish religious courts' interpretation of personal status law, a Jewish woman may not receive a final writ of divorce without her husband's consent. Consequently, there were thousands of so-called "agunot" in the country who were unable to remarry or have legitimate children because their husbands either disappeared or refused to grant a divorce.

In April, the Women of the Wall, a group of more than 100 Orthodox, Conservative, and Reform women, lost their 14-year legal battle to hold formal women's prayer services at the Western Wall. The High Court ruled that the group instead would be permitted to hold such services at nearby Robinson's Arch.

Some Islamic law courts have held that Muslim women may not request divorces but that a woman may be forced to consent if a divorce is granted to the husband.

The Government provided proportionally greater financial support to Orthodox Jewish institutions than to non-Orthodox or non-Jewish groups, such as Muslim, Christian, and Druze groups. For example, the budget for the Ministry of Religious Affairs for 2000 (the most recent available) allocated only 2.9 percent of its resources to the non-Jewish sector, although Muslims, Christians, and Druze constituted approximately 20 percent of the population. In 2000, the High Court of Justice ordered the Government to allocate resources equitably to cemeteries of the Jewish and Arab communities. During the year, some non-Jewish cemeteries reported enhanced financing and some money to complete long-standing infrastructure

and improvement projects. However, Muslim groups complained that the Government still did not equitably fund the construction and upkeep of Muslim holy sites in comparison to Jewish Orthodox sites, and, that it has been reluctant to refurbish mosques in areas where there was no longer a Muslim population.

In previous years, for security reasons the Government imposed restrictions on citizens who performed the Hajj, including requiring that they obtain permission from the Ministry of Interior and that they be over the age of 30. The Government justified these restrictions on the grounds that Saudi Arabia remained officially at war with Israel and that travel to Saudi Arabia therefore was considered subject to security considerations. However, Israeli Muslims were no longer required to obtain permission from the Ministry of the Interior to travel to Saudi Arabia on the Hajj. Because Israel and Saudi Arabia have no diplomatic relations, Israeli Muslims must travel through another country, usually Jordan, to obtain travel documents for Saudi Arabia. The average number of pilgrims from Israel is 4,500 per year.

Missionaries were allowed to proselytize, although the Church of Jesus Christ of Latter-day Saints voluntarily refrained from doing so under an agreement with the Government. The law prohibits anyone from offering or receiving material benefits as an inducement to conversion; however, there have been no reports of the enforcement of this law.

The 1967 Protection of Holy Sites Law protects holy sites of all religions, and the penal code makes it a criminal offense to damage any holy site. In May, the Government demolished a mosque in the Bedouin village of Tal el-Malah in southern Israel that was constructed without a building permit. This action forced approximately 1,500 residents to travel over 12 kilometers to the nearest mosque. Difficulties in reaching more distant mosques prevented some residents from engaging in public prayer, as required by their religious beliefs.

During the year, the Government continued to refuse recognition to the duly elected Greek Orthodox Patriarch, Eirinaios I. Many local Greek Orthodox Christians perceived the Government's actions as interference with the internal workings of their church. During the year, the Government appointed a ministerial committee chaired by Foreign Minister Silvan Shalom to determine the status of the Patriarch.

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 for citizens, except with regard to military or security zones or in instances in which citizens may be confined by administrative order to their neighborhoods or villages. Since the Intifada began in September 2000, the Government has imposed restrictions on the movement of persons between Israel and the West Bank and Gaza, and between cities inside the West Bank and Gaza (see Section 2.d. of the annex).

Citizens generally were free to travel abroad and to emigrate, provided they had no outstanding military obligations and were not restricted by administrative order. Citing confidential security reasons, in 2002, the Government restricted the right of Sheik Raed Salah, leader of the Northern Branch of Israel's Islamic Movement, from foreign travel. The Minister of Interior repeatedly renewed the 6-month travel ban and it remained in effect at year's end. Since imposition of this travel ban, Sheikh Salah has been arrested, detained, and put on trial for allegedly funneling funding to terrorist groups in the occupied territories. His case remained pending at year's end.

The law provides that a male spouse of a non-Jewish citizen may acquire citizenship and enter the country after the spouse passes a 4½-year, multi-stage period of adaptation in Israel, except if the man has a criminal record or is suspected of posing a threat to security. Non-Jewish female citizens who marry non-citizen men, including men from the occupied territories, generally were allowed to retain their citizenship.

In May 2002, the Government stopped processing all residency and citizenship applications for Palestinian spouses, as well as family unification applications in general, on security grounds. The Government stated that 23 Palestinians who received some sort of status prior to May 2002 were suspected of being involved in terrorist incidents. Spouses and children who have resided in the country legally since that time have done so via a series of temporary residency permits. On July 31, the Knesset enacted the "Citizenship and Entry Into Israel Law," which bars Palestinians from the occupied territories from acquiring residence or citizenship rights through marriage to Israelis. The law requires annual Knesset renewal in maximum 1-year increments. According to one human rights organization, the El-Sana family is representative of the group of newly married couples who would be affected by this new law. In March, Morad El-Sana, an Israeli Arab, married Abeer El-Sana,

a resident of Bethlehem in the West Bank. Pursuant to the new law, the Ministry of Interior denied El-Sana's request for his wife to receive status in Israel. Several advocacy groups have submitted petitions to the Supreme Court to challenge this law. The law would have an adverse impact on the country's Arab citizens, since they are more likely than Jews to have married Palestinians from the occupied territories. Advocacy groups claimed that approximately 16,000 cases—either approved or pending applications—could be adversely affected by this new law. The Government may issue permits to children under the age of 12 to reside in the country to prevent them from being separated from their parents who were lawfully staying in the country. The law provides for the extension of residency and other permits to remain in country that were obtained by the resident prior to the commencement of the law, and allows for the granting of a permit for temporary stay to a resident who submitted an application for citizenship prior to enactment of the law but had not yet received a determination. In November, the Supreme Court ordered the Government to further justify this citizenship law and issued injunctions preventing the deportation of three Palestinian spouses married to Israeli Arabs, until the Court delivered a final judgment on the petitions. At year's end, the Supreme Court had not issued a decision on the legality of this law.

During the year, the Government placed limits on journalists' freedom of movement within the occupied territories, between the West Bank and Gaza, and between Israel and the occupied territories (see Section 2.a.).

Citizens are required to enter and leave the country on their Israeli passports only. In addition, no citizen or passport-holder is permitted to travel to countries officially at war with Israel without special permission from the Government. In 2002, there were credible reports that the Government confiscated both the Israeli and Vatican passports of Archimandrite Theodosios Hanna, an Israeli citizen and official of the Greek Orthodox Church in Jerusalem. Credible reports from the media and an NGO indicated that while in several Gulf countries, Hanna gave clear endorsements of terrorist activities, including suicide bombings. The police held and interrogated Hanna at the Russian Compound on his travel, relations with PA President Yasser Arafat, and his position on the Intifada. When summoned to collect his passports, Hanna was informed that he would have to sign a statement promising not to incite violence against the state, make statements in support of terrorist activity, or to visit states hostile to the country without Ministry of Interior permission. Hanna refused to sign and was denied his passports. The Government continued to deny Hanna his passports at year's end.

The Law of Return provides automatic citizenship and residency rights to Jewish immigrants and their Jewish or non-Jewish family members. Children of female converts to Judaism are eligible to immigrate only if the children were born after the woman's conversion. The Law of Return does not apply to non-Jews or to persons of Jewish descent who have converted to another faith. In 2002, several non-Jewish Israeli citizens from the former Soviet Union told diplomats that the Ministry of Interior was attempting to strip their citizenship and return them to their home countries because they had divorced their Jewish spouses. At least one of those potential deportees had served a full term in the IDF. The Israel Religious Action Center (IRAC) reported that it had successfully petitioned the court to block the removal of several of these individuals and that it did not have information about all the cases. The IRAC reported that it had represented cases during the year of non-Jews or those whose Jewish identity was in question who immigrated to the country with their Jewish spouse but then divorced shortly thereafter. These persons were then threatened by the Ministry of the Interior with having their citizenship revoked. The IRAC reported that it during the year had successfully petitioned the High Court to rescind the Ministry's decisions in some specific cases.

The law does not provide for the granting of asylum or refugee status in accordance with the 1951 U.N. Convention Relating to the Status of Refugees and its 1967 Protocol. In practice, the Government provided protection against refoulement and granted refugee status or asylum to Jews. The law does allow non-citizen Jews to live in the country as permanent residents. The Government cooperated with the office of the U.N. High Commissioner for Refugees (UNHCR) and other humanitarian organizations in assisting Jewish refugees. The Government does not return refugees against their will to their home countries; solutions are determined on an individual basis in observance of 1951 treaty obligations and in cooperation with the UNHCR. Individuals present in the country on tourist or work visas, or those in the country illegally, sometimes filed petitions with the local UNHCR representative as the first step in seeking refugee status, and there was individual adjudication of those with genuine claims to refugee status. Before 2002, refugee status was adjudicated in Geneva; beginning in 2002, a Government interministerial committee reviewed pending cases to determine if the facts merited designation of refugee sta-

tus. The Minister of the Interior has the final authority to determine status, but within the past year has generally accepted the recommendation of the committee. If a person is granted refugee status, it is government policy to grant renewable temporary visas. However, the Government attempts to find a third country for persons from a state with which the country is at war. In those cases, the Government attempts to find a third country in which the individuals can live. The Government provides refugees all the protections under refugee conventions.

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 exercised this right in practice through periodic, free, and fair elections held on the basis of universal suffrage for adult citizens. National elections were held on January 28, when the Likud Party led by Ariel Sharon again won a plurality of Knesset seats, and Sharon was asked to form a government of which he became Prime Minister. The country is a parliamentary democracy with an active multi-party system in which political views were wide-ranging. Relatively small parties, including those whose primary support is among Israeli Arabs, regularly won seats in the Knesset. Elections were by secret ballot.

There were 18 women in the 120-member Knesset, and women chaired 5 of the Knesset's 21 committees (including the Committee on the Status of Women). There were 3 women in the Cabinet and 4 women on the 14-member High Court of Justice. There were 8 Arabs and 2 Druze in the 120-member Knesset; most of these 10 represented parties that derived their support largely or entirely from the Arab community. One Arab Christian served on the 14-member High Court of Justice. No Muslim or Druze citizens served on the court.

In August, the ministerial committee on Arab Affairs, headed by Prime Minister Sharon, approved a plan to appoint "at least one Arab board member to every government company within one year."

The Basic Law prohibits the candidacy of any party or individual who denies the Jewish and democratic existence of the State of Israel, incites racism, or supports (in action or speech) the armed struggle of enemy states or terror organizations. The Central Election Committee decided under provisions of this law to disqualify Dr. Ahmed Tibi, Azmi Bishara, and the Arab Bal'ad Party list from running in the January elections; however, the Supreme Court overturned this decision.

The Knesset Elections Committee for the 16th Knesset denied MK Azmi Bishara's right to run in the January 29 elections for expressions and other statements he made in public appearances and in the newspapers, for his opposition to the status of Israel as a Jewish state, and for supporting armed struggle of an enemy country or terror organization against the State of Israel. The Supreme Court overruled the Committee's decision and allowed him to participate in the election campaign, and he was elected as a member of the Knesset.

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

A wide variety of local and international human rights groups operated without government restriction, investigating and publishing their findings on human rights cases. In 2002, Human Rights Watch (HRW) reported harassment by IDF soldiers and difficulty in gaining permission for expatriate staff to enter the country.

In March 2002, the Ministry of Interior issued an order to border officials to bar entry to all foreign nationals who were affiliated with some Palestinian human rights NGOs and solidarity organizations. During the year, there have been numerous cases where persons affiliated with Palestinian NGOs and humanitarian organizations providing assistance in the occupied territories were denied entry into Israel and, in some cases, deported. The Government's stated policy is to deny entry to those persons it considers security risks. In May, Israeli border police denied entry at the Allenby Bridge from Jordan to nine European youth who were working on a project associated with the European Union. The group was returning to Israel following the expiration of their initial 3-month visas. After the youth waited for several hours at the border to enter the country, the border police told them that the Ministry of Interior had denied them entry. After being denied on a subsequent request, the group was turned back into Jordan. In May, an advocacy organization filed a petition with a district court challenging the Ministry's decision, and the Minister of Interior rescinded prohibition on their entry.

In May, the Government prohibited entry of foreign nationals and members of international NGOs into the Gaza Strip unless they signed a form accepting limitations on their freedom of movement to certain areas and absolving the IDF of any

responsibility for their safety. Failure to honor the conditions set forth in the form could result in arrest and/or deportation.

In May, Adalah reported that the Government requested information and documents relating to activities Adalah had allegedly taken beyond the scope of its mandate, including association with a political party and financial mismanagement. Adalah challenged this request and charged that many of the questions went beyond the inquiry's scope and outside the Registrar's authority.

NGOs must register with the Government by submitting an application and paying approximately \$20 (85 shekels) to the Office of the Registrar. The office investigates the organization to confirm its stated purpose and ensure conformity with the law. If approved, the organization then receives a license to operate as an NGO. It must subsequently register with the tax office to receive tax-exempt status. Registered Israeli NGOs receive state funding; however, some Israeli-Arab NGOs complained of difficulties in both registering and receiving state funding. In 2002, the Government denied registration to a new Palestinian NGO, Tawasul. The Government said that it merely wanted the organization to change its name, due to its similarity to those of other registered NGOs (see Section 2.b.). In April, however, the Government registered Tawasul as an NGO.

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

The law prohibits discrimination on the basis of sex or marital status. The law also prohibits discrimination by both government and nongovernmental entities on the basis of race, political beliefs, or age. Local human rights groups were concerned that these laws often were not enforced, either as a result of institutionalized discrimination, or because resources for implementing those laws, or mechanisms for their enforcement, were lacking. During the year, NGOs complained of discrimination and police harassment against homosexuals in Tel Aviv. According to a February 200 report submitted to the U.N. by the Government, allocation of resources to different population groups was inconsistent with the law's prohibition on discrimination.

Approximately 93 percent of the country's land area is public domain under the management of the Israel Lands Administration (ILA), which, as a matter of policy, does not sell but only leases land. Of that 93 percent, some 14 percent is owned by the Jewish National Fund (JNF), an organization established in 1897 for the purchase and management of land for the Jewish people. The JNF's statute prohibits the sale or lease of land to non-Jews, although reports indicate it has done so. Foreigners and citizens of all religions were allowed freely to purchase or lease the 7 percent of land not controlled by the Government or the JNF.

At year's end, the Government had still not implemented the 2000 High Court of Justice ruling that the Government cannot discriminate against Israeli Arabs in the distribution of State resources, including land. The Court held that the ILA must provide an Israeli-Arab family, the Ka'adans, with title to a plot of land they wanted to buy in the Jewish community of Katzir. The court ruled specifically that the ILA cannot discriminate on the basis of nationality or religion when dispensing land to its citizens. The High Court determined that its ruling would not affect previous land allocations and that differentiating between Jews and non-Jews in land allocation might be acceptable under unspecified "special circumstances." The community council was instructed to develop and publish criteria for its decisions and a plan for implementation; however, the ILA through the local council did not implement the court's 2000 decision. In October, the Arab family petitioned the court to compel the ILA's allocation of the plot of land in Katzir. To avoid returning to court, the ILA agreed to offer the Arab family a similar plot of land in an adjacent newly constructed community. On December 17, the Supreme Court issued an interim injunction ordering the ILA to set aside a plot of land in Katzir for the Ka'adans; however, at year's end, the ILA still had not done so.

The Association of Gay Men, Lesbians, Bisexuals and Transgender in Israel complained that there had been several incidents where police in Tel Aviv had allegedly engaged in verbal and physical harassment of homosexuals in a Tel Aviv public park. Representatives of that organization subsequently met with representatives of the police to discuss ways to improve relations between the police and the homosexual community. According to reports, the police appointed contact persons in all police districts who would serve as liaisons to the homosexual community.

Women.—The Equality of Women Law provides for equal rights for women in the workplace, the military, education, health, housing, and social welfare, and entitles women to protection from violence, sexual harassment, sexual exploitation, and trafficking. The law prohibits domestic violence; however, violence against women was a problem, despite the steps taken by the Government to prosecute these crimes and by other organizations to raise public awareness about this problem.

In 2001, the Government enacted the Prevention of Stalking and amended the Prevention of Family Violence Law to include a duty to inform service requiring a number of public and private sector professional personnel to inform suspected victims of their right to turn to the police, welfare service, or Centers for the Prevention of Domestic Violence for assistance.

According to the Ministry of Public Security, 13 women were killed by their husbands between January and November. Between January and October, according to the Government, women lodged 10,000 complaints of domestic violence. At the end of September, 522 women with 809 children stayed in battered women's shelters. The Government estimated that 5,500 women were treated in centers for prevention and treatment of domestic violence. Annually, approximately 4,000 women and 3,350 girls were victims of violence and were treated by the various social services departments in the local municipalities. Social workers have taken statements from approximately 1,200 girls who were victims of domestic violence. The Government also reported that between January and October, women and girls filed 2,024 complaints of sexual assault with the police. By the end of September, aid centers received 5,063 calls from victims of sexual assault, 852 of whom were victims of incest. During the year, sexual assault victims treatment centers treated approximately 100 women, and the Agency for Women and Girls treated approximately 1,100 women and girls, 480 of whom were victims of incest. Social workers for children who were victims of sexual offenses, took statements during the year from 240 girls who claimed they were victims of sexual assault committed by family members.

Rape is illegal; however, NGOs consider the incidence of rape a matter of concern in the country.

One women's organization claimed that during the year, it had information about three cases of Arab women killed by male relatives in family honor cases. That organization also stated that a Bedouin women's organization suspected 10 cases of honor killings of women in the Negev. Several of the women had reportedly disappeared. There was no accurate estimate of the number of family honor cases as families often attempted to cover up the cause of such deaths.

Prostitution is not illegal; however, the operation of brothels and organized sex enterprises is outlawed. NGOs reported that there may be prostitutes under the age of 18 but there is currently no accurate estimate. NGOs speculate that there are approximately 100–200 prostitutes under 18 years of age.

Trafficking in women remained a significant problem. Criminal networks reportedly trafficked hundreds of women, primarily from the former Soviet Union, into the country by criminal networks to work as prostitutes (see Section 6.f.).

The law prohibits sexual harassment. There were no accurate statistics regarding the extent of sexual harassment in the workplace; however, there was a dramatic increase in the number of complaints of sexual harassment following enactment in 1998 of the law prohibiting sexual harassment. According to the Government, from January to October, victims filed 167 complaints of sexual harassment to the police.

The law provides for class action suits and requires employers to provide equal pay for equal work, including side benefits and allowances; however, women's rights advocates claimed that deep wage gaps remained. Women's advocacy groups reported that women routinely received lower wages for comparable work, were promoted less often, and had fewer career opportunities than their male counterparts. According to the Central Bureau of Statistics, women averaged only 79 percent of men's wages in 2002. According to press reports, women filled only 2 percent of senior management positions in large companies.

Religious courts adjudicate personal status law in the areas of marriage and divorce. Jewish and Muslim women are subject to restrictive interpretations of their rights in both systems. Under personal status law, Jewish women are not allowed to initiate divorce proceedings without their husbands' consent; consequently there were estimated to be thousands of "agunot" who may not remarry or have legitimate children because their husbands either disappeared or refused to grant a divorce.

In accordance with Orthodox Jewish law, the 1995 Rabbinical Courts Law allows rabbinical tribunals to impose sanctions on husbands who refuse to divorce wives who have ample grounds for divorce, such as abuse. One foreign citizen has been in prison since 1999 for refusing to grant his wife a divorce. However, in some cases, rabbinical courts failed to invoke these sanctions. In addition, there were cases in which a wife failed to agree to a divorce, but rabbinical authorities allowed the man to "take a second wife," a remedy not available to wives. Such restrictive practices have been used by husbands to extort concessions from their wives in return for agreeing to a divorce. Rabbinical courts also may exercise jurisdiction over, and issue sanctions against, non-citizen Jews present in the country.

Some Islamic law courts in the country have held that Muslim women may not request a divorce, but that women may be forced to consent if a divorce is granted to a man.

Children.—The Government has stated its commitment to the rights and welfare of children; however, in practice, resources at times were insufficient, particularly with respect to low-income families. Government spending was proportionally lower in predominantly Arab areas than in Jewish areas, which adversely affected children in Arab villages and cities. In November, the Central Bureau of Statistics reported that in 2002, 16 percent of children in Israel lived in households with no working parent (13.1 percent of Jewish children and 26 percent of Arab children). In December, the Child Welfare Council of Israel published a report stating that Israeli children were growing poorer and increasingly falling victim to violence, sexual exploitation, and drug and alcohol addiction. The report states that nearly 656,000 children, or one-third of all Israeli children, lived below the poverty line in 2002 and that the situation in the non-Jewish sector was worse, with 54.4 percent of children living in poverty.

Education is compulsory up to the age of 15 or until the child reaches the 10th grade, whichever comes first. Education is free until age 18. Arab children comprised approximately one-quarter of the public school population, but historically, government resources allocated for them were proportionately less than that for Jewish children. Many schools in Arab communities were dilapidated and overcrowded, lacked special education services and counselors, had poor libraries, and had no sports facilities.

During the year, the Mossawa Center reported that only about one third of the 1,500 classrooms that were scheduled to be built in Arab communities had been made available by year's end. According to the Government's February 2002 report to the U.N., government investment per Arab pupil was approximately 60 percent of investment per Jewish pupil.

High school graduation rates for Arabs were significantly lower than for Jews. Preschool attendance for Bedouin children was the lowest in the country, and the dropout rate for Bedouin high school students was the highest. In August, the Supreme Court ordered the Ministry of Education to provide two appropriate classrooms for eight hearing impaired Arab children in response to a petition filed by an advocacy group. According to Adalah, the Government provided classroom space in existing school facilities; however, the condition of the classrooms remained unsuitable.

In 2000, the Commission to Examine the Implementation of the Special Education Law (the Margalit Commission) published its detailed recommendations on how to improve special education in the Arab sector. Over the past 3 years, the Government increased the number of classroom hours for special education in the Arab sector by 12,000 weekly hours.

The Government operated a number of school systems: one for secular Jews, at least two for religious Jews, and one for Israeli Arabs. Most Jewish children attended schools where the language of instruction was Hebrew and the curriculum included Jewish history. Most Israeli-Arab children chose schools where the language of instruction was Arabic and the curriculum had less of a "Jewish" focus. Israeli-Arab children overall received an education inferior to that of Jewish children in the secular system. The Education Ministry allocated money per class, and acknowledged that due to the larger classes of Arab students, it allocated less money per student in the Arab system than in the Jewish system. In addition, Jewish schools received additional state and state-sponsored funding for school construction and special programs through other government agencies.

In 2001, Adalah requested that the Government discontinue ISA monitoring and approval of teachers and administrators in Arab schools and claimed that in its role at the Ministry of Education, the ISA discriminated against persons on the basis of their political affiliation. In August, members of the Knesset also criticized ISA involvement in the appointment of teachers and principals in Arab schools during a Knesset committee's session on the status of Israel's Arab education system. Arab members of the Knesset also criticized the lower academic achievements of Arab students and stated that this was an indication of discrimination in the system.

On a practical level, several factors prevented foreign workers from marrying or maintaining a normal family life while in the country. Work visas apply only to the worker; a family cannot be brought with the worker into Israel. According to NGOs, if two foreign workers marry while in the country, one of their work permits will not be renewed, forcing that spouse to leave the country. These same NGOs stated that if a foreign worker attempted to reunify his or her family by having his or her spouse apply for a separate work permit, and this arrangement became known to authorities, at least one of the spouses would not have their work permits renewed,

and that spouse will either have to leave the country or remain in an illegal status. Foreign workers who wished to marry a citizen must apply for a permit from the Ministry of the Interior to allow them to stay in Israel. NGOs noted that the process was burdensome and that workers encountered serious delays while their status was adjudicated.

If a legal foreign worker becomes pregnant while in the country, the child born to that worker is entitled to remain with their parent as long as the parent maintains a legal work permit and until age 18. The child is entitled to receive limited health and education benefits until the age of 18; however, it is not clear whether children received these benefits as a matter of practice. After the age of 18, these individuals must leave the country and if found in the country, are subject to deportation. Other minor children of foreign workers (who usually enter the country through tourist visas) are subject to deportation as a matter of law; however, at year's end, the Immigration Authority deported these children.

The Government has legislated against sexual, physical, and psychological abuse of children and has mandated comprehensive reporting requirements regarding these problems. Although there was a sharp increase in reported cases of child abuse in recent years, activists believed that this largely was due to increased awareness of the issue rather than a growing pattern of abuse. There were five shelters for children at risk of abuse.

Persons with Disabilities.—The Government provided a range of benefits, including income maintenance, housing subsidies, and transportation support for persons with disabilities, who constituted approximately 2.4 percent of the population. Existing anti-discrimination laws do not prohibit discrimination based on disability, and persons with disabilities continued to encounter difficulties in areas such as employment and housing. A law requiring access for persons with disabilities to public buildings was not widely enforced. There was no law providing for access to public transportation for persons with disabilities. At a Knesset meeting in December, the Commissioner for Equality for the Disabled stated that a survey of buildings in 2002 indicated that most contractors have ignored laws calling for access for the disabled. The Commissioner also accused the Government of not doing enough to provide employment for the disabled despite requirements in the law. According to the Commissioner, 595 out of 50,000 public-service workers were disabled. The Attorney General told the Knesset committee that laws protecting and assisting the disabled were not being implemented due mainly to a lack of funding.

National/Racial/Ethnic Minorities.—The Government did not allocate sufficient resources or take adequate measures to provide Israeli Arabs, who constitute approximately 20 percent of the population, with the same quality of government services, as well as the same opportunities for government employment, as Jews. In addition, government spending was proportionally far lower in predominantly Arab areas than in Jewish areas; on a per capita basis, the Government spent two-thirds as much for Arabs as for Jews. The Government noted in a 2002 report to the U.N. that “the Arab population is typified by larger families, lower levels of education, and lower income than the total Israeli population.”

The COI report (see Section 1.a.) stated that the “Government handling of the Arab sector has been primarily neglectful and discriminatory,” that the Government “did not show sufficient sensitivity to the needs of the Arab population, and did not take enough action to allocate state resources in an equal manner.” As a result, “serious distress prevailed in the Arab sector in various areas. Evidence of distress included poverty, unemployment, a shortage of land, serious problems in the education system, and substantially defective infrastructure.” On September 14, the Cabinet appointed a special ministerial committee to advise the Government on how to implement those recommendations within 60 days. The committee's tenure was extended at year's end.

Minister of Finance Benjamin Netanyahu's statement in December at a major public policy conference that Israeli Arabs presented a “demographic problem” in the country elicited strong criticism, especially from civil rights groups and Israeli-Arab leaders.

Municipalities, including Arab municipalities, were responsible for issuing building permits within the municipal boundaries. Some Israeli-Arab and civil rights NGOs claimed that outside of Arab-governed municipalities, the Government was more restrictive in issuing building permits to Arabs than to Jews. In addition, Israeli law does not recognize many long-established Israeli-Arab and Bedouin communities. All buildings constructed in these unrecognized villages are considered illegal and it is impossible to obtain building permits for construction to accommodate the natural growth of communities. The COI report stated that the Government “must allocate land to this sector according to the same egalitarian principles it uses

with other sectors.” The COI also found that “suitable planning should be carried out as soon as possible to prevent illegal construction caused by lack of existing town planning that make it difficult to obtain building permits.” Israeli-Arab advocacy organizations have challenged the Government’s plan to demolish more illegal buildings in the Arab sector, calling for the initiation of a comprehensive planning process, with the participation of the affected communities. These groups alleged that state-approved plans for development were lacking in many of the areas of unrecognized villages, such as the Negev. Pursuant to Israeli law, such a plan must exist to obtain building permits. Several ministers were reportedly considering establishing a separate department to expedite demolitions of illegal buildings in Arab areas. The department would reportedly focus on three geographic areas: the Bedouin villages in the Negev, Arab villages in the Galilee, and the Arab village “triangle” in the central area of Israel.

The Bedouin sector was the weakest of all the population groups in the country. Bedouin living in unrecognized villages had no way to obtain building permits. The COI report stated that the living conditions and the hardships of the Bedouin community should be afforded “special attention.” According to a well-known Bedouin advocacy organization, during the year, the Government destroyed over 35 Bedouin houses, a mosque, 13 shops and a water container. For example, in May, security forces demolished two houses in the unrecognized Bedouin villages of Kherbat Al Ras and Al Fara’h in the Negev. According to this same organization, hundreds of security forces and aircraft arrived in Kherbat Al Ras and Al Fara’h, closed all the main entryways and demolished the two houses, leaving the inhabitants homeless. In 2002, the Government destroyed 52 Bedouin homes in the unrecognized village of al-Araqib. The Government continued to prohibit building in that village.

Israeli-Arab organizations have challenged publicly the 1996 “Master Plan for the Northern Areas of Israel,” which listed as priority goals increasing the Galilee’s Jewish population and blocking the territorial contiguity of Arab villages and towns, on the grounds that it discriminated against Arab citizens; the Government continued to use this document for planning in the Galilee. A hearing on objections to this plan was held in March but at year’s end, there had not been a response from the National Council for Building and Planning, and the plan had not been implemented.

Israeli Arabs were underrepresented in the student bodies and faculties of most universities and in higher level professional and business ranks. During the 1999–2000 school year, Arab students comprised 9 percent of all students studying for bachelor’s degrees and 4 percent of all students studying for advanced degrees. The Bureau of Statistics notes that the median number of school years of the Jewish population is 3 years more than that of the Arab population. In the 1999–2000 school year, according to the Bureau, 12 percent of students in the Arab education system and 6 percent in the Hebrew school system dropped out of school in the 9th to 11th grades. Well-educated Arabs often were unable to find jobs commensurate with their level of education. In 2002, Arab citizens held fewer than 60 of the country’s 5,000 university faculty positions. The Government stated that it was committed to granting equal and fair conditions to Israeli Arabs, particularly in the areas of education, housing, and employment. A small number of Israeli Arabs have risen to responsible positions in the civil service, generally in the Arab departments of government ministries. According to the advocacy NGO Sikkuy’s 2002–2003 Report, Israel’s Civil Service Commission provided data showing that Israeli Arabs comprised 6.1 percent of all civil service workers in Israel. In September, the Government approved an affirmative action plan to promote the hiring of Israeli Arabs in the civil service.

In 2000, the Knesset passed a bill requiring that minorities and underrepresented populations be granted “appropriate representation” in the civil service and on the boards of government corporations. The Government took some steps toward implementing the law in 2002, including setting aside civil service positions for Arab candidates and appointing more Israeli Arabs to corporate boards. For example, in 2002, an Arab citizen was appointed to the board of Ben Gurion Airport. But, according to one advocacy organization, as of December 2002, Arab citizens held only 37 out of 671 positions (approximately 5.5 percent) on the boards of directors of governmental companies. The Government’s affirmative action plan for Israeli Arabs would also include the appointment of more Arabs to the boards of government companies; however, there had been no implementation by year’s end.

Israeli Arabs continued to complain of discriminatory treatment at the airport. In September, the Airport Authority hired 12 Arab security officers to serve as airport security personnel following the mistreatment of an Israeli-Arab senior commander in the border police. The senior commander complained of being humiliated at Ben-Gurion Airport by security personnel.

Israeli Arabs were not required to perform mandatory military service and in practice, few Israeli Arabs served in the military or worked in companies with defense contracts or in security-related fields. The Israeli Druze and Circassian communities were subject to the military draft, and the overwhelming majority accepted service willingly. Some Bedouin and other Arab citizens who were not subject to the draft served voluntarily. Those who did not serve in the army had less access than other citizens to those social and economic benefits for which military service was a prerequisite or an advantage, such as housing, new-household subsidies, and government or security-related industrial employment.

In 2002, NGOs challenged in court a government plan to pay less social security child allowance benefits to families in which at least one parent did not serve in the IDF than to families in which at least one parent did. Advocacy and civil rights organizations argued that the law would discriminate against most Israeli Arabs who were exempt from and did not serve in the military. In July, the Supreme Court dismissed the petition as the relevant provision of the law was cancelled by the Knesset's passage of the new economic plan.

Israeli-Arab groups alleged that many employers used the prerequisite of military service to avoid hiring non-Jews. In 2001, the municipality of Tel Aviv advertised for parking lot attendants; "military service" was a prerequisite.

There were approximately 130,000 Bedouin in the Negev; of this number, approximately half lived in 7 state-planned communities and the other half lived in 45 settlements that were not recognized by the Government. The recognized Bedouin villages receive basic services from the Government; however, they remain among the poorest communities in the country. The Government reported that Bedouins who move to these state-planned communities were compensated for abandoned property, provided grants, as well as new land free of charge.

The unrecognized villages were declared illegal by the National Planning and Building Law of 1965, which rezoned the lands on which they sat as nonresidential, and the Government claimed ownership of the land. New building in the unrecognized villages was considered illegal and subject to demolition. According to the Government, recognizing these villages would conflict with its attempts to establish new villages in "an orderly manner and would leave disputes over the land unresolved." Residents of the unrecognized villages paid taxes to the Government; however, their villages were not eligible for government services. Consequently, such villages were denied basic health, education, water, electricity, employment opportunities, and other services. Only 13 of the unrecognized villages had elementary schools. There are no high schools in any of the unrecognized villages. Private efforts have supplied some unrecognized villages with water, and the courts have ordered the provision of limited health and education services.

The Government has yet to fulfill its commitment to resolve the legal status of unrecognized Arab villages. Since 1994, 8 villages have been recognized officially, but nearly 100 more, of varying size and with a total population of nearly 70,000 persons, remained illegal. At year's end, the Government still had not implemented a 1999 High Court decision requiring a study into the infrastructure needed in each village.

In March, without prior warning, two ILA airplanes, accompanied by a large number of police forces and other security forces, sprayed a chemical herbicide on houses and more than 2,000 dunams (500 acres) of crops belonging to residents of Abda, an unrecognized Bedouin village in the Negev. According to a reputable advocacy organization, elderly persons and children were in the fields at the time of the spraying. In addition, in April, the ILA sprayed chemical herbicide on about 2,000 dunams (500 acres) of land belonging to several unrecognized villages to compel the residents to move into one of the seven townships.

In February 2002, the ILA sprayed from the air chemical herbicide over 12,000 dunams (12 sq. km) of Bedouin wheat fields in the Negev that had been planted on unrecognized land. Bedouin communities depend on agriculture for sustenance.

There continued to be claims by Arab groups that land expropriation for public use affected the Arab community disproportionately; that Arabs have been allowed too little input in planning decisions that affect their schools and municipalities; that mosques and cemeteries belonging to the Islamic Waqf (religious endowment) have been neglected or expropriated unjustly for public use; and that successive governments have blocked the return to their homes of citizens displaced in the early years of the country's history. The Government has yet to agree with the pre-1948 residents of the northern villages of Bir Am and Ikrit, and their descendants, regarding their long-term demand to be allowed to rebuild their houses. In 1997, a special interministerial panel recommended that the Government allow the villagers to return to Bir Am and Ikrit. The High Court granted the Government several extensions for implementing the recommendation.

In October 2001, after the expiration of the most recent extension, the State Prosecutor's Office submitted an affidavit to the High Court asking it to reject the villagers' appeal, stating that the Government had legally appropriated the land, and that the precedent of returning displaced persons to their villages would be used for propaganda and political purposes by the Palestinian Authority. In June, the Supreme Court rejected a petition by former residents of Ikrit to return to their homes. The three justices accepted the Government's claim that despite promises given by previous governments to former Ikrit residents that they would be allowed to return, the State's interest justified rejecting the petition. The former residents would have to accept alternatives offered by the State. At year's end, no information was available regarding these alternatives.

Section 6. Worker Rights

a. The Right of Association.—Citizen workers may join and establish labor organizations freely. Most unions belong to Histadrut (the General Federation of Labor in Israel) or to a much smaller rival federation, the Histadrut Haovdim Haleumit (National Federation of Labor). These organizations are independent of the Government. Histadrut members elect national and local officers and officials of its affiliated women's organization, Na'amat, from political party lists of those already in the union. Plant or enterprise committee members are elected individually. Approximately 650,000 workers were members of Histadrut during the year, and much of the non-Histadrut work force was covered by Histadrut's collective bargaining agreements.

Palestinians from the West Bank and Gaza Strip who worked in Israel were not able to join Israeli trade unions or organize their own unions in Israel. Palestinian trade unions in the occupied territories were not permitted to conduct activities in Israel (see Section 6.a. of the annex). However, nonresident workers in the organized sector were entitled to the protection of Histadrut work contracts and grievance procedures. They may join, vote for, and be elected to shop-level workers' committees if their numbers in individual establishments exceed a minimum threshold. Palestinian participation in such committees was minimal.

Labor laws apply to Palestinians holding East Jerusalem identity cards and to the Syrian Druze living on the Golan Heights.

Unions were free to affiliate with international organizations.

b. The Right to Organize and Bargain Collectively.—Citizen workers exercised their legal rights to organize and bargain collectively. The law specifically prohibits anti-union discrimination. No anti-union discrimination was reported.

Nonresident workers could not organize their own unions or engage in collective bargaining, but they were entitled to be represented by the bargaining agent and protected by collective bargaining agreements. The country's immigration officials estimate there are 236,000 foreign workers in the country. They did not pay union dues, but were required to pay an agency fee in lieu of dues, which entitled them to union protection by Histadrut's collective bargaining agreements. The Ministry of Labor could extend collective bargaining agreements to nonunionized workplaces in the same industrial sector. The Ministry of Labor also oversaw personal contracts in the unorganized sectors of the economy.

The right to strike was exercised regularly. Unions must provide 15 days' notice prior to a strike. Strike leaders—even those organizing illegal strikes—were protected by law. If essential public services are affected, the Government may appeal to labor courts for back-to-work orders while the parties continue negotiations. There were a number of strikes in both the public and private sectors during the year by employees protesting the effects of privatization. Worker dismissals and the terms of severance arrangements often were the central issues of dispute. During the year, there were several major strikes of municipal workers. Histadrut called strikes both in the spring and fall of the year protesting wage, pension, and benefit issues. At year's end, port workers were in court-mediated negotiations over privatization issues.

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 for citizens and or nonresident Palestinians working in Israel; however, civil rights groups charged that unscrupulous employers often took advantage of illegal workers' lack of status to hold them in conditions that amount to involuntary servitude (see Section 6.e.). The problem was notable concerning non-Palestinian illegal workers.

Women were trafficked for the purpose of prostitution (see Section 6.f.).

d. Status of Child Labor Practices and Minimum Age for Employment.—Children who have attained the age of 15 years, and who fall under the compulsory education law (which applies to all children except those who have completed grade 10), may be employed only as apprentices under the Apprenticeship Law. Children who are 14-years old may be employed during official school holidays in light work that will not harm their health. Working hours of those 16 to 18 years of age are restricted to ensure time for rest and education. The Government enforced all of these restrictions in practice.

There were no reliable data regarding illegal child workers. The estimated small number of child workers reportedly was concentrated among the country's illegal Arab population. Illegal child employment was found primarily in urban, light industry.

e. Acceptable Conditions of Work.—The minimum wage is calculated periodically and adjusted for cost of living increases. In 2001, the minimum wage was raised to 47.5 percent of the average wage. At year's end, the minimum wage was less than \$900 (approximately 3,555 NIS) per month. During the year, the minimum wage often was supplemented by special allowances and was considered by the government to be sufficient to provide a worker and family with a decent standard of living. Some union officials and social commentators disputed that the minimum wage was adequate to provide a decent standard of living. Union officials expressed concern over enforcement of minimum wage regulations, particularly with respect to employers of illegal nonresident workers, who were sometimes paid less than the minimum wage.

By law, the maximum hours of work at regular pay are 45 hours a week, 8 hours a day, and 7 hours in night work on the day before the weekly rest. That rest period must be at least 36 consecutive hours and include the Sabbath for Jews and a choice of Friday, Saturday, or Sunday for non-Jews.

Employers must receive a government permit to hire Palestinian workers from the occupied territories, certifying that no citizen is available for the job. All Palestinians from the occupied territories working in Israel were employed on a daily basis and, unless they were employed on shift work, were not authorized to spend the night in Israel. Palestinians without valid work permits were subject to arrest.

The employment service of the Ministry of Labor, which disbursed wages and benefits collected from employers, paid Palestinian nonresident workers. The Ministry deducted a 1 percent union fee and the workers' required contributions to the National Insurance Institute (NII), the agency that administered the Israeli social security system, unemployment benefits, and other benefits. Despite these deductions, Palestinian workers were not eligible for all NII benefits. They continued to be insured for injuries suffered while working in the country, maternity leave, as well as the bankruptcy of a worker's employer. However, they did not have access to unemployment insurance, general disability payments, or low-income supplements.

Since 1993, the Government has agreed to transfer the NII fees collected from Palestinian workers to the Palestinian Authority, which is to assume responsibility for all the pensions and social benefits of Palestinians working in Israel. Mechanisms for transferring the funds and mechanisms for providing these services in the PA controlled territories, have not been established. At year's end, the funds had not been transferred and were held in a trust.

Following the outbreak of violence in 2000, the Government implemented a closure policy, which prevented nearly all Palestinians from getting to their places of employment in Israel (see Section 2.d.).

Along with union representatives, the Labor Inspection Service enforced labor, health, and safety standards in the workplace, although resource constraints, such as adequate staffing, affected overall enforcement. Legislation protects the employment rights of safety delegates elected or appointed by the workers. In cooperation with management, these delegates were responsible for safety and health in the workplace.

Workers did not have the legal right to remove themselves from dangerous work situations without jeopardy to continued employment. However, collective bargaining agreements provided some workers with recourse through the work site labor committee. Any worker may challenge unsafe work practices through government oversight and legal agencies.

Public debate continued regarding the role in the workplace and society of non-Palestinian foreign workers, whom the Government estimated to be 236,000, about half of whose legal status had lapsed and who were thus undocumented and both living and working illegally. The majority of such workers came from Eastern Europe and Southeast Asia, and worked in the construction and agricultural sectors. The law does not allow foreign workers the ability to obtain citizenship or permanent residence status, unless they are Jewish, in which case they would qualify

under the laws that allow for Jewish persons to immigrate. According to NGOs, foreign workers and their families, especially those who entered the country illegally, experienced uncertainty in addressing legal and social problems, including exploitation or abuse in the workplace, because they fear immediate discharge and subsequent deportation if they raise these issues with government ministries.

NGOs alleged that foreign workers were being lured to the country with the promise of jobs that in fact did not exist. Work visas were tied to specific jobs, and quotas to bring in foreign workers were assigned by the Government to employers. Technically, it is illegal for Israeli manpower companies who provide the workers to the employers, to receive payments from the worker, but NGOs and news articles alleged that the companies made thousands of dollars from each worker brought into the country, usually as a payment from the foreign partner. Some foreign workers paid up to \$10,000 (45,000 NIS) to employment agencies to obtain permits to work in the country.

According to NGOs, there were a significant number of cases where workers have been dismissed shortly after arriving in Israel. These NGOs alleged that the manpower companies worked with deportation authorities to deport the newly arrived workers, who were then replaced with newly arriving workers, earning the manpower companies more fees. NGOs argued that most workers expected to work for some time in Israel to recoup their initial payments; those faced with the absence of jobs for which they had made arrangements often sought illegal employment for fear of returning home with large debts. According to NGOs, there have been cases where workers have killed themselves rather than face this prospect.

Illegal foreign workers facing deportation were brought before a special court established to deal with issues related to deportation, and workers may contest the deportations. Many workers lacked fluency in Hebrew, which hindered the process. NGOs exist to aid workers facing deportations, and there have been cases in which the worker's status was reinstated. The court also provided a forum where deportable workers can claim that they were not paid or given benefits according to the law. In some cases, the court delayed deportation until employers paid all claims, including severance. However, some NGOs suggested that illegal workers often lived in situations amounting to involuntary servitude, due primarily to their tenuous legal status and lack of recourse. NGOs noted cases in which the police injured foreign workers during arrest. In some cases, these NGOs claimed, the workers were so seriously injured that they were not ultimately detained, due to the potential cost of care for their injuries and police fears of possible investigation of police misconduct. At least one foreign worker killed himself while in detention.

In 2002, the editor of the foreign worker newspaper *Manila-Tel Aviv Times* was deported shortly after giving interviews to other publications on the subject of foreign worker rights under the law; foreign worker advocates claimed the deportation was politically motivated. During the year, another reporter from the publication was deported after advising foreign workers in an article on strategies for avoiding detention and deportation. Human rights groups claimed that since foreign worker residency permits were tied to specific employment, even legal foreign workers had little leverage to influence their work conditions.

f. Trafficking in Persons.—The law prohibits trafficking women for the purpose of prostitution; however, it remained a serious problem. The penal code also stipulates that it is a criminal offense, punishable by between 5 and 7 years imprisonment, to force or coerce a person to engage in prostitution and makes it a criminal offense to induce a woman to leave the country with the intent to “practice prostitution abroad.” The Equality of Women Law (see Section 5) stipulates that every woman is entitled to protection from violence, sexual harassment, sexual exploitation, and trafficking. The operation of brothels and “organized sex enterprises” is outlawed, as are many of the abuses committed by traffickers and pimps, such as assault, rape, abduction, and false imprisonment; however, brothels operated openly in at least several major city.

Women were trafficked primarily from the former Soviet Union, including Moldova, Russia, Uzbekistan, and Ukraine. According to some local NGOs, several hundred women are trafficked into the country annually. NGOs reported that the number of trafficked women entering the country fell from previous years because of increased security at Ben Gurion airport, but women still were being trafficked across the Egyptian border.

NGOS reported that traffickers often lured women into traveling to the country by offering them jobs in the service industry. In many cases, traffickers met women at the border and confiscated all their official documents. Many trafficked women were forced to live and work under extremely harsh conditions and to give most of the money they earned to their traffickers. The women reportedly often were raped and beaten, then auctioned to pimps who repeated the procedure. If the women es-

caped from their traffickers, they were often afraid to report their situations to the police because the traffickers threatened to hunt them down and hurt them. According to press reports, it was common for trafficked women to be told that they must repay the costs of their travel to the country through servicing up to 25 clients a day. They were paid little or no money for this work and once the debt had been repaid, they were auctioned again.

In previous years, some victims accused individual police officers of complicity with brothel owners and traffickers. The Government claimed that it reviewed cases involving allegations of police involvement; however, NGOs reported that the review process was slow and questioned whether all complaints were taken seriously. An NGO reported that sex trafficking victims reported seeing police officers at the brothels; the report was based on interviews with trafficking victims in 2001–2002.

According to the Government, from January to December, police opened 51 trafficking in persons investigations and approximately 400 investigations involving related offenses such as pandering, causing a person to engage in prostitution, soliciting prostitution and kidnapping.

During the year, the police arrested 92 persons for trafficking in persons, with 65 detained until the conclusion of their trials. Another 93 persons were arrested for related offenses. Government sources provided a partial list of judgments rendered during the year. Of the 13 cases presented, 7 were appealed to the Supreme Court. Three cases involved plea bargains, and the range of sentences ran from 16 months to 15 years imprisonment.

Police often detained trafficked women following raids on brothels; the number of such raids increased during the year. The Ministry of Interior has broad powers to deport illegal aliens and to hold them in detention pending deportation. The Government estimated that more than 500 women deported from the country during the year had been trafficking into the country. Trafficked women could not apply for legal status to remain as refugees or protected persons unless they were Jewish and filed under the Law of Return.

Authorities generally placed trafficked women who were arrested in a special detention facility prior to deportation. Trafficked women often did not challenge a deportation order because they did not speak the language or were unaware of the appeals procedure. The Government transferred women willing to testify against their traffickers to a hotel or hostel and provided them funds on which to live. Many women were reluctant or afraid to testify in trials due to threats and intimidation by their traffickers. The country has no witness protection program for non-citizens. NGO reports and witness testimony indicated that only in limited circumstances did the Government attempt to determine whether or not a trafficked woman or girl would be at risk of abuse if she were deported to her country of origin, even in cases in which the woman or girl had testified in criminal proceedings. During the year, the Government did undertake its first repatriation with NGO assistance in an attempt to protect a Moldovan victim at risk after returning to Israel to testify against her trafficker.

The law criminalizes trafficking in persons for the purposes of sex. The maximum penalty for aggravated trafficking of trafficking of minors is 20 years in prison and the penalties proscribed by law are commensurate with those for rape and assault; however, the majority of cases were resolved through plea bargains. According to media reports on specific cases reviewed over the year, it appears that sentences have increased since 2002.

In November, the Government finalized a plan, begun more than a year earlier, to establish a shelter available for trafficked women; however, at year's end, no shelter had been made available. The Government provided funding to an NGO, which has distributed Russian-language leaflets with information to assist trafficking victims.

THE OCCUPIED TERRITORIES (INCLUDING AREAS SUBJECT TO THE JURISDICTION OF THE PALESTINIAN AUTHORITY)

Israel occupied the West Bank, Gaza Strip, Golan Heights, and East Jerusalem during the 1967 War. Pursuant to the May 1994 Gaza-Jericho Agreement and the September 1995 Interim Agreement, Israel transferred most responsibilities for civil government in the Gaza Strip and parts of the West Bank to the newly created Palestinian Authority (PA). The 1995 Interim Agreement divided the territories into Areas A, B, and C, denoting different levels of Palestinian and Israeli control. The PA controls security and civil affairs in Area A, civil affairs and shared responsibilities with Israel in Area B, and Israel controls certain civil functions and all security in Area C. In parts of the West Bank and Gaza, Israel exercised civil authority through the Israeli Ministry of Defense's Office of Coordination and Liaison

(MATAK). The approximately 193,170 Israeli settlers (a decrease of approximately 15,000 since 2002) living in Area C of the West Bank and in the Gaza Strip were subject to Israeli law and, as citizens, received preferential treatment from Israeli authorities compared to Palestinians in the protection of their personal and property rights.

These distinctions were not in force during the year following Israel's reassertion of security control over most PA-controlled areas in 2002, which Israel carried out citing the PA's failure to abide by its security responsibilities. The international community considered Israel's authority in the occupied territories to be subject to the Hague Regulations of 1907 and the 1949 Geneva Convention relating to the Protection of Civilians in Time of War. The Israeli Government considered the Hague Regulations applicable and maintained that it largely observed the Geneva Convention's humanitarian provisions. Palestinians and international human rights groups maintained that Israel consistently violated these provisions. (This annex on the occupied territories should be read in conjunction with the report on Israel).

The "Intifada," or Palestinian uprising, began in September 2000. Since 2000, the security situation has deteriorated both within Israel and within the occupied territories. Israeli and Palestinian violence associated with the Intifada has claimed 2,369 Palestinian lives, 856 Israeli lives, and the lives of 48 foreign nationals, including 41 American citizens. Israeli military operations and armed attacks and terrorism by Palestinians against Israeli targets—including civilians within Israel, settlers, and soldiers in the occupied territories and Israel marked the conflict. On October 15, three American security personnel were killed and one wounded when a bomb detonated under their car as they drove in Gaza as part of a diplomatic motorcade. At year's end, the PA continued to investigate the incident. The attacks by Palestinians also included suicide bombings, roadside bombings, shooting at Israeli vehicles and military installations, firing of antitank missiles and mortars, and use of hand grenades. Israel Defense Forces (IDF) military actions against Palestinians included violence and abuse at checkpoints, incursions into Palestinian-controlled towns and villages, targeted killings, demolitions of homes, property, and public buildings, firing toward civilian areas with tanks and fighter aircraft, and intense gun battles with Palestinian gunmen. By year's end, Israel asserted military control over all major West Bank cities except Jericho and Bethlehem, demolished homes, including those of suicide bombers and wanted men, conducted mass arrests, and forcibly relocated some suspects. In response to the ongoing terrorist threat originating in the West Bank, Israel began construction of a security barrier to be built along parts of the Green Line and in the West Bank.

In 1996, Palestinians chose their first popularly elected government in democratic elections that generally were free and fair; an 88-member Palestinian Legislative Council (PLC) and the Chairman of the Executive Authority were then elected. The PA has a cabinet of 24 ministers serving under Prime Minister Ahmad Quray. President Arafat asserts executive authority over the government and Prime Minister. Most senior government positions in the PA are held by individuals who are members of, or loyal to, President Yasir Arafat's Fatah faction of the Palestinian Liberation Organization (PLO).

The Independence of the Judiciary Law and the PA Basic Law define the authorities of the three governmental branches and prescribed direct election of a president accountable to a cabinet and the elected PLC. At year's end, neither law was implemented fully and the respective roles of the Ministry of Justice and the High Judicial Council remained unclear. The PA courts were perceived as inefficient, and the PA executive and security services frequently ignored or failed to carry out court decisions.

Israeli security forces in the West Bank and Gaza Strip consisted of the IDF, the Israel Security Agency (the ISA—formerly the General Security Service, or GSS), the Israeli National Police (INP), and the paramilitary border police. Israeli military courts tried Palestinians accused of committing acts of violence and terror in Israeli-controlled areas. Members of the Israeli security forces committed numerous, serious human rights abuses.

The Palestinian Police Force (PPF) included the Palestinian Public Security Force, the Palestinian Civil Police, the Preventive Security Force (PSF), the General Intelligence Service, or Mukhabarat, the Palestinian Presidential Security Force, and the Palestinian Coastal Police. Other quasi-military security organizations, such as the Military Intelligence organization, also exercised de facto law enforcement powers. Palestinian police were responsible for security and law enforcement for Palestinians and other non-Israelis in PA-controlled areas of the West Bank and Gaza Strip. Israeli settlers in the occupied territories were not subject to PA security force jurisdiction. Members of the PA security forces committed numerous, serious human rights abuses.

The occupied territories comprise the Gaza Strip, the West Bank, and East Jerusalem. The population of the Gaza Strip was approximately 1,397,011, not including some 7,781 Israeli settlers. In the Gaza Strip, 62 percent of the land consists of Area A; 6 percent of Area B; and 32 percent of Area C. In the West Bank, 18.1 percent of the land consists of Area A; 21.6 of Area B; and 60.3 percent of Area C. The population of the West Bank (excluding East Jerusalem) was approximately 2,237,194 not including some 187,854 Israeli settlers. In the West Bank, Area A includes 55 percent of the Palestinian population; 41 percent of the Palestinian population is in Area B; and 4 percent is in Area C (which also contains Israeli settlements). The population of East Jerusalem, within the municipal boundaries established by Israel in 1967 was approximately 385,600, including 177,333 Israeli settlers.

The economy of the West Bank and Gaza Strip is small, underdeveloped, and highly dependent on Israel and international assistance. Israeli curfews and closures, as well as the continuing conflict, severely impacted the economy. The economy relied primarily on agriculture, services, and small manufacturing. Before the beginning of the Intifada, up to 146,000 workers from the West Bank and Gaza (approximately 25 percent of the Palestinian work force) were employed in Israel. During heightened terrorist activity in Israel or periods of unrest in the West Bank or Gaza, Israeli-imposed closures on Palestinian cities, curfews, and strict limitations on movement within the West Bank and Gaza impeded Palestinians from reaching jobs or markets and disrupted internal and external trade. In addition, the IDF and settlers destroyed sections of Palestinian-owned agricultural land and economic infrastructure. The Government of Israel stated that some of these actions, such as the destruction of groves alongside roadways and security fences by the IDF, were necessary for security reasons. Unemployment in the West Bank and Gaza was estimated at 30 percent, and approximately 63 percent of Palestinian households were living below the poverty line (54 percent of families in the West Bank and 84 percent of families in Gaza). These circumstances effectively prevented any amelioration of worker rights in the occupied territories. During the year, the US Agency for International Development (USAID) and Johns Hopkins University reported that 7.8 percent of Palestinian children under 5 suffered from acute malnutrition, 11.7 percent suffered chronic malnutrition, and 44 percent were anemic.

Israel required Palestinians to obtain Israeli permits for themselves and their vehicles to cross from the West Bank or Gaza into Israel and Jerusalem. Citing security concerns, Israel applied partial "external closure," or enhanced restrictions, on the movement of persons and products, often for lengthy periods. During times of violent protest in the West Bank or Gaza, or when it believed that there was an increased likelihood of such unrest or of terrorist attacks in Israel, Israel imposed a tightened, comprehensive version of external closure, generally referred to as "total external closure." Total external closures also were instituted regularly during all major Israeli holidays and during some Muslim holidays. During such closures, Israel prevented Palestinians from leaving the occupied territories.

Israel also placed Palestinians in the West Bank under strict "internal closure" for the entire year, allowing only Palestinians with special permits for work or health services to leave cities and pass through checkpoints on main roads. Most Palestinians were unable to leave their towns or were forced to travel without authorization on secondary roads. Israeli forces further restricted freedom of movement of Palestinians by imposing extended curfews on Palestinian towns or neighborhoods. These curfews did not apply to Israeli settlers in the same areas.

Israel's overall human rights record in the occupied territories remained poor and worsened in the treatment of foreign human rights activists as it continued to commit numerous, serious human rights abuses. Security forces killed at least 573 Palestinians and 1 foreign national and injured 2,992 Palestinians and other persons during the year, some of whom were innocent bystanders. Israeli security forces targeted and killed at least 44 Palestinians, many of whom were terrorists or suspected terrorists. Israeli forces undertook many of these targeted killings in areas where civilian casualties were likely, killing 47 bystanders in the process, including children. The Israeli Government said that it made every effort to reduce civilian casualties during these operations.

Israeli security units often used excessive force when confronting Palestinian demonstrations, while on patrol, pursuing suspects, and enforcing checkpoints and curfews, which resulted in numerous deaths. In response to Palestinian attacks on Israeli targets, Palestinian civilian areas suffered extensive damage as a result of IDF retaliation, which included shelling, bombing, and raiding. Israeli soldiers placed Palestinian civilians in danger by ordering them to facilitate military operations, which exposed them to live fire between armed Palestinians and Israeli soldiers. The Government of Israel said that it has reiterated to its forces that this practice is prohibited unless the civilian gives his voluntary consent; however, in

practice, most Palestinians who agreed to assist such operations often did so out of fear of the soldiers even if they were not directly coerced. Palestinians who took part in such operations without being harmed still faced the risk of being branded as collaborators and risked being attacked by other Palestinians.

Israeli forces sometimes arbitrarily destroyed, damaged, or looted Palestinian property during these operations. Israeli security forces often impeded the provision of medical assistance to Palestinian civilians by strict enforcement of internal closures that prevented passage of ambulances, asserting in some cases that emergency vehicles have been used to facilitate terrorist transit and operations. Israeli security forces harassed and abused Palestinian pedestrians and drivers who attempted to pass through the approximately 430 Israeli-controlled checkpoints in the occupied territories. Israel conducted mass, arbitrary arrests in the West Bank during military operations, summoning and detaining males between the ages of 15 and 45. Israel provided poor conditions for Palestinians in its prisons. Facilities were overcrowded, sanitation was poor, and food and clothing at times were insufficient. Israeli security forces and police officers beat and tortured detainees. Prolonged detention, limits on due process, and infringements on privacy rights remained problems.

Israel carried out policies of demolitions, strict curfews, and closures that directly punished innocent civilians. Israel demolished the homes of families and relatives of suspected terrorists as well as buildings suspected terrorists used as hideouts. Israel's demolitions left hundreds of Palestinians not involved in terror attacks homeless. Israel often demolished homes after suspects had already been killed or arrested. Israel maintained that such punishment of innocents would serve as a deterrent against future terrorist attacks.

The IDF destroyed numerous orchards, olive and date groves, and irrigation systems on Palestinian-controlled agricultural land. Israel constructed parts of a large security barrier on land inside the West Bank isolating residents and limiting access to hospitals, schools, social services, and agricultural property. At year's end, Israel was engaged in a process of reconsideration and reassessment of the routing and operation of the security barrier. A number of petitions in connection with the routing and operation of the barrier were pending before Israel's Supreme Court. In several instances, Israel killed, injured, and obstructed human rights monitors and NGO workers through the use of excessive deadly force and the imposition of strict closures. Israel censored Palestinian publications in East Jerusalem, raided and closed media outlets in the territories, blocked publications and broadcasts, and periodically detained or harassed members of the media and clergy. IDF fire allegedly killed two journalists covering clashes between Palestinians and Israeli security forces, both of whom had clearly identified themselves as noncombatants, and injured at least three others. The Israeli authorities placed strict limits on freedom of assembly and severely restricted freedom of movement for Palestinians. Israeli security forces failed to prevent Israelis from entering Palestinian-controlled areas in the West Bank who injured or killed several Palestinians. In some cases, Israeli soldiers escorted Israeli civilians who beat Palestinians and damaged Palestinian property.

The PA's overall human rights record remained poor, and it continued to commit numerous, serious abuses. Many members of Palestinian security services and the Fatah faction of the PLO participated with civilians and terrorist groups in violent attacks against Israeli civilians inside Israel, Israeli settlers, foreign nationals, and soldiers.

Palestinian security forces used excessive force against Palestinians during demonstrations. PA security officials abused prisoners and arbitrarily arrested and detained persons. Prolonged detention without respect for due process remained a problem. The PA provided poor conditions for prisoners. PA courts were inefficient and failed to ensure fair and expeditious trials. Internal closure in the occupied territories obstructed courts from holding sessions or issuing rulings during most of the year. The PA executive and security services frequently ignored or failed to enforce court decisions. PA security forces infringed on the right to privacy and restricted the freedom of speech and press. Palestinian groups harassed and abused journalists. Such restrictions and harassment contributed to the practice of self-censorship by many Palestinian commentators, reporters, and critics. During the year, informal reports of domestic abuse of women and "honor crimes" persisted. Societal discrimination against women and persons with disabilities and child labor remained problems.

Israeli civilians, most often settlers, harassed, attacked, and occasionally killed Palestinians in the occupied territories. During the year, settlers attacked and killed at least one Palestinian. Settlers also caused significant economic damage to Palestinians by attacking and damaging greenhouses and agricultural equipment, up-

rooting olive trees, and damaging other valuable crops. The settlers did not act under government directive in the attacks, and Israeli soldiers sometimes restrained them, but in several cases Israeli soldiers accompanied them or stood by without acting.

Palestinian terrorists and gunmen were responsible for the deaths of 376 Israelis killed in the occupied territories. Palestinian extremists targeted Israelis in drive-by shootings and ambushes, suicide and other bombings, mortar attacks, and armed attacks on settlements and military bases. Palestinian terrorist and militant groups used minors to prepare attacks or carry them out, exploitation that amounted to forced conscription. During the year, Palestinians acting individually or in groups, including off-duty members of the PA security services, killed 25 Israeli civilians and 39 Israeli security personnel. Most of the attacks were organized by a number of Palestinian terrorist groups, including the militant Islamic Resistance Movement (HAMAS), the Palestine Islamic Jihad (PIJ), the Popular Front for the Liberation of Palestine (PFLP), and the Fatah-affiliated al-Aqsa Martyrs Brigades. The Democratic Front for the Liberation of Palestine (DFLP) and Fatah-affiliated groups also participated in the attacks. Palestinian civilians also killed at least five Palestinians in the occupied territories who allegedly had collaborated with Israel. Most of the deaths were shootings perpetrated by small groups of unidentified Palestinian gunmen. The PA conducted no investigations and made no arrests in any of these killings.

RESPECT FOR HUMAN RIGHTS

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

a. Arbitrary or Unlawful Deprivation of Life.—Israeli security forces killed at least 573 Palestinians in the West Bank and Gaza. Israeli civilians, mostly settlers, as well as extremist groups believed to be associated with settlers, killed at least one Palestinian. Palestinian militants and civilians killed an estimated 64 Israeli civilians and security personnel in the occupied territories. Palestinian civilians killed at least five Palestinians suspected of spying for the Israeli Government (see Sections 1.c. and 1.g.).

Israeli security forces killed most Palestinians during armed clashes, targeted killings, incursions into Palestinian-controlled areas, at checkpoints, or as a result of sometimes excessive or indiscriminate fire toward Palestinian civilian areas. During these incidents, Palestinian protesters frequently threw stones and Molotov cocktails, and in some cases, also fired weapons at IDF soldiers (see Sections 1.c. and 1.d.). Israeli security forces used a variety of means to disperse protesters, including tear gas, rubber-coated metal bullets, and live ammunition. The IDF did not regularly investigate the actions of security force members who killed and injured Palestinians under suspicious circumstances. Since the start of the Intifada, the IDF has opened only 11 investigations into the improper use of deadly force despite the fact that human rights organizations have raised numerous allegations.

Israeli security forces used excessive force against protesters, in response to threats while on patrols, in pursuing fleeing suspects, and in responding to trespassers in restricted areas, at times resulting in death. Israel also used excessive lethal force against rock-throwers in some instances. For example, on September 15, IDF soldiers shot and killed 10-year-old Ahmad Abu Latifa near the Qalandia checkpoint north of Jerusalem. The boy was among a group of youths who were throwing rocks at Israeli soldiers.

IDF soldiers shot and killed suspects who were avoiding arrest, but in a number of cases who posed no apparent mortal threat to the soldiers at the time of the incidents. For example, on February 10, IDF soldiers in Nablus shot and killed PFLP member Imad Mabrouk when he attempted to escape arrest. On July 3, IDF soldiers in Qalqilya shot and killed al-Aqsa Martyrs Brigades militant Ahmad Shawar when he attempted to run away after being ordered to halt.

IDF soldiers fired without warning on unarmed Palestinian trespassers in or near restricted areas, on several occasions killing Palestinians. For example, on March 5, an IDF soldier shot and killed 75-year-old Abdallah Shehadeh al-Ash'hab as he rode a donkey collecting firewood on his property, which was located near the Netzarim settlement in the Gaza Strip.

On November 29, IDF soldiers in Gaza shot and killed Palestinian police officer Sayed Abu Safra when he attempted to prevent a mentally disabled Palestinian from nearing the perimeter fence surrounding the Israeli settlement of Nissanit. The IDF expressed "sorrow and regret" over the incident.

During the year, the IDF targeted for killing at least 44 Palestinians suspected of involvement in terrorism. In the process, IDF forces killed more bystanders than targeted individuals, including children. IDF forces killed at least 47 bystanders of

those targeted and injured a number of others, including bystanders, relatives, or associates. Israel stated that it only targeted individuals believed to be “ticking bombs” on the verge of carrying out terrorist attacks. In practice, however, the IDF targeted some leaders of terrorist organizations generally considered not to be directly engaged in carrying out attacks.

Israeli security forces put large numbers of Palestinian civilian lives in jeopardy by undertaking targeted killings in crowded areas where civilian casualties were likely. For example, on April 9, Israeli forces fired four missiles at a car in a densely populated area of Gaza city in order to kill two suspected terrorists, Sa’ad ad-Din al-Arabeit, 35, and Ashraf al-Halabi, 25. Israeli forces killed five other Palestinians in the effort, including two children, 13-year-old Ahmad Hamsa al-Ashraf, and 16-year-old Samid Hasan Qasem.

Beginning on June 11, Israeli forces conducted 5 targeted killings in Gaza City within 48 hours, killing 23 Palestinians, including 18 bystanders. Israel conducted the fifth such attack on June 12, firing five rockets at a car traveling in central Gaza City. The rockets killed wanted Hamas terrorist Yasser Muhammad Ali Taha, 31, and six bystanders, including an 18-month-old child and a pregnant woman.

Israeli security personnel used excessive force while operating checkpoints, killing a number of Palestinians (see Section 1.g.). On July 25, an IDF soldier at a checkpoint outside Bartaqa ash-Sharqiya near Jenin fired on a car waiting for permission to pass. The shots killed 3-year-old Palestinian Mahmoud Jawadat Sharif Kabaha, who was sitting in the car. An investigation into the incident was ongoing at year’s end.

Israeli forces put civilian lives in jeopardy by using imprecise, heavy weaponry in operations against terrorist infrastructure conducted in civilian areas. Frequently, and often following Palestinian shooting attacks, IDF retaliation excessively damaged Palestinian towns and cities in the West Bank and Gaza. Israeli forces fired tank shells, heavy machine-gun rounds, and rockets from aircraft at targets in residential and business neighborhoods where Palestinian gunfire was believed by the IDF to have originated.

On April 27, the Israeli Supreme Court of Justice ruled in an October 2002 case brought by the Palestinian Center for Human Rights (PHCR) and Physicians for Human Rights-Israel against the IDF’s use of flechette tank shells in Gaza. The imprecise anti-personnel munitions launch thousands of small metal darts over an area of several thousand square feet; use of such munitions in densely populated civilian areas makes the likelihood of civilian casualties very high. The Gaza Strip has a population density of approximately 3,300 persons per square kilometer and is one of the most densely populated areas in the world. The High Court of Justice denied the petition and stated that it would not intervene in the IDF’s choice of weapons. Unlike in previous years, there were no reports that the IDF used flechette shells during the year.

On September 9, Israeli soldiers targeting gunmen hiding in a building in a residential area of Hebron opened fire on the building with tank shells. The shelling continued for more than 4 hours, and shrapnel killed 11-year-old Palestinian Muhammad Mansour Sayouri, who was hit in the head while standing in the kitchen of another residential building approximately 150 feet south of the structure being targeted.

Israeli security forces killed numerous civilians during military incursions into Palestinian-controlled cities and towns. Such incursions usually were conducted in response to Palestinian suicide bombings, shooting attacks that had killed Israeli civilians, settlers, or soldiers, or to make arrests. Israeli security forces also conducted military incursions on the basis of intelligence information about possible future attacks. Palestinians often responded with gunfire and by booby-trapping civilian homes and apartment buildings with deadly, indiscriminate devices. As part of such actions, the IDF usually raided and often leveled buildings, including homes.

On May 1, the IDF launched an incursion into Gaza City, home to approximately 365,000 Palestinians. The raid in a densely populated neighborhood led to a shoot-out with Palestinian militants. During the fighting, the IDF killed five innocent Palestinian bystanders, including a 1-year-old boy, a 13-year-old boy, a 14-year-old boy, a 57-year-old man, and a 38-year-old man who attempted to treat the wounded. IDF fire killed Amir Ahmad Muhammad ‘Ayad, the 1-year-old baby boy who was inside his home during the incursion. The IDF also killed seven Palestinian gunmen during the clash. The IDF demolished two homes before withdrawing from the city.

Israeli forces used excessive force to enforce curfews in reoccupied Palestinian areas, resulting in deaths. For example, on April 17, IDF soldiers enforcing a curfew in Tulkarm opened fire on and killed a Palestinian civilian found out of his home.

Israeli security forces at checkpoints often impeded the provision of medical assistance to sick and injured Palestinians. The Government’s implementation of con-

trol measures resulted in delayed access to medical treatment for at least one Palestinian who subsequently died (see Section 1.g.).

Israel forces allegedly beat and killed a Palestinian prisoner in December 2002. On December 30, 2002, Israeli Border Police in Hebron arrested 'Imran Abu Hamdiyeh, a 17-year-old Palestinian. Palestinians found Hamdiyeh dead in Hebron's industrial area later that day. An autopsy sponsored by Palestinian and Israeli human rights groups concluded that Hamdiyeh died due to "blunt force injury." On April 18, Israel arrested four Israeli Border Police officers on charges that they had beaten Hamdiyeh to death. The trial was ongoing at year's end.

Palestinian security officers and members of Arafat's Fatah faction attacked and killed Israeli citizens, Israeli settlers, foreign nationals, and soldiers. They often fired at Israelis from within or close to the homes of Palestinian civilians or in other locations with knowledge that civilians were present, drawing Israeli return fire and increasing the potential for the noncombatants to be injured. Arafat issued several "ceasefire" orders and publicly denounced attacks on civilians without lasting effect, but took no action to arrest or try violators or against terrorist groups including those affiliated with the PLO. The PA did not prevent terrorist attacks, enforce a ban on militant groups, or prevent such groups from seeking shelter in civilian areas. Some PA officials made public statements justifying Palestinian attacks on Israelis. Additionally, some Fatah leaders made public statements urging Palestinians to continue all aspects of the Intifada, including violent attacks on Israelis.

Palestinian civilians harassed, attacked, and killed Israelis, especially settlers and soldiers. During the year, Palestinians, acting as individuals or in unorganized or small groups, including some members of PA security services, killed 25 Israeli civilians, 39 Israeli soldiers, and injured hundreds of others in acts of violence and terrorism in the occupied territories (see Section 1.c.). The Palestinian attacks consisted of suicide bombings, shootings, bombings involving improvised, indiscriminate explosive devices, and stone-throwing at Israeli drivers.

On May 17, a Hamas-affiliated suicide bomber strapped with explosives blew himself up outside the Cave of Machpela/Ibrahimi Mosque in Hebron, killing himself and two Israeli settlers.

On January 23, Hamas-affiliated Palestinian gunmen fired on an IDF jeep driving in southern Hebron and killed three IDF soldiers.

Israeli settlers, acting individually, or in small groups, harassed, attacked, and occasionally killed Palestinians in the West Bank and Gaza Strip (see Section 1.c.). During the year, settlers killed at least one Palestinian. On April 30, a settler security guard at the Moshav Petza'el settlement in the Jordan Valley shot and killed Palestinian laborer Ra'ik Mas'id Daraghme, 35, who had stopped to relieve himself in a field near the settlement.

On January 25, a settler near the West Bank village of Budrus allegedly shot and killed Palestinian shepherd Ahmad Subuh, 24. A companion of Subuh's claims to have seen a settler drive away from the scene, but no suspect had been arrested by year's end.

Palestinian civilians also killed at least eight Palestinians in the occupied territories who allegedly collaborated with Israel. Most of the deaths were shootings perpetrated by small groups of unidentified Palestinian gunmen, sometimes affiliated with terrorist groups. The PA made no arrests in any of these killings.

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

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.—Israel employs physical pressure and degrading treatment as interrogation methods against arrested Palestinians in the occupied territories. The law, based on a 1999 High Court decision, prohibits the use of a variety of abusive practices, including violent shaking, painful shackling in contorted positions, sleep deprivation for extended periods of time, and prolonged exposure to extreme temperatures. However, the High Court decision allowed for the security forces to request "special permission" to use "moderate physical pressure" against detainees considered to possess information about an imminent attack. In 2002, the Israeli GSS acknowledged use of physical pressure against 90 Palestinians who had been defined as "ticking bombs."

Interviews and studies by human rights groups during the year claim that torture is employed. The Public Committee Against Torture in Israel assessed that in the beginning of this year hundreds of Palestinians were subjected to torture or other cruel, inhuman, or degrading treatment by Israel security agencies, an increase from the dozens reported in 2002.

Israeli and Palestinian human rights groups noted that jailers made it difficult to visit prisoners during the interrogation period and that some detainees were reluctant to report abuse out of fear of retribution.

The case of Daoud Dirawi was representative of numerous allegations of physical abuse which human rights groups received. For example, on February 21, Israeli authorities arrested Dirawi, a Palestinian lawyer, for being in Jerusalem without proper identification. Police initially detained Dirawi at the al-Qeshle police station in Jerusalem before transferring him to the Asyun military prison in the Negev. Dirawi told his attorney that soldiers beat him severely en route to the Asyun prison. Dirawi sustained serious bruises and a broken lower jaw. Dirawi states that he was tied up upon arrival with his hands locked above him and that he was kept in this position outdoors in the rain through the night. On March 4, Israel sentenced Dirawi to 6 months of administrative detention without pressing formal charges against him and rejected his appeal. Israel renewed his administrative detention for another 6 months. At year's end, Dirawi remained under administrative detention.

The law prohibits the admission of forced confessions as evidence. However, most convictions in security cases before Israeli courts were based on confessions made well before legal representation was made available to defendants. A detainee may not have contact with a lawyer until after interrogation, a process that may last days or weeks. The Israeli Government did not allow representatives of the International Committee of the Red Cross (ICRC) access to detainees until the end of their legal period of isolated detention. Detainees sometimes stated in court that their confessions were coerced, but judges rarely excluded such confessions.

The IDF injured approximately 2,992 Palestinians, including innocent bystanders and journalists, during armed clashes, retaliatory strikes, targeted killings, and other military actions. During the year, Israeli gunfire allegedly killed two journalists and injured at least three others during Israeli military actions (see Sections 1.a., 1.g., and 2.a.).

Israeli authorities abused Palestinians at checkpoints, subjecting them to verbal and physical harassment. Each day, tens of thousands of Palestinians traveling between Palestinian towns and villages faced as many as 730 different barriers to movement. At year's end, Israel had established 60 checkpoints, 9 occasionally manned checkpoints, 479 earthen mounds blocking roads, 102 cement roadblocks, 39 road gates, and 41 gates in a separation barrier. As many as several thousand Palestinians encountered some form of abuse from soldiers at checkpoints. Palestinians were subjected to excessive delays in passing through checkpoints. For example, on May 12, an IDF soldier at the Hawarah checkpoint outside Nablus decided to only let Palestinians pass through who were able to identify the Israeli political figure on the 100 Shekel note. On April 30, an IDF soldier abused Qassem Awisat, 19, a resident of Qalqilya, when he attempted to pass through the Seida checkpoint in the Tulkarm district. The soldier pulled Awisat aside and etched a Star of David on his arm using shards of broken glass. The Israeli human rights organization B'tselem documented Awisat's testimony of the incident and photographed the injury to his arm. Israeli soldiers forced Palestinian civilians to wait in the rain or inclement weather for excessive periods of time.

The IDF subjected Palestinians in the West Bank and Gaza to beatings, tire slashings, and gunfire directed against them or their vehicles because they were traveling on, or trying to circumvent, roads on which the IDF blocked passage to Palestinians as it attempted to enforce internal closures between Palestinian cities and towns in the West Bank and Gaza (see Section 2.d.).

Israeli security personnel on patrol abused and in some cases tortured Palestinian civilians. For example, Israeli soldiers on patrol in June attacked 20 Palestinian youths who were trying to cross a dirt road near a military checkpoint north of Jerusalem. The soldiers beat the youths with their rifles and threw several of them in a sewage ditch before leaving the scene. In June, Israeli Border Police in Tulkarm took the identity card of shepherd Nazih Salah 'Awad Damiri, 24, and forced him to mime sexual intercourse with his donkey.

Israeli fire injured seven Palestinian medical personnel. Israeli fire also damaged 12 Palestinian Red Crescent Society (PRCS) ambulances (see Sections 1.a and 1.g.).

Article 13 of the PA Basic Law prohibits the use of torture or force against detainees; however, PA security forces tortured and abused Palestinian detainees. The abuse generally took place after arrest and during interrogation, and reportedly was widespread. Palestinian security officers were not issued formal guidelines regarding the proper conduct of interrogations; most convictions were based largely on confessions.

PA security officials tortured and abused prisoners by threatening, hooding, beating, and tying detainees in painful positions, forcing them to stand for long periods

of time, depriving them of sleep and food, and burning detainees with cigarettes and hot instruments. Palestinians also alleged that PA authorities have shaken them violently while in PA custody. International human rights groups have documented widespread arbitrary and abusive conduct by the PA. The organizations stated that the use of torture was widespread and not restricted to those persons detained on security charges. Human rights groups stated that Palestinians who were suspected of belonging to radical Islamic groups were more likely to be treated poorly, as were alleged collaborators with Israel. Observers noted that documentation of abuses was very limited, due partly to the hesitancy of alleged victims to file or make public claims of torture and abuse against the PA authorities.

Palestinian security officers and Fatah Tanzim members with firearms attacked and injured Israelis. In some cases, they fired at Israeli civilians or soldiers from within or close to the homes of Palestinian civilians, drawing Israeli return fire (see Section 1.a.). Palestinian security forces consistently failed to prevent armed Palestinians in areas under PA control from opening fire on Israeli settlers or other civilians, soldiers, or military targets.

Israeli settlers harassed, attacked, and occasionally killed Palestinians in the West Bank and Gaza Strip (see Section 1.a.).

Some settlers attacked Palestinian homes and damaged crops, olive trees, greenhouses, and agricultural equipment, usually in areas located near settlements, causing extensive economic damage to Palestinian-owned agricultural land and depriving innocent farmers of their livelihood. In October, settlers disrupted the Palestinian olive harvest by firing on Palestinians picking olives, beating harvesters returning home and stealing the harvest, and invading Palestinian property and picking the olives themselves. For example, October 23, settlers from the Yitzhar settlement near Nablus threw stones and fired warning shots at Palestinian farmers harvesting olives in the village of Burin. The harvesters were forced to disperse. On October 22, Yitzhar settlers also stole 6 120-pound bags of olives from a farmer in Burin.

Although human rights monitors reported that the IDF provided greater protection to Palestinian farmers than they did in the past, settlers carried out such actions in areas in which the IDF was responsible for security. Israel often enforced security by applying curfews and closures only to Palestinians, which on occasion prevented Palestinians from defending themselves and their property from attacks by settlers. Palestinians also complained that when the IDF provided protection it gave insufficient time for Palestinians to complete the harvest. Burin farmers, for example, complained that they only received 2 days of IDF protection to complete a harvest of some 1,000 olive trees.

The Government of Israel generally did not prosecute settlers for their acts of violence against Palestinians, and settlers rarely served prison sentences if convicted of a crime against a Palestinian. However, in August Israel arrested nine settlers for plotting and carrying out attacks on Palestinian civilians. On August 8, two of those settlers were charged with possessing army explosives and preparing for a terrorist attack on Palestinian civilians. Those two were released after a plea bargain. Three other settlers were convicted during the year. In September, two were sentenced to 15 year terms and one was sentenced to 12 years. The remaining detained settlers were still under trial at year's end.

On January 19, a group of settlers in Hebron stabbed Iyad Salhab, 25, three times in the waist, thigh, and face. IDF soldiers stood by while the stabbing attack took place, but intervened when a larger group of twenty or more settlers ran toward the scene. Salhab was treated with stitches and was briefly hospitalized.

Palestinians harassed, attacked, and occasionally killed Israelis, especially settlers (see Section 1.a.).

Israel provided poor conditions for Palestinians in Israeli prisons. Facilities were overcrowded, sanitation was poor, and at times food and clothing were insufficient. Israel crowded Palestinian prisoners, exceeding capacity of the facilities. Israel was unprepared to accommodate properly the hundreds of Palestinians that were arrested in sweeps that accompanied Israeli operations during the year. In January, Palestinian prisoners in the Ofer prison camp near Ramallah, which held close to 1,000 Palestinian detainees, conducted a protest against poor treatment.

Israel significantly expanded its use of solitary confinement, holding increasing numbers of prisoners in isolation. At year's end, Israel held 120 Palestinian prisoners in some form of solitary confinement compared to 15 at the end of 2002.

Israel neglected the medical needs of some Palestinian prisoners. The Mandela Institute, a Palestinian prisoners advocacy group, alleged that such neglect contributed to at least one death in custody. Bashir Oweiss, a Palestinian from Nablus, died of a stroke on December 8 after allegedly receiving negligent medical care as his condition deteriorated. Oweiss was arrested on November 1 and sentenced on

November 27 to 6-months of administrative detention. Oweiss suffered a stroke on December 4. According to the Mandela Institute, poor treatment at the Megiddo hospital caused Oweiss' condition to deteriorate that night. The hospital then transferred him to Afula hospital where he died 3 days later.

Israel permitted independent monitoring of prison conditions by the ICRC and other groups, although human rights groups reported they sometimes encountered difficulties gaining access to specific detainees.

The PA provided poor conditions for its prisoners. In many cases, facilities were old, dilapidated, and neglected. There were separate facilities to hold juvenile prisoners. Most Palestinian prison facilities and detention centers were destroyed during the current conflict, and prisoners were kept informally in houses or other buildings.

The PA permitted independent monitoring of its prisons, although human rights groups, humanitarian organizations, and lawyers reported difficulties arranging visits or gaining access to specific detainees. Human rights organizations stated that their ability to visit PA prisons and detention centers varied depending on which security organization controlled the facility. Human rights organizations stated that the police, the Preventive Security Force, and Mukhabarat generally allowed them to inspect facilities and visit prisoners and detainees. However, they stated that the Military Intelligence Organization usually did not grant them access to facilities that they controlled. Human rights monitors stated that prison authorities did not consistently permit them to have access to PA detention facilities, and that they rarely were permitted to see inmates while they were under interrogation.

The PA generally permitted the ICRC access to all detainees held by the PA, and allowed regular inspections of prison conditions; however, the PA denied access to some detainees for 14 days immediately following his or her arrest. When abuses occurred, they frequently happened during that 2-week period.

d. Arbitrary Arrest, Detention, or Exile.—Israeli security personnel may arrest without warrant or hold for questioning a person suspected of having committed a criminal or security offense. During the year, Israel conducted mass, arbitrary detentions in the West Bank. Most of those detained were released several days or weeks thereafter. Israeli Military Order 1507 permits the Israeli army to detain people for 10 days during which detainees were barred from seeing a lawyer or appearing before court. Israel conducted mass detentions under this order's authority. On May 12 and 13, Israeli forces arrested 83 Palestinians in Hebron.

Israel used administrative detention to hold hundreds of Palestinians without trial or charge. At year's end, Israel held 649 Palestinians in administrative detention.

Individual administrative detention orders could be issued for up to 6-month periods and could be renewed indefinitely. A number of Palestinians under administrative detention during the previous several years have had their detention orders renewed repeatedly.

Israel conducted de facto detentions at checkpoints by confiscating Palestinian identification cards and car keys. Palestinians were unable to leave the scene until IDF soldiers returned the items. For example, on the morning of June 3, IDF soldiers confiscated the car keys and identification cards of three Palestinian residents of East Jerusalem driving to Hebron. The soldiers did not return the keys until the afternoon and never returned the identification cards at all.

On November 23, IDF soldiers at the Hawwara checkpoint outside Nablus demanded that two Palestinians stop and clean the checkpoint. When the men refused, the soldiers handcuffed, blindfolded and detained them for several hours. When B'tselem investigated the incident the soldiers admitted to the action and claimed their superiors had ordered them to do it.

Israeli authorities intermittently issued special summonses for those suspected of involvement in or knowledge of security offenses. Israeli military order 1369 provides for a 7-year prison term for anyone who does not respond to a special summons delivered to a family member or posted in the MATAK office nearest the suspect's home address. Bail rarely was available to those arrested for security offenses.

Israel's age standard in prosecuting youth as adults differs based on national origin. Israeli youth under the age of 18 cannot be tried as adults; however, Palestinian youth who are 16 years of age can be tried as adults.

Israeli authorities must inform detainees of their right to an attorney and whether there are any orders prohibiting such contact. Higher-ranking officials or judges may extend the period during which a detainee is denied access to counsel. For example, access to counsel was denied routinely while a suspect was being interrogated, which may last up to several weeks.

Israel hampered or prevented contacts between Palestinians, their lawyers, families, and human rights organizations in Israeli prisons and detention facilities. The law provides that in the occupied territories, Israeli authorities must inform the family of a person's arrest and place of detention "without delay." Such notification rarely was given, and Palestinian suspects often were kept incommunicado for much longer than 48 hours. Israeli authorities stated that they attempted to post notification of arrests within 48 hours, but that senior officers may delay notification for up to 12 days. Additionally, a military commander may appeal to a judge to extend this period in security cases for an unlimited period of time. Even if family members or others became aware of a person's arrest, it often was difficult for them to obtain information regarding where a detainee was being held or whether the detainee had access to an attorney. Palestinians often located detained family members through alternative means. Palestinians may check with a local ICRC office or the Israeli human rights organization HaMoked to determine whether it has information regarding the whereabouts of a family member.

The Israeli Government routinely transferred Palestinians arrested in the occupied territories to facilities in Israel, especially the prison in Ashkelon and the military detention centers in Megiddo and the Negev Desert. Israeli authorities in some instances scheduled appointments between attorneys and their detained clients, but subsequently moved the clients to another prison without notice prior to the meetings. Authorities reportedly used such tactics to delay lawyer-client meetings for as long as 90 days. Palestinian prisoners had difficulty obtaining legal representation because of restrictions in place on Palestinian lawyers. Since the Intifada began, only Israeli citizens or Palestinian lawyers with Jerusalem identification cards were permitted to visit Palestinian prisoners in Israeli prisons as advocates or monitors. This significantly reduced the availability and timeliness of legal aid for such prisoners due to a reduction from 1,300 to approximately 100 lawyers available to handle such cases. Lawyers with Jerusalem identification cards reported frequent, repeated, and lengthy delays in meeting with prisoners.

Human rights groups stated that Palestinian lawyers from the Gaza Strip had a more difficult time obtaining permission to meet their clients than their West Bank counterparts, and that they were denied entry into Israel more frequently than West Bank lawyers.

Male family members between 16 and 40 years of age, and any family members with security records, usually were barred from visiting relatives in Israeli facilities. Relatives of Palestinian prisoners also stated that in some instances they learned that visitation rights were canceled only when they arrived at the prison after having traveled for many hours from the occupied territories. Following the outbreak of violence in 2000, the Israeli Government banned all family visits for Palestinian prisoners in Israeli prisons, although some visitation rights were restored intermittently after ICRC intervention (see Section 1.c.).

Evidence used at hearings for administrative detentions in security cases was secret and unavailable to the detainee or his attorney during the hearings; the detainee and defense lawyer were required to leave the courtroom when secret evidence was presented. Israeli authorities maintained that they were unable to present evidence in open court because doing so would compromise the method of acquiring the evidence. Judges, not military officials, may renew administrative detention orders beyond a 6-month period. Detainees may appeal detention orders, or the renewal of a detention order, before a military judge, but their chances for success were very limited. No information was available regarding whether any detainees were successful in such appeals.

During the year, the total number of Palestinian prisoners and administrative detainees in Israeli prisons rose. According to the IDF, there were 5,944 Palestinian security prisoners held in IDF and Israeli Prisons Service jails, compared to 4,511 at the end of 2002. The IDF also held an unspecified number of Palestinian detainees in waiting facilities in the occupied territories.

Israel forcibly transferred 20 Palestinians suspected of terror activity but not convicted in court from the West Bank to Gaza. Israel forcibly transferred three Palestinians in 2002 and none in 2001.

On May 18, Israel transferred Mahmoud Suleiman Sa'id as-Sa'di as-Saffouri, 31, from his home in Jenin in the West Bank to the Gaza Strip. Israel conducted the transfer on the basis of a military order issued on April 10. Israel first detained as-Saffouri on June 19 and held him without charge in the West Bank before expelling him to Gaza for 2 years. From November to December, Israel relocated 18 Palestinians from the West Bank to Gaza. Israel in mid-October issued military orders calling for the transfers. All of the appeals to the Israeli High Court by the detainees were struck down.

The 2001 PA Criminal Procedures Law allows police to hold detainees without charges for 24 hours. Judges can authorize detention for another 15 days. Court approval is necessary for detention without charges for a maximum total of 45 days. A trial must start within 6 months of arrest, or the detainee must be released. In practice, however, many Palestinians were held in detention without charge for months.

The Independence of the Judiciary Law and the PA Basic Law define the authorities of the three governmental branches and prescribes direct election of a president accountable to his cabinet and to the elected PLC; however, neither law has yet been fully implemented. Without such laws to constrain them, PA security officers refuse to carry out some High Court of Justice orders to release detainees.

PA security forces arbitrarily arrested and detained persons, and security officials often ignored laws that protect the rights of detainees. The PA ignored court decisions calling for the release of alleged security criminals. Lawyers and PA judicial officials acknowledged that, in contravention of the law, PA security services sometimes arrested and detained persons without informing judicial officials. On May 17, the PA High Court of Justice ordered Taysir Abu Meghasib and Mehdi Abu Seif released from detention for lack of evidence. The PA Military Intelligence Service in Gaza had arrested both men in 2001 and 2002 respectively on charges of collaborating with Israel. Despite this ruling, Meghasib and Seif remained imprisoned at year's end.

At year's end, an unknown number of suspected collaborators and at least 20 political prisoners were in custody in PA prisons. Alleged collaborators often were held without sufficient evidence, and denied access to lawyers, their families, or doctors. On May 1, the PA Military Intelligence Service released political prisoner Farouk Abu Hassan after 9½ years of illegal detention.

PA authorities generally permitted prisoners—except those held for security offenses—to receive visits from family members and human rights monitors. PA security officials did not always permit lawyers to see their clients. In principle detainees may notify their families of their arrest, but this was not always permitted.

PA security services had overlapping or unclear mandates that often hampered the protection of human rights. Under existing law in the West Bank, only the PA's civil police force is authorized to make arrests. In practice all security forces detained persons at various times. The operating procedures and regulations for the conduct of PA security personnel in the various services still were not well developed and have not been made fully available to the public.

Families, lawyers, and even the Ministry of Justice were often unable to track detainees' whereabouts and to determine their numbers. In general the PA did not inform families of a relative's arrest, or did so only sporadically. Most PA security officers remained unaware of proper arrest, detention, and interrogation procedures, as well as basic human rights standards. Israeli operations during the Intifada destroyed most PA prisons, and the use of informal detention centers in homes and apartment buildings spread.

PA security forces continued to harass journalists, political activists, and human rights advocates who criticized the PA and its policies (see Section 2.a.).

Neither the Israeli Government nor the PA used forced exile, or forcibly deported anyone from the occupied territories, during the year.

e. Denial of Fair Public Trial.—Israeli law provides for an independent judiciary, and the Government generally respected this in practice. Palestinians accused by Israel of security offenses in the occupied territories usually were tried in Israeli military courts. Security offenses are defined broadly and may include charges as varied as rock throwing or membership in outlawed terrorist organizations, such as HAMAS or the PFLP. Military prosecutors brought charges. Serious charges were tried before three-judge panels; lesser offenses were tried before one judge. The Israeli military courts rarely acquitted Palestinians of security offenses, but sentences in some cases were reduced on appeal.

Israeli military trials followed evidentiary rules that were the same as those in regular criminal cases. Convictions may not be based solely on confessions, although in practice some security prisoners were convicted on the basis of alleged coerced confessions of both themselves and others. The prosecution must justify closing the proceedings to the public in security cases, and the Attorney General determines the venue. Counsel may assist the accused during trial, and a judge may assign counsel to those defendants when it is deemed necessary. Charges are made available to the defendant and the public in Hebrew, and the court may order that the charges be translated into Arabic if necessary. Sentencing in military courts was consistent with that in civilian criminal courts. Defendants in military trials had the right to appeal through the Military High Court. Defendants in military trials also may petition to the civilian High Court of Justice (as a court of first instance) in cases in

which they believe there are procedural or evidentiary irregularities. The court may hear secret evidence in security cases that is not available to the defendant or his attorney. While a conviction may not be based solely on such evidence, it reportedly may influence the judge's decision.

Trials sometimes were delayed, sometimes excessively, because witnesses, including Israeli military or police officers, did not appear, the defendant was not brought to court, files were lost, or attorneys failed to appear, sometimes because they were not informed of the trial date or travel restrictions prevented Palestinian lawyers from reaching the court (see Section 2.d.). Palestinian legal advocates argued that these delays were designed to pressure defendants to settle their cases without trial or to pressure some defendants to plead guilty to minor offenses so that an expedited trial could be held.

In expedited trials a charge sheet was drawn up within 48 hours and a court hearing was scheduled within days. There frequently was no testimony provided by Palestinian witnesses either for or against Palestinians on trial. Israeli authorities stated that this was due to the refusal of Palestinians to cooperate with the authorities. Palestinian authorities stated that the absence of Palestinian witnesses was due to strict travel restrictions. Tension resulting from the security situation, and the closures imposed on the West Bank and Gaza, posed additional barriers to cooperation. Confessions usually were given in Arabic but translated into Hebrew for the record because, authorities maintained, many Israeli court personnel could speak Arabic but few could read it. As a result, many Palestinian prisoners signed confessions written in Hebrew, which many could not read or understand.

Crowded facilities and poor arrangements for attorney-client consultations in prisons hindered legal defense efforts. Appointments to see clients were difficult to arrange, and prison authorities often failed to produce clients for scheduled appointments with their attorneys.

Israeli settlers in the West Bank and Gaza Strip accused of security and ordinary criminal offenses were tried under Israeli law in the nearest Israeli district court. Civilian judges presided, and the standards of due process and admissibility of evidence were governed by the laws of Israel, not military orders. Settlers rarely were prosecuted in Israeli courts of crimes against Palestinians, and, in the rare instances in which they were convicted, regularly received lighter punishment than Palestinians convicted in Israeli courts (see Section 1.a.). The Government of Israel maintains a special department within the police force to investigate violence by settlers; however, the establishment of such a unit has not noticeably diminished settler violence. During the year, 9 settlers were indicted for violence in the occupied territories and three were convicted for related crimes.

The Israeli Government maintained that it held no political prisoners, but Palestinians claimed that many of the 553 Palestinian administrative detainees being held without charge were political prisoners.

The Government of Israel held thousands of persons for security related offenses (see Section 1.d.).

The PA courts were inefficient, lacked staff and resources, and often did not ensure fair and expeditious trials. The PA executive and security services frequently failed to carry out court decisions and otherwise inhibited judicial independence. There has been significant reduction in major previous problems including torture, extrajudicial killings, and arbitrary detention (see Sections 1.a., 1.c., and 1.d.).

The PA court system is based on legal codes that predate the 1967 Israeli occupation and Israeli military orders. The Gaza legal code is based on Ottoman, Egyptian, British Mandate, and PA directives and laws. The West Bank legal code is derived from pre-1967 Jordanian law (informed substantially by Ottoman and British Mandate law), and PA directives and laws. Israeli military decrees issued during the occupation remained valid in both the West Bank and Gaza.

A High Judicial Council (HJC) maintained authority over most court operations. In each governorate there must be at least one conciliation court and a court of first instance that hears appeals from the conciliation court, and which has original jurisdiction for more serious cases. Legislation dictates that three courts of appeals sit in Gaza, Ramallah, and Jerusalem to review decisions of the first instance courts. In practice, there was no Jerusalem appeals court, and the Ramallah court handled its responsibilities. A High Court does exist, officially designated as sitting in Jerusalem, but it meets in Ramallah and Gaza City. The High Court also serves as the Constitutional Court until additional legislation establishes a separate one. The High Court also serves as the Court of Cassation and as an administrative court until administrative courts are established by legislation. Most of the changes required by the legislation started to take effect during the year, and very limited resources and restriction of movement have hampered the transition.

The delivery of justice often was slow and uneven. The ability of the courts to obtain enforcement of their decisions was extremely weak. In addition, closures, curfews, and the inability of lawyers, members of the judiciary, and public to travel seriously impeded administrative functions and implementation of reform. The court system in general was struggling to recover from years of neglect and conflict; most of the problems predated PA jurisdiction and were aggravated by lack of resources and attention since the PA assumed control of the courts. Judges and staff lacked sufficient resources and suffered from a lack of skills and training. Court procedures and record keeping were in some instances obsolete, although donor-funded activities started to improve some of the systems. A heavy caseload even before the Intifada exacerbated these systemic problems. During the past 3 years, the revolving court caseload reportedly increased by over 50 percent (see Section 2.d.).

The Intifada and related Israeli military actions have adversely affected the administration of justice in the West Bank and Gaza. For example, fighting and aerial attacks in Operation Defensive Shield in 2002 caused damage to the Court of First Instance and Conciliation in Ramallah and the PA's main forensic lab. Many, if not most, of the PA's police stations in West Bank and Gaza were similarly damaged or destroyed.

Apart from damage to the physical infrastructure of the legal system, travel restrictions, curfews, and closures significantly impeded the administration of justice. For example, judges and prosecutors were frequently unable to reach their courthouses and offices during periods of closure. If allowed access, they often had to travel for long periods of time to reach their workplaces, substantially reducing the amount of time devoted to their legal duties. Citizens who attempted to use the courts to address complaints were at times denied physical access to the courts due to closures, or were affected by communications problems that resulted from the curtailment of travel and passage from community to community. Notices of trial schedules, court dates, etc., reached intended recipients late, if at all.

The High Judicial Council slowly gained authority over judicial matters that formerly were administered by the Ministry of Justice. Institutional and interpersonal tension continued to exist between the two bodies. Both the Ministry of Justice and High Judicial Council claimed to be working towards the same aim: the independence of the judiciary. During the year, both institutions opted for a pragmatic approach to that goal. For example, the Deputy Minister of Justice and the Attorney General worked together as members of the HJC. Ministry of Justice and HJC officials jointly undertook the development of by-laws for the establishment of the Judicial Training Institute.

During the year, the PA abolished State Security Courts, which were responsible for numerous human rights abuses over the past several years. Cases previously assigned to the courts before their abolition were still adjudicated, however, and it remained unclear at year's end whether the institution would continue to exist in some form. On July 27, PA Minister of Justice Abdel-Karim abu Salah issued a ministerial decree that put an end to the powers and the jurisdiction of the State Security Courts and the State Security prosecution. Two sessions of a State Security Court regarding commercial fraud subsequently took place in Gaza in September. The PA Attorney General claimed that these sessions were conducted in error and assured that measures have been taken to prevent future mistakes. He said that the PA prosecutor trying the cases had misinterpreted the governing statute. The PA High Judicial Council during the year cast further doubt on the depth of this reform measure by raising the possibility of "special courts" that could be established to handle State Security cases. In July, the PA began formal work to establish a Court Police Unit.

f. Arbitrary Interference with Privacy, Family, Home or Correspondence.—Israeli military authorities on many occasions entered private Palestinian homes and institutions without a warrant, citing security concerns. An officer of the rank of lieutenant colonel or above could authorize such action. In conducting searches, both in areas under Israeli control and during incursions into areas ostensibly under PA control, IDF personnel forcibly entered and in some cases, beat occupants and destroyed property.

Israeli forces arbitrarily destroyed or looted Palestinian property and solicited bribes during military operations. A B'tselem investigation revealed that IDF soldiers stationed at the Qalandiya checkpoint outside Jerusalem in October and November solicited bribes from Palestinian truck drivers to facilitate the passage of their vehicles. Authorities stated that beatings and arbitrary destruction of property during searches were punishable violations of military regulations and that compensation was due to victims in such cases. However, the Israeli Government stated that it did not keep consolidated information regarding the claims against the Ministry of Defense for damages resulting from IDF actions.

Israeli security forces demolished and sealed the homes (owned or rented) of Palestinians suspected of terrorism or the relatives of such suspects, without any judicial review (see Section 1.g.). During the year, according to Israeli human rights organization B'tselem, Israeli forces demolished 219 homes (compared to 250 in 2002) and sealed three others as punishment for terror activity and deterrence against future attacks. Israel also demolished many homes in the Gaza Strip between the Rafah refugee camp and the border with Egypt claiming that the houses concealed tunnels used for weapons and other smuggling from Egypt or provided cover for attacks against Israeli soldiers.

The IDF destroyed numerous citrus orchards, olive and date groves, and irrigation systems on Palestinian-owned agricultural land in both the West Bank and Gaza. The IDF destroyed these groves or orchards for security reasons, stating that Palestinians had been shooting from those areas. The IDF also cleared and took control of West Bank land, including land held by private Palestinians, in order to facilitate construction of the separation barrier. B'tselem estimated that at least 10,000 dunams of land has been taken over for construction of the separation barrier. Israel asserts that it has sought to build the barrier on public lands where possible, and where private land was used, provided opportunities for compensation to the owners.

The PA required the Attorney General to issue warrants for entry and searches of private property; however, Palestinian security services frequently ignored these requirements. Police searched homes without the consent of their owners. In some cases, police forcibly entered premises.

g. Use of Excessive Force and Violations of Humanitarian Law in Internal Conflicts.—Israeli security forces often used excessive force against Palestinians and others. The IDF killed or injured Palestinians or others in non life-threatening situations. IDF fire killed or injured innocent bystanders, including journalists and Palestinian civilians, when they fired into crowds at demonstrations (see Sections 1.a. and 2.a.). Palestinian medical groups have estimated that approximately 10 percent of the injuries will result in permanent disabilities, and another 10 percent will require medical rehabilitation (see Section 5).

Israel obstructed the movement of and occasionally fired upon and assaulted medical personnel and ambulances. In the past, Israel alleged that terrorists have used ambulances to transport weapons or to commit terrorist acts. During the year, the PRCS reported that ambulances came under fire 57 times and emergency teams came under fire 79 times. The PRCS also reported that IDF soldiers and Israeli settlers injured 7 PRCS medical staff members and damaged 12 ambulances in these incidents. PRCS reported that its ambulances were delayed or denied access to areas on 584 separate occasions.

On March 11, a PRCS ambulance entered an ongoing firefight in Tel al-Sultan in Gaza to retrieve a Palestinian injured in tank shelling and gunfire. When the crew located an injured Palestinian and moved to take him into the ambulance an IDF tank opened fire in the ambulance's direction. The ambulance driver was hit in the left hand by shrapnel from a tank shell before managing to flee the scene.

On February 2, Israeli soldiers raided the medical center of the Union of Palestinian Medical Relief Committees (UPMRC) in the Old City of Nablus. The soldiers destroyed three hospital beds, furniture, a defibrillator, and various containers of medicine.

On May 20, an IDF soldier at the Surda checkpoint in Ramallah assaulted ambulance driver Talal 'abd al-Malek Muhammad 'Ida, 45. A soldier in a jeep summoned 'Ida as he attempted to coordinate his passage through the checkpoint and punched him in the face. 'Ida was treated with stitches at a Ramallah hospital.

On June 14, the UPMRC reported that IDF soldiers outside the village of Deir Ghassaneh halted an ambulance at gunpoint and then boarded it. The ambulance was driving to the town to pick up injured Palestinians. The soldiers hid in the rear of the ambulance and told the ambulance team to drive to the town with them inside. The soldiers told the UPMRC staff not to reveal the soldiers' presence in the ambulance. The soldiers used the cover of the ambulance to arrest people seized the identification cards of the ambulance crew members when they refused to continue driving and did not return until 3 days later.

During the Intifada, the IDF also used excessive force in responding to a number of incidents at checkpoints (see Section 1.a.).

Israeli soldiers placed Palestinian civilians in danger by ordering them to facilitate military operations, which exposed them to live fire between armed Palestinians and Israeli soldiers. Since the beginning of the Intifada, IDF soldiers have ordered Palestinian civilians to enter buildings to check whether they were booby-trapped; to expel their occupants; to remove suspicious objects from the road; and to walk in front of soldiers to protect them from gunfire. For example, on May 14

Israeli Border Police officers forced a Palestinian driving a car in Jenin to park the vehicle in front of a private home and then proceeded to use the car, which held three passengers, as a shield during a gun battle with armed Palestinians. One Border Police officer forced Muhammad Aradeh, 19, out of the car and made him to kneel while firing over his head. On March 6, IDF soldiers conducting an incursion into Awarta village near Nablus ordered 'Ula 'Awad to lead them through an apartment building and a neighboring house and knock on doors as they conducted searches. The officers threatened to shoot 'Awad as he conducted the search.

In 2002, the Israeli High Court of Justice granted an injunction against the use of Palestinians as "shields" for Israeli forces. Israel admitted the use of such practices, in violation of existing procedures, and reiterated that IDF forces "are absolutely forbidden to use civilians of any kind as a means of 'living shield' against gunfire or attack by the Palestinian side, or as 'hostages.'" However, this ruling did not prevent IDF soldiers from carrying out the same practices under another name. IDF soldiers are openly permitted to employ the "neighbor procedure," which allows them to seek the assistance of Palestinian civilians in operations so long as that assistance is consensual. Human rights groups asserted that Palestinians who agreed to assist such operations often did so out of fear of the soldiers even if they were not directly coerced. Palestinians who took part in such operations without being harmed still faced the risk of being branded as collaborators and risked being attacked by other Palestinians.

Israel also placed civilians in danger by occupying Palestinian homes, quartering soldiers there, and conducting military operations from them. For example, in December, IDF soldiers conducted raids in the Old City of Nablus and detained residents of buildings in a single apartment while using the upper floors for military activities.

The IDF fired tank rounds, as well as rockets from helicopters and military aircraft, on targets in cities and towns in the West Bank and Gaza during operations undertaken in response to attacks on Israeli soldiers, settlers, and other civilians (see Section 1.a.).

Israeli forces demolished the homes of the families and relatives of those convicted of or suspected of committing terror attacks, effectively punishing innocent Palestinians not implicated in the attacks. Israel's demolitions left hundreds of Palestinians not directly implicated in the attacks homeless. During the year, Israeli forces demolished 219 homes and sealed three others for punitive reasons, compared to 250 in 2002, and 10 in 2001. The numbers of such demolitions increased as Israel re-occupied areas previously under exclusive PA control and gained access to such homes. For example, on March 3, Israeli forces in the Bureij refugee camp in the Gaza Strip carried out the punitive destruction of the home of arrested Hamas leader Muhammad Saleh Hassan Abu Taha. The destruction of the home left seven residents of the building homeless and severely damaged an adjacent home, causing a wall to collapse that killed a 40-year-old pregnant woman next door.

Israel demolished entire apartment buildings that had been used as past shooting points by Palestinian gunmen, effectively punishing innocent civilians unconnected with the attacks. For example, on September 5, Israel demolished a seven-story residential building in Nablus after exchanging fire with and killing Muhammad al-Hanbali, 26, a Hamas militant who was hiding inside the building. IDF soldiers removed Hanbali's body from the building and then planted explosives on the first floor of the building and leveled the structure. The demolition left 15 Palestinian families homeless with all of their belongings destroyed.

Israel's extensive curfews on Palestinian towns punished entire innocent populations. The curfews affected every aspect of life for Palestinians, damaging livelihood and causing food shortages. The Israeli Government's sustained imposition of internal and external closures and curfews in the West Bank and Gaza during the year severely impacted Palestinian society and economy, contributing to shortages of basic food, water, and the provision of medical care and supplies.

The external and internal closures contributed to increased unemployment and poverty in the occupied territories. Approximately 146,000 West Bank and Gaza workers, representing roughly 25 percent of the Palestinian work force, depended on day jobs in Israel, Israeli settlements, and Jerusalem and were prevented from leaving the occupied territories. The closures on Palestinian cities and towns also impeded Palestinians from reaching jobs or markets in the occupied territories and disrupted internal and external trade. Closures, and the destruction of large swathes of Palestinian-owned agricultural land and economic infrastructure by the IDF and settlers, contributed to an unemployment rate that was estimated at 30 percent at the end of the year. Closures particularly isolated and hurt the roughly 200,000 Palestinians who lived in rural villages. Rural villages rarely were self-sustaining communities and did not have the full range of services—such as medical

care, education, or municipal provision of water—that larger urban areas had, increasing their isolation when community members were not able to travel outside the area to obtain access to services and provisions. Other rural villages under full Israeli control were further isolated from major Palestinian population centers.

Israeli security forces' implementation of control measures at checkpoints often impeded the provision of medical assistance to sick and injured Palestinians. Since the beginning of Intifada, The Government's implementation of control measures resulted in delayed access to medical treatment for at least 39 Palestinian who subsequently died (see Section 1.g.).

The ICRC stated that the prolonged closure of Palestinian cities significantly obstructed the delivery of medical care. The closures made it extremely difficult for patients living outside large cities who need repeated medical treatment, such as dialysis or physical therapy, to reach medical centers on a regular basis. The PCRS has estimated that more than one-third of Palestinians who have been injured in the Intifada required some type of physical rehabilitation and at least 10 percent have permanent disabilities. Medical professionals reported that many Palestinians delayed all but emergency medical care because of the restrictions and economic conditions. Preventive treatment, such as vaccinations, antenatal and postnatal care, and family planning often was postponed; and the number of births at home, in ambulances, and at checkpoints remained high. Medical observers reported that as the Intifada continued, the impact on public health would be negative.

On June 14, Israeli soldiers detained for 1 hour the ambulance of Muhammad Hassan Abu Qibeta, a 65-year-old diabetic Palestinian from Yattaon his way to a hospital in Hebron. Qibeta had reportedly suffered a heart attack before reaching the checkpoint, and died there after waiting at the checkpoint for an hour.

Closures and curfews also have affected the provision of emergency medical care, including by impeding the ability of medical staff to reach work. Israeli security services stopped and searched all ambulances at each checkpoint, which frequently added life-threatening delays in reaching hospitals, due to the fact that some had to use substandard local roads when denied access through any of the checkpoints. Israeli security forces often impeded the provision of medical assistance to Palestinian civilians by strict enforcement of internal closures. The PCRS reported that its average response time to emergency calls in "outer city" areas was 40 to 50 minutes, compared to a past average of 10–15 minutes.

Israeli soldiers frequently harassed and abused Palestinian emergency services staff at the checkpoints (see Section 1.c.).

Palestinian militants placed Palestinian civilians in danger by firing on Israeli forces from civilian areas.

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Speech and Press.—The Israeli Government generally respected freedom of speech in the occupied territories; however, IDF soldiers routinely harassed and occasionally detained Palestinian and other journalists covering stories in the West Bank and Gaza. Israel frequently denied journalists travel permits and revoked or delayed issuing press credentials, all of which amounted to de facto censorship. Israel censored and prohibited public expressions of anti-Israeli sentiment and of support for Islamic extremist groups. The IDF allegedly killed two journalists covering clashes between Palestinians and Israeli security forces, both of whom were identified as noncombatants, and injured at least four others. During the year, Israel raided the premises of several television and radio stations.

During the year, the Israeli Government continued to enforce selectively its standing prohibition on the display in East Jerusalem of Palestinian political symbols, such as flags, national colors, and graffiti. Such displays were punishable by fines or imprisonment. Israeli enforcement of existing censorship regulations remained stringent regarding press coverage of the Intifada. Israeli authorities monitored Arabic newspapers based in East Jerusalem for security-related issues, and newspapers sometimes were ordered to halt publication of stories about the security situation until the information first appeared in the Israeli media. Military censors reviewed Arabic publications for material related to the public order and security of Israel. Reports by foreign journalists were subject to review by Israeli military censors for security issues, and the satellite feed used by many foreign journalists was monitored. In periods of heightened security, the Israeli Government often closed areas to journalists when it imposed a curfew or closure. Israeli authorities denied entry permits to West Bank Palestinian journalists traveling to their place of employment in Jerusalem during closures of the territories, and the journalists had difficulty renewing their Israeli issued press credentials (see Section 2.d.).

The IDF required a permit for Palestinian publications sold in areas of the occupied territories under its control. Publications may be censored or banned for con-

tent considered anti-Semitic or anti-Israeli. Possession of banned materials was punishable by a fine and imprisonment. The Israeli Government prohibited the delivery and distribution of publications, including newspapers, in the Gaza Strip on the Jewish holiday of Yom Kippur (when import of any item is prohibited) and on numerous other occasions when the closure of the Gaza Strip was particularly tight. On several occasions during the year, usually following terrorist incidents, the Israelis banned Palestinian daily newspapers from entering Gaza. However, during such periods, Israeli newspapers were allowed into Gaza. During internal closures, the Israeli Government also occasionally blocked the delivery of Palestinian daily newspapers to Palestinian cities in the West Bank.

Israel also harassed Palestinian media organizations. On January 31, Israeli forces conducted an incursion on the city of Hebron and shut down all local radio and television stations in the course of imposing curfew. During the incursion, IDF soldiers raided the offices of the al-Nawras and al-Majd television stations and the Marah radio station.

During the year, Israeli soldiers killed two journalists. On May 3, the IDF killed James Miller, 34, a cameraman for a British television network. Miller was filming a documentary in the Shaja'iya neighborhood of Gaza City and was wearing a vest marking him as a journalist. IDF sources claimed that they were returning Palestinian fire; however, Palestinians at the scene claimed that there was no such fire. Human rights groups rejected Israel's account of the incident after independent investigations of the circumstances of the shooting.

On April 19, an IDF soldier shot and killed Nazeeh Darwaza, 45, a cameraman for the Associated Press Television Network and Palestinian Television. Dawazah was filming a wounded child during an IDF incursion in Nablus and was wearing a jacket labeling him as press. On July 30, Reporters Sans Frontieres released a statement criticizing Israel for an incomplete and botched investigation into Darwaza's death. The IDF did not charge any soldiers in this case.

On March 6, Israeli tank fire in the Jabalya refugee camp in the Gaza Strip injured two Reuters journalists, Ahmad Jadallah and Shams Odeh. Jadallah suffered severe shrapnel injuries and Odeh suffered a fractured foot. On January 28, Israeli gunfire during an incursion into Jenin injured Reuters reporter Seif ad-Din Ad-Daheleh, 20.

Israeli soldiers confiscated journalists' press cards, detained, and beat them on several occasions. For example, on May 19, IDF soldiers in Beit Sahour detained licensed photographers Sha'aban Qandil and Joseph Hadal and beat them. Qandil and Hadal were driving in a car marked "press" and labeled with "TV" stickers. Both men suffered broken bones from the beating.

The PA restricted freedom of speech and freedom of the press. During the year, the PA limited free expression, particularly regarding human rights and alleged security issues. Press freedom is subject to a 1995 press law that does not protect the press adequately. PA security services closed media outlets, banned publications or broadcasts, and periodically harassed or detained members of the media (see Section 1.d.). Palestinian commentators and human rights groups stated that, as a result, journalists practiced self-censorship.

On January 6, PA General Intelligence Organization (Mukhabarat) officers arrested the Gaza-based correspondent for al-Jazeera Seif ad-Din Shahin, 34. The arrest came after Shahin conducted an interview with an anonymous alleged member of the Fatah-affiliated al-Aqsa Martyrs Brigades who criticized the Fatah movement. The PA detained him for 18 hours in an effort to make him reveal his source and reconsider broadcasting critical commentary.

On March 17, PA police in Gaza City shut down the Palestinian weekly newspaper ar-Risalah, a weekly publication affiliated with the Islamic National Salvation Party (Khalas). The PA first shut down the paper in March 2001. The PA Supreme Court ordered it reopened in April 2002, but PA police did not comply with the court order. The staff of the paper began issuing it again in October 2002 and continued until the closure in March.

On September 13, masked, armed Palestinians broke into the offices of the al-Arabiya satellite channel in Ramallah. They destroyed equipment and briefly detained three staff members. The PA created a board of inquiry to investigate the attack and later arrested and charged a PA security officer with leading the effort and relieved him of duty.

On September 14, armed Palestinians in Gaza City identifying themselves as members of the PA customs service intercepted a vehicle distributing copies of the Palestinian daily newspaper al-Ayyam. The attackers confiscated approximately 1,400 copies of the newspaper. The PA customs department later denied any connection to the incident, and the attackers have not been identified.

There were three Palestinian dailies and several Palestinian weekly newspapers. There also were several monthly magazines and three tabloids.

The Israeli Government required one Palestinian-owned newspaper, Al-Quds, to submit its entire contents, including advertising, to the military censor by 4 p.m. each day. The editor claimed that this process caused his journalists to practice self-censorship.

In addition to the official Palestinian Broadcast Corporation television and radio, also known as Voice of Palestine, there were approximately 20 independently owned television stations and 9 radio stations in the West Bank.

The Internet was available widely.

Israeli severely restricted academic freedom by disrupting the operations of West Bank and Gaza schools, colleges, and universities during the year. Israel disrupted Palestinian education through closures, curfews, and military actions that shut universities down entirely. Students and staff at all educational levels had difficulty traveling to and from educational facilities because most areas were under some form of internal closure for the entire year. In addition, Israeli forces imposed curfews on many Palestinian areas, some for 24 hours a day, for extended periods (see Sections 2.d. and 5). Students from Gaza were unable to reach West Bank universities since early October 2000, when Israel closed the safe passage route between Gaza and the West Bank. Israeli shelling and gunfire during military operations damaged a number of schools in the West Bank and Gaza.

In January, Israel shut down the two principal higher education facilities in Hebron by military order. The military order, which was valid for 6 months and was extended in June, closed down Hebron University and the Hebron Polytechnic School. The closure blocked the education of over 5,000 Palestinian students.

The PA Ministry of Education reported that since 2001 the IDF had confiscated 3 schools in Hebron and subsequently quartered soldiers there after converting them to military barracks. Those three schools were the Jawhar Girls Elementary School, the Osama Girls Elementary School, and the Ma'arif Boys Elementary School. The Ministry of Education also reported that IDF forces raided schools 26 times during the year. Since the start of the Intifada, the IDF reportedly raided or fired on schools 295 times, shut down 9 schools completely, and forced the suspension of classes at 1,125 schools and nearly all higher education institutions.

The PA generally had authority over all levels of education in the West Bank and Gaza Strip, and it controlled the budgets of all public colleges. During the year, the PA did not interfere with education in the West Bank and Gaza Strip.

b. Freedom of Peaceful Assembly and Association.—The Israeli Government placed severe limits on freedom of assembly for Palestinians in the occupied territories, largely through the imposition of internal closures and curfews (see Section 2.d.). Israeli military orders banned public gatherings of 10 or more persons without a permit. Extensive curfews during the year made assembly of any kind impossible in most major Palestinian cities. Those Palestinians who chose to take part in even peaceful demonstrations often did so only by breaking curfew restrictions and IDF prohibitions against demonstrations.

Israeli security forces killed many Palestinians and injured several thousand during demonstrations and other often violent clashes (see Sections 1.a. and 1.c.). The Israeli and Palestinian authorities regularly disputed whether Palestinians fired at security forces during such demonstrations. Israeli security forces resorted to live fire, even in instances when Palestinians did not direct gunfire at them at them first. In 2001, the IDF changed its definition of “life-threatening” situations to include rock-throwing in some cases.

The PA imposed some formal limits on freedom of assembly; however, while it required permits for rallies, demonstrations, and large cultural events, these permits rarely were denied. In Gaza police approval was required for political meetings at several specific large meeting halls. Written permission also was required for buses to transport passengers to attend political meetings. In West Bank cities, the PA required permits for outdoor rallies and demonstrations and prohibited calls for violence, displays of arms, and racist slogans, although this rarely was enforced.

The Israeli Government continued to place severe restrictions on freedom of association in East Jerusalem. In 2001, Israeli forces closed Orient House, the pre-eminent Palestinian political institution in Jerusalem, and other East Jerusalem institutions located in Orient House, including: The Chamber of Commerce, the Land Research Center, the Higher Council for Tourism, a women's center, a prisoner's rights society, and a historical preservation group. Orient House remained closed at year's end; however, during the year, several institutions opened up alternative offices outside Jerusalem in the neighborhoods of al-Ram and Dahiat al-Barid.

During the year, Israeli police closed the Arab Graduates Club, a social club frequented by Fatah activists and run by PA Deputy Waqf Minister and Jerusalem

Fatah Secretary General Salah Zuheikeh. In 2002, the Israeli police closed the Multi-Sectoral Review Project, the Land Research Center, the East Jerusalem offices of the Federation of Palestinian Chambers of Commerce, and the Jerusalem Cultural Association and the Union of Sports Clubs. At year's end, all of these organizations remained closed.

The PA placed some limits on freedom of association; however, the PA permitted Palestinian charitable, community, professional, and self-help organizations to operate.

c. Freedom of Religion.—Israeli law provides for freedom of worship, and the Government generally respected this right in practice in the occupied territories. Israel did not ban any group on religious grounds, and permitted all faiths to operate schools and institutions.

Israel's imposed internal and external closure of the West Bank and Gaza, significantly impeded freedom of worship for Muslims and Christians. Israeli closure policies prevented tens of thousands of Palestinians from reaching their places of worship in Jerusalem and the West Bank, including during religious holidays such as Ramadan, Christmas, and Easter. On numerous occasions, the Israeli Government prevented worshippers under the age of 45 from attending Friday prayers inside the Haram al-Sharif/Temple Mount, the third holiest site in Islam and the holiest site in Judaism. The Israeli Government stated that such actions were necessary for security reasons. However, in June, armed Israeli police officers began escorting groups of Christian and Jewish tourists into the Haram al-Sharif/Temple Mount against the wishes of the Waqf authorities. Israeli police spokesmen indicated that the visits were an effort by the Government of Israel to re-assert the right of non-Muslims to visit the shrine.

During the year, the Government of Israel's continued closure policy prevented a number of Palestinian religious leaders (both Muslim and Christian) from reaching their congregations.

The PA has no law that specifically protects religious freedom; however, the PA generally respected religious freedom in practice.

Islam is the official religion of the PA, and its Islamic institutions and places of worship received preferential treatment. The PA required individuals to be at least nominally affiliated with some religion. Religion must be declared on identification papers, and all personal status legal matters must be handled in either Shari'a or Christian ecclesiastical courts. The PA had a Ministry of Waqf and Religious Affairs that paid for the construction and maintenance of mosques and the salaries of many Palestinian imams. The Ministry also provided some Christian clergymen and Christian charitable organizations with limited financial support. The PA did not provide financial support to any Jewish institutions or holy sites in the occupied territories.

The PA required that religion be taught in PA schools. The PA ran separate religious instruction classes for Muslim and Christian students.

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

d. Freedom of Movement within the Occupied Territories, Foreign Travel, Emigration, and Repatriation.—The Israeli Government severely restricted freedom of movement for Palestinians. During the year, Israel prohibited most Palestinians from the West Bank and Gaza from entering Israel, and the IDF continued to enforce a massive network of checkpoints and roadblocks across the occupied territories, which impeded the movement of people and goods between Palestinian cities, villages, and towns. Numerous cities were placed under strict curfews that ran for weeks and even months. Israel lifted some checkpoints and eased some movement following the release of the roadmap in May, but in most cases the restrictions were later reinstated. During the year, the restrictions on movement were the most severe that Israel had imposed since it occupied East Jerusalem, the West Bank, and Gaza in 1967.

Israel constructed parts of a large security barrier in the West Bank. The result was division of approximately 5,000 Palestinian residents from the rest of the West Bank and severe disruption of their access to hospitals, schools, social services, and agricultural property. At the end of the year, the total land area secluded by the separation barrier from the remainder of the West Bank was approximately 96,000 dunams.

Since 1993, Israel has required that all West Bank and Gaza residents obtain permits to enter Israel and Jerusalem. However, Israel often denied applicants permits with no explanation and did not allow effective means of appeal. Palestinian officials and members of the clergy with VIP passes, including PA cabinet officials, members of the Palestinian Council were regularly subjected to long delays and searches at

Israeli checkpoints in the West Bank, despite the fact that they were traveling on special passes issued by the Israeli Government. These practices continued at an increased level from previous years, severely restricting PA officials from conducting administrative functions and implementing reform.

On October 2, Israel issued military orders that required Palestinians residing between the separation barrier and the Green Line to obtain residency permits in order to remain in these areas. At year's end, the permit requirement applied to approximately 5,000 Palestinians who were located in such areas, dubbed "seam zones."

Even in periods before the Intifada, Palestinians in the West Bank and Gaza Strip found it difficult to obtain permits to work, visit, study, or obtain medical care in Israel. Israeli authorities permitted only a small number of Gazans to bring vehicles into Israel and sometimes did not permit West Bank vehicles to enter Jerusalem or Israel. Except for senior PA officials, Palestinians of all ages crossing between the Gaza Strip and Israel were not permitted to travel by automobile across the main checkpoint. Instead they were forced to travel along a narrow walkway almost a mile long. Israelis moving into and out of the Gaza Strip were permitted to use their automobiles. Israeli regulations prohibited Palestinian residents of Jerusalem from entering the West Bank, although this ban only intermittently was enforced. Israeli authorities also required that these Palestinian residents provide written notice to the Israeli Government if they intended to travel to the Gaza Strip; however, provision of such notice did not ensure that the Government would permit the travel.

Since 1993 Israel applied varying levels of "closure," or enhanced restrictions, on the movement of Palestinians and their goods, often for lengthy periods, in response to Palestinian terrorist attacks and other changing security conditions. The Government of Israel imposed a tightened version of closure, called "comprehensive, external closure" during periods of violent protest in the West Bank or Gaza, or when it believed that there was an increased likelihood of such unrest. Comprehensive closures also were instituted regularly during major Israeli holidays and during some Muslim holidays. During such closures, the Israel Government cancelled travel permits and prevented Palestinians—even those with valid work permits—from leaving the occupied territories. During comprehensive closures, the authorities severely restricted the movement of goods between Israel and the occupied territories and between the West Bank and Gaza. Due to the ongoing unrest, Israel imposed strict and consistent external closure throughout the year for the second straight year, compared with 210 days in 2001 and 88 days in 2000.

During periods of unrest in the West Bank and Gaza, in the aftermath of terrorist attacks, or during military exercises, the Israeli Government prohibited travel between towns and villages within the West Bank. These "internal" closures resulted in the cutoff of goods, including food and fuel, and restricted the movement of persons. During the year, Israel expanded internal closures further, sometimes in response to specific acts of violence and sometimes as a preventive measure imposed on entire cities and towns. The internal closures were even more severe when Palestinians were prohibited from using primary roads and physical barricades close off many secondary roads.

The Israeli Government further constrained the movement of Palestinians and goods in the West Bank and Gaza by imposing total closures on specific areas or villages, sometimes for weeks at a time, and by intermittently closing the Allenby and Rafah crossing points to Jordan and Egypt. Israel also consistently imposed curfews in some areas, often for extended periods. During the curfews, Palestinians generally were confined to their homes for all but a few hours per week during which they were allowed to buy food and other provisions.

The prolonged closures and curfews imposed by the Government of Israel on Palestinian cities and towns during the year had a severely negative impact on every sector of the Palestinian economy. They impeded Palestinians from reaching jobs or markets and disrupted internal and external trade (see Section 1.g.).

The prolonged closure also seriously impacted students' ability to attend school and university (see Sections 2.a. and 5.). The Government of Israel stated that they were necessary security measures (see Section 1.g.).

The Israeli Government required all Palestinian residents to obtain permits for foreign travel and restricted the travel of some political activists. Bridge-crossing permits to Jordan may be obtained at post offices without a screening process.

Israel offered East Jerusalem residents Israeli citizenship following Israel's occupation of Jerusalem in 1967. Most have chosen not to accept Israeli citizenship, choosing instead to seek a residence permit or Jerusalem identification card, which Israel occupied during the 1967 War, Israel applied the 1952 Law of Permanent Residency and its 1974 amendments to Jerusalem identification card holders. The

law states that a Jerusalem resident loses the right of residence if he or she leaves Israeli territory for more than 7 years, acquires the nationality of another country, or acquires permanent residence in another country. Such persons are permitted to return only as tourists and sometimes are denied entry. The Government of Israel does not apply these same restrictions to Israeli citizens.

In 2000, the Israeli Ministry of Interior published new instructions regarding residency rights in Jerusalem. According to these instructions, permanent residents whose identity cards had been revoked after 1995 but who returned to live in Jerusalem from 1998 on were entitled to restoration of their identity cards, provided that they could demonstrate that Jerusalem was the "center of their lives." In addition to the provision on restoration of identity cards, the new guidelines allowed for the revocation of residency in cases in which East Jerusalem Palestinians obtained new citizenship or residency rights while living abroad. Human rights groups reported that such revocations have taken place infrequently.

In December, three Palestinians deported from abroad to the West Bank and Gaza were denied entry at Allenby border crossing. The three were returned to the deporting country, where they currently reside as stateless persons.

Israeli restrictions also affected family reunification. Most Palestinians who were abroad before or during the 1967 War, or who lost their residence permits for other reasons since then, were not permitted to reside permanently with their families in Jerusalem or the occupied territories. Foreign-born spouses and children of Palestinian residents also experienced difficulty in obtaining permission to reside with their family members; children of Israeli residents did not suffer such hardships. For example, a Palestinian with a West Bank identification card must apply to the Government of Israel for permission to live with his or her Jerusalem-resident spouse in Jerusalem. In May 2000, the Israeli Knesset declared a freeze on providing residency permits. At year's end, the freeze remained in effect. Palestinians reported delays of several years or more before spouses were granted residency permits. The Government of Israel occasionally issued limited-duration permits, which must be renewed. Renewing the permits may take up to 8 months, a common delay that resulted in many Palestinians falling out of status. Palestinians also reported extensive delays in registering newborn children with Israeli authorities.

The PA issued passports and identification cards for Palestinians who resided in the West Bank and Gaza, and the Israeli Government required residents of the West Bank and Gaza to use their Palestinian passports to exit and enter Israel. Bearers of Palestinian passports did not need special exit permits from the PA; however, when leaving the area via Ben Gurion Airport, the Israeli Government required Palestinians to obtain permits to transit Israel to reach the airport and the Government of Israel rarely granted such permits. Since 2001, Israeli authorities rarely granted these requests except in humanitarian or special interest cases. Without this permit, travelers must depart via land crossings and may experience delays lasting days or weeks. Palestinian residents of the West Bank and Gaza were prohibited from using the Sheikh Hussein or Arava crossings. As a result, most Palestinians could exit and enter the West Bank and Gaza only via the Allenby Bridge or Rafah crossing points, respectively, which were closed completely several times during the year. Internal closures made it difficult for Palestinians to reach even these crossing points and begin the wait at the border.

Palestinians who held Jerusalem identification cards, issued by the Israeli Government, must obtain special travel documents from the Israeli Government to travel abroad. Upon request the Jordanian Government also issued travel documents to Palestinians in the West Bank and East Jerusalem. Palestinians who wish to travel to Jordan must leave their Israeli identification documents with Israeli authorities at the Allenby Bridge. The Israeli authorities also required that Palestinians from East Jerusalem obtain a special permit to cross the Allenby Bridge, which they must purchase from the Ministry of Interior. Restrictions on residency, reentry, and family reunification only applied to Palestinian residents of the occupied territories.

The PA generally did not restrict freedom of movement.

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

In 1996, Palestinian residents of the West Bank, Gaza Strip, and East Jerusalem chose their first popularly elected government in elections that generally were free and fair; the 88-member Palestinian Legislative Council and Chairman of the Executive Authority were elected. PLO Chairman Yasir Arafat won almost 89 percent of the vote in a two-person race for Chairman. Approximately 700 candidates competed for Council seats. Voters elected Council members to multimember electoral districts. As many as 35 of the elected members were independent candidates. International observers concluded that the election could reasonably be regarded as gen-

erally free and fair, despite some irregularities. During the year, the Council debated numerous draft laws and resolutions. Some members of the Council stated that it lacked power in relation to the executive branch.

The last municipal elections in the West Bank and Gaza took place in 1996. PA officials announced plans to hold new elections in June 2004. Incumbent municipal officials serve until the following elections. In the case of the death or resignation of an incumbent, the Ministry of Local Government appoints a replacement, with the approval of the PA Chairman.

Most Palestinians in East Jerusalem do not recognize the jurisdiction of the Israeli municipality of Jerusalem. While all Palestinians with residency permits are eligible to vote in municipal elections, only a very small percentage of Jerusalem's Palestinian population actually voted. There were no Palestinian residents of Jerusalem on the city council. There were 5 women on the 88-member Council, and 1 woman served in a ministerial-level position.

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

During the year, Israel obstructed human rights monitors and NGO workers through the excessive use of deadly force and the imposition of strict closures, at times resulting in death and serious injuries. Beginning on May 9, Israel required foreigners entering the Gaza Strip to sign a waiver that purports to absolve Israel of responsibility for death or injuries caused by Israeli soldiers. The waiver stated that those entering the Gaza Strip "accept that the Government of the State of Israel and its organs cannot be held responsible for death, injury and/or damage/loss of property which may be incurred as a result of military activity."

Israel demonstrated disregard for the work of human rights monitors in official statements, and soldiers attempted to disrupt their work. On May 21, Israeli Minister of Foreign Affairs Silvan Shalom said, "Most human rights offices in the West Bank and Gaza Strip provide shelter for Palestinian terrorists."

On March 16, an Israeli bulldozer clearing land in Rafah in the Gaza Strip crushed and killed Rachel Corrie, 23, a US Citizen peace activist. Corrie was standing in front of the bulldozer, was wearing a reflective vest. Eyewitness demonstrators stated that they believe the driver knew Rachel was in front of the bulldozer as he proceeded forward. The IDF conducted two investigations into the case, including a polygraph of the operator, and found that no negligence on the part of the operator. The operator knew that there were demonstrators in the area, but claimed he did not see Corrie at the time she was struck. However, the report of the IDF Judge Advocate General recommended several remedial measures including remedying blindspots from the cabs of armored bulldozers, for improved safety during future operations.

On March 20, Israeli soldiers in Nablus shot US citizen Eric Hawanith during a demonstration, wounding him in the chest and leg with three rubber-coated steel bullets.

On April 7, Israeli gunfire very likely appears to have struck 24-year-old peace activist and US citizen Brian Avery in Jenin, although the IDF denied responsibility for the incident. Avery and another activist, both with the International Solidarity Movement, were walking outside during curfew in the city when an IDF armored personnel carrier approached them. Avery was shot in the face and remained hospitalized in stable condition at year's end.

On April 12, IDF soldiers shot Thomas Hundall, 22, a British activist with the International Solidarity Movement. Hundall was attempting to move Palestinian children to safety during a clash. Hundall was declared brain dead on arrival at a hospital in Rafah.

On July 28, Israeli soldiers fired tear gas and rubber coated bullets on a non-violent demonstration conducted at a section of the security barrier in 'Anin village, near Jenin. The rubber bullets wounded six demonstrators. The demonstrators were from the International Solidarity Movement, the Popular Committees Against the Wall, Ta'ayush, and the Palestinian National Initiative.

On May 31, IDF soldiers harassed residents of at-Tuwani village south of Hebron and threatened them with abuse if they accepted further solidarity visits from the Israeli peace group Ta'ayush. One soldier tore down a tent that Ta'ayush activists had set up in the town for meetings with local residents.

On December 26, Israeli soldiers aimed live fire at demonstrators attempting to penetrate the separation barrier built near the town of Qalqilya. The gunfire wounded a 25-year-old US citizen and seriously wounded Israeli citizen Gil Na'amati, 21. Na'amati was shot in both legs. The IDF launched an internal inquiry into the incident, but no soldiers were charged with wrongdoing at year's end.

In many cases, such groups refused to apply for special travel permits in order to protest Israel's regulation of their activities. Israeli, Palestinian, and international humanitarian and human rights NGOs monitored the Israeli Government's human rights practices in the occupied territories. Some of these organizations were critical of the Israeli Government's practices and cooperation. The Israeli Government permitted human rights groups to publish and hold press conferences.

The U.N. Relief and Works Agency (UNRWA) reported continued delays but some overall improvement in treatment of its personnel and vehicles at checkpoints. Other humanitarian groups, such as PRCS, continued to complain of unacceptable delays.

During the year, Israeli settlers in Hebron continued their longstanding harassment of members of the Temporary International Presence in Hebron (TIPH), an NGO comprised of civilians, which monitored relations between Israeli and Palestinian security forces, Palestinian civilians, and settlers in the city. The settlers damaged a number of TIPH vehicles.

At year's end, the Government of Israel continued to withhold information regarding the documents and property taken during the 2001 seizure of Orient House (see Section 2.b.).

Local human rights groups, most of which were Palestinian, and several international organizations monitored the PA's human rights practices. PA officials usually met with their representatives. Public criticism from these groups has been somewhat less forthcoming since the outbreak of the Intifada, with several NGOs voluntarily deciding to focus their efforts on the Palestinian struggle for basic rights and defer comprehensive critiques of the PA's human rights performance. During the year, human rights organizations reported that they sometimes were denied access to detainees in Palestinian prisons (see Section 1.c.). Observers noted that documentation of abuses was very limited because victims were hesitant to file or make public claims of abuse against PA authorities.

Some PA security organizations, including the General Intelligence Organization in the West Bank and the police, appointed officials to act as liaisons with human rights groups. These officers met with human rights organizations and members of the diplomatic community to discuss human rights cases.

The ICRC and other human rights groups, including the Palestinian Independent Commission for Citizens' Rights and the Mandela Institute, regularly visited PA prisons and detention centers. During the year, some human rights and international humanitarian organizations reported that they occasionally encountered delays in obtaining access to detainees in Palestinian prisons. PA officials reportedly were less responsive to queries regarding the PA's policies toward and treatment of collaborators and members of Islamist opposition groups than to queries on other detainees (see Sections 1.c. and 1.d.).

The PA issued registration certificates for 150 of the approximately 350 new and existing NGOs that submitted applications under the 2000 NGO law. The remaining applications still were under review at year's end (see Section 2.d.).

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

Palestinians were disadvantaged under Israeli law and practices compared with the treatment received by Israeli settlers. This included discrimination in residency and land use.

In the Palestinian territories several Palestinians alleged that PA security officers tortured them because of their sexual orientation. Homosexuals were persecuted by both the public and by PA security officers. Homosexuals were subject to harassment and physical abuse, and some were arrested.

Women.—The law does not explicitly prohibit domestic violence, but assault and battery are crimes. There were reports indicating that domestic violence increased during the Intifada.

In the occupied territories, so-called honor crimes resulted infrequently when family members beat or killed women in response to such alleged violations of their family's honor. The PA kept no statistics on the frequency of such crimes, but human rights groups reported that they occurred infrequently. Victims of violence often were encouraged by relatives to remain quiet and were punished themselves or blamed for the "shame" that had been brought upon them and their families. Public discussion of the problems of rape, domestic violence, and violence related to "family honor" generally remained muted, but gained greater attention in the Palestinian community as a result of a significant effort by Palestinian women's groups. The crimes almost exclusively were tied to alleged sexual interactions of female family members with men who were not their husbands. This could include rape, a sexual encounter with any man except a woman's husband, or merely being seen alone with a male who was not her family member. Women's groups sought to educate

women on these problems, but women's rights advocates stated that few resources were available to shelter the victims of violence because women's shelters are not accepted culturally in Palestinian society. Activists also maintained that society was not receptive to providing counseling or outreach services to victims of violence, which these advocates saw as more widespread than was acknowledged. According to women's groups, there was no reliable data on the incidence of violence against women.

There were increasing anecdotal reports from women's and humanitarian groups that the incidence of domestic abuse rose significantly during the year. Spousal abuse, sexual abuse, and "honor killings" occurred, but societal pressures prevented most incidents from being reported.

Rape is illegal but spousal rape is not. During the year, there were no figures available regarding the extent of the problem.

Palestinian women endured various forms of social prejudice and repression within their own society. Some girls, especially in rural areas, did not finish the mandatory level of schooling because husbands did not approve of their intentions to continue their education. Cultural restrictions occasionally prevented women from attending colleges and universities. Muslim women who married outside of their faith were considered apostates by Shari'a law, an offense that could result in death. Christian women who married Muslim men often were disowned by their families and sometimes were harassed and threatened with death by members of their community. Local officials sometimes attempted to convince such women to leave their communities in order to protect themselves.

Before the Intifada began in 2000, a growing number of Palestinian women worked outside the home, where they often encountered discrimination and occasionally experienced sexual harassment. There were no special laws that provide for women's rights in the workplace. Women were underrepresented in most aspects of professional life. Despite the fact that there is a small group of women who were prominent in politics, medicine, law, teaching, and NGOs, women for the most part were seriously underrepresented in the decision-making positions in these fields.

Personal status law for Palestinians is based on religious law. For Muslim Palestinians, personal status law is derived from Shari'a (Islamic law). The varied ecclesiastical courts ruled on personal status issues for Christians. In the West Bank and Gaza, Shari'a pertaining to women is part of the Jordanian Status Law of 1976, which includes inheritance and marriage laws. Under the law, women in most cases are not entitled to inheritance, while their male siblings are. The marriage law allows men to take more than one wife, although few did so. Women were permitted to make "stipulations" in the marriage contract to protect them in the event of divorce and questions of child custody; however, only an estimated 1 percent of women took advantage of this provision, leaving most women at a disadvantage in the areas of divorce or child custody. Ecclesiastical courts also often favored men over women in divorce and child custody cases.

Children.—The PA provided substantial but incomplete protection for children's rights and welfare in areas under its control. The PA provided compulsory education to children and banned child labor, but did not legislate against child abuse or contain the practice of early marriage. Palestinian militants manipulated children to assist in violent attacks.

The PA provides for compulsory education through the ninth grade, when children usually reach 15 years of age. However, women who chose to marry were prevented by their families in certain sectors of society at times from completing the mandatory level of schooling. Especially in rural areas and refugee camps, boys often left school before they reached the mandatory age in order to help support their families.

The internal closure across the occupied territories and extended periods of curfew in most major cities significantly impeded the ability of both students and teachers to reach educational facilities (see Sections 2.a. and 2.d.). In areas under curfew, all classes were cancelled.

The separation barrier's construction has resulted in missed days of schooling and hardships for Palestinian children. The separation barrier, located east of the village of Khirbat Jabara, separates the village from rest of the West Bank. The village has no primary school and 183 children from the town have had their schooling disrupted by being forced to pass through a gate in the separation barrier in order to reach the nearest primary school in the village of ar-Ras.

Numerous education and health care professionals acknowledged that students were badly affected by the violent security situation, which interfered with learning and manifested itself in lack of focus, nightmares, daytime and nighttime incontinence, and other behavioral problems. Closures and curfews impeded school attendance, and UNRWA reported that more than 35,000 teacher workdays were lost in

the 2002–03 academic year. UNWRA reported that test scores in its West Bank and Gaza schools dropped dramatically.

The PA Ministry of Health provided for children’s immunizations. The PA insurance program provided basic medical care for children, for a small monthly fee. Economic problems and checkpoint obstacles affected the availability of food to Palestinian children. During the year, USAID and Johns Hopkins University reported that 7.8 percent of Palestinian children under 5 suffered from acute malnutrition, 11.7 percent suffered chronic malnutrition, and 44 percent were anemic.

The law does not explicitly prohibit child abuse. Abuse existed but was not a widespread problem. The law penalizes parents or families that failed to protect children from abuse. PA courts may provide protection for children in “difficult situations,” including cases of neglect or abuse. The Ministry of Social Affairs may intervene by bringing a case before a court, which would decide how to best protect the child. The judge may decide to place a child in an official protective institution, or with an alternate family. There was one protective institution for children in Gaza and one in the West Bank.

The law provides that no children 14 or under can work, and children aged 15–18 can be employed only for certain types of work and under certain conditions (see Section 6.d.). While there was no juvenile court system, judges specializing in children’s cases generally adjudicated on juvenile cases. In cases in which the child was the victim, judges had the discretion to remove the child from a situation considered harmful. However, the system was not sophisticated in the protection it afforded children.

Palestinians living in East Jerusalem continued to be discriminated against in terms of their access to municipal services, compared to other residents of Jerusalem. According to the Association for Civil Rights in Israel, the Government of Israel and the municipality have not kept their pledge to the High Court to build three new infant-care clinics in East Jerusalem. In addition, East Jerusalem schools remained underfunded and overcrowded, and many students were denied education in public schools due to lack of space. In 2001, the Israeli Government agreed to build 245 new classrooms within the next 4 years to alleviate this problem. However, by year’s end, only 30 classrooms had been built and only 36 were under construction.

International and domestic NGOs, including UNICEF, Save the Children, and Defense for Children International, promoted the rights and welfare of children in the occupied territories. There also were numerous Palestinian social welfare organizations that focused on developing and providing educational, medical, and cultural services to children. A number of other groups specialized in addressing the needs of children with disabilities.

Palestinian terrorist groups used minors to prepare attacks or carry them out and as human shields. These youths were recruited to throw pipe bombs and plant explosives. On January 11, two Palestinian youth attempted to infiltrate the Israeli Netzarim settlement in Gaza. The IDF captured both youths after shooting and wounding one of them. Neither was armed. The IDF released a video in November showing Palestinian gunmen firing on IDF forces while taking cover around a donkey-drawn cart with children near them.

Persons with Disabilities.—There was no mandated accessibility to public facilities in the occupied territories under either Israeli law or Palestinian authority. Many Palestinians with disabilities were segregated and isolated from Palestinian society; they were discriminated against in most spheres, including education, employment, transportation, and access to public buildings and facilities. There were approximately 130,000 Palestinians with disabilities in the West Bank and Gaza prior to the outbreak of the current Intifada. The Health, Development, Information, and Policy Institute estimated that one-tenth of the approximately 23,000 Palestinians injured in the Intifada will have permanent disabilities.

Some Palestinian institutions cared for and trained persons with disabilities; however, their efforts consistently were under-funded.

Section 6. Worker Rights

a. The Right of Association.—Labor affairs in the West Bank were governed by Jordanian Law 21 of 1965, as amended by Israeli military orders, and in Gaza by PA decisions. The law permits workers to establish and join unions without government authorization. Following a process to consolidate trade unions in the West Bank, there were 12 trade unions. Four trade unions were in Gaza.

Israeli labor law governs Palestinian workers in Jerusalem, and they were free to establish their own unions. The Israeli Government restricted unions in Jerusalem from joining West Bank trade union federations; however, this restriction was not enforced. Individual Palestinian workers in Jerusalem may belong simulta-

neously to unions affiliated with West Bank federations and the Israeli Histadrut Labor Federation.

West Bank unions were not affiliated with the Israeli Histadrut Federation. Palestinians from the West Bank and Gaza who worked in Israel or Jerusalem were not full members of Histadrut, but they were required to contribute 1 percent of their wages to Histadrut. Their partial membership entitled them to limited benefits, including compensation in the case of on-the-job injuries, maternity leave, and compensation in the case the employer declares bankruptcy. (Full members of Histadrut also received health insurance, social security benefits, pensions, and unemployment benefits.) Negotiations between Histadrut and West Bank union officials to return half of this fee to the Palestinian Union Federation were completed in 1996, but funds have yet to be transferred. Palestinian labor officials claim that they are owed \$6.5 million (NIS 30 million). Palestinians from the occupied territories who worked in Israel were not permitted to join Israeli trade unions or to organize their own in Israel.

The majority of West Bank and Gaza unions belonged to the Palestinian General Federation of Trade Unions (PGFTU). The union estimated that it had 290,000 members in the West Bank and Gaza Strip, drawing from 12 trade syndicates in the West Bank and 8 in Gaza. The PGFTU estimated that actual organized membership of dues-paying members, included approximately 75 percent of all Palestinian workers. The PGFTU was involved in the completion of the negotiations with Histadrut regarding workers' fees. The reorganization of unions under the PGFTU was intended to enable the West Bank and Gaza unions to better represent the union members' interests.

There are no laws in the occupied territories that specifically protect the rights of striking workers. In practice, such workers had little or no protection from an employer's retribution. Palestinian unions that seek to strike must submit to arbitration by the PA Ministry of Labor. If the union disagrees with the final arbitration and strikes, a tribunal of senior judges appointed by the PA decides what, if any, disciplinary action is to be taken, such as a fine. During the year, there were several local labor strikes in West Bank cities.

The PGFTU participated in some programs of the International Confederation of Free Trade Unions, but was not a member. The PGFTU became an ICFTU affiliate in November 2002.

b. The Right to Organize and Bargain Collectively.—A majority of workers in the occupied territories were self-employed or unpaid family helpers in agriculture or commerce. Only 35 percent of employment in the occupied territories historically has consisted of wage jobs. Most of this employment has been through UNRWA, the PA, or municipalities. Collective bargaining was protected. Committees of 3 to 5 members adjudicated labor disputes in businesses employing more than 20 workers. The PGFTU reported several local labor strikes in West Bank cities during the year. Existing laws and regulations do not offer real protection against antiunion discrimination.

There are no export processing zones (EPZs) in the occupied territories, although the Gaza Industrial Estate did enjoy free trade access to foreign markets. Israeli closures and curfews impeded the right to organize and bargain collectively.

c. Prohibition of Forced or Bonded Labor.—PA law does not prohibit specifically forced or bonded labor, including forced and bonded labor by children, and during the year there were no reports of such practices.

d. Status of Child Labor Practices and Minimum Age for Employment.—The minimum legal working age in the West Bank and Gaza is 15 years, and there are special limits governing the conditions of employment for juveniles between 15 and 18 years, including prohibitions against working at night, under conditions of hard labor, or in jobs that require them to travel outside their area of domicile. However, in practice many Palestinian children under the age of 15 were engaged in some form of work. Most such employment was believed to involve work on family farms and in family shops, or as urban street vendors. Some employment of children also reportedly occurred in small manufacturing enterprises, such as shoe and textile factories. The PA's capacity to enforce existing labor laws was limited. It had only 40 labor inspectors to inspect an estimated 65,000 enterprises. The ILO and UNICEF were working with the PA to study the nature and extent of the problem and to develop the capacity to enforce and update child labor laws. During the year, the ILO began work in the occupied territories to implement its International Program for the Elimination of Child Labor.

e. Acceptable Conditions of Work.—There was no minimum wage in the West Bank or Gaza Strip. Prior to the outbreak of the Intifada in 2000, which severely disrupted employment patterns for the majority of working Palestinians, the average

wage for full-time workers appeared to provide a worker and family with a decent standard of living. The majority of Palestinians currently were unemployed or underemployed and the standard of living has dropped dramatically over the last 2 years. The dependency ratio increased more than 50 percent since the start of the Intifada. In 2000 one Palestinian supported 4.3 persons in the West Bank and 5.9 persons in Gaza. During the year, those figures reached 6.9 persons and 9.4 persons, respectively. As wage earners were forced to support 50 percent more persons, the standard of living seriously deteriorated.

In the West Bank, the normal workweek was 48 hours in most areas; in Gaza, the workweek was 45 hours for day laborers and 40 hours for salaried employees. There was no effective enforcement of maximum workweek laws.

The PA Ministry of Labor was responsible for inspecting workplaces and enforcing safety standards in the West Bank and Gaza. The Ministry's ability to enforce the standard was limited due to lack of resources for inspections and other constraints; however, it carried out inspections. The Ministry reported that closures, curfews, and ongoing Israeli military operations further limited its ability to carry out inspections. The Ministry of Labor stated that new factories and workplaces met international health and safety standards, but that older ones failed to meet such standards. There was no specific legal protection afforded workers that allows them to remove themselves from an unhealthy or unsafe work setting without risking loss of employment.

Like all Israeli workers, Palestinians who worked in Israel were required to contribute to the National Insurance Institute (NII), which provided unemployment insurance and other benefits. Palestinians from the West Bank and Gaza were eligible for some, but not all, NII benefits. According to the Interim Agreement, Palestinians who worked in Israel and Jerusalem benefit from NII in cases of injuries that occurred in Israel, the bankruptcy of a worker's employer, and allowances for maternity leave.

There were outstanding cases of Palestinian workers who attempted to sue their Israeli employers for nonpayment of wages but were unable to travel to the relevant courts because they were unable to receive the proper permits.

f. Trafficking in Persons.—Palestinian law does not prohibit trafficking in persons; however, there were no reports that persons were trafficked to, from, or within the occupied territories.

JORDAN

The Hashemite Kingdom of Jordan is a constitutional monarchy ruled by King Abdullah II bin Hussein. The Constitution concentrates executive and legislative authority in the King. A regent, whose authority is outlined in the Constitution, assumes many responsibilities in the King's absence. The King appoints the Prime Minister and other members of the Cabinet who manage the daily affairs of the Government. The Parliament consists of the 55-member Senate, appointed by the King, and a 110-member elected lower house, the Chamber of Deputies. In 2001 the King dissolved Parliament and elections were not held until June. In February, an amendment to the election law increased the size of the lower house from 80 seats to 110. The June parliamentary and July municipal elections were generally free and fair; however, the election law significantly under-represented urban areas. In October, the King accepted the resignation of the Prime Minister, appointed a new Prime Minister, swore in a new 21-member Cabinet and, in November, appointed a new 55-member Senate. The Constitution provides for an independent judiciary; however, in practice, it remained susceptible to political pressure and interference by the executive.

The Public Security Directorate (PSD) controlled general police functions. The PSD, the General Intelligence Directorate (GID), and the military shared responsibility for maintaining internal security, and had authority to monitor security threats. The PSD reports to the Interior Minister and the independent GID reports directly to the King. The civilian authorities generally maintain effective control of the security forces. Members of the security forces committed human rights abuses.

Foreign assistance, remittances, exports of minerals and manufactured goods, and tourism were the mainstays of the country's economy. The Government has made substantial progress in implementing market-based reforms, such as deregulation, privatization of state owned companies, trade liberalization, and opening up to foreign investment. During the year, the economy grew by 3.1 percent in real terms, with a 2.3 percent increase in the cost of living index. However, high unemployment and persistent poverty, especially in rural areas, coupled with political uncertainty

in the region and limited water and energy resources, negatively affected the economy.

Although many problems remained, the Government's respect for human rights improved in some areas during the year. Citizens did not have the right to change their government. Citizens may participate in the political system through their elected representatives to Parliament; however, the King has discretionary authority to appoint and dismiss the Prime Minister, Cabinet, and upper house of Parliament, to dissolve Parliament, and to establish public policy. Reported continuing abuses included police abuse and mistreatment of detainees, allegations of torture, arbitrary arrest and detention, lack of transparent investigations and of accountability within the security services, denial of due process of law stemming from the expanded authority of the State Security Court and interference in the judicial process, infringements on citizens' privacy rights, harassment of members of opposition political parties, and significant restrictions on freedom of speech, press, assembly, and association. The Government imposes some limits on freedom of religion, and there was official and societal discrimination against adherents of unrecognized religions. There were some restrictions on freedom of movement. Violence against women, restrictions on women's rights, and societal discrimination against women persisted. "Honor" crimes continued. Child abuse remained a problem, and discrimination against Palestinians persisted. Abuse of foreign domestics was a problem that began to be addressed this year, and child labor occurred.

RESPECT FOR HUMAN RIGHTS

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

a. Arbitrary or Unlawful Deprivation of Life.—There were no reports of arbitrary or unlawful deprivation of life by the Government or its agents. On January 12 police shot and killed a man in Ruseifa whom the Government claimed had clashed with the police; his family asserted the killing was intentional. The Government formed an investigative committee after the family sought traditional reconciliation; however, at the end of the year, the incident had not been resolved.

The security services promoted a climate of impunity by their continued reluctance to conduct transparent investigations into allegations of wrongful deaths that occurred during police detention in previous years. In recent years, authorities have been more willing to conduct transparent investigations and have, from time to time, disclosed results.

In January 2002, a youth from Ma'an sustained fatal injuries and died while in police custody. The Government reported that he was injured in a fall while attempting to flee. At year's end, the case remained under investigation.

In February 2002, two bystanders were killed in an unsuccessful attempt to assassinate a senior government official and his family with a car bomb. On April 29, the State Security Court gave seven citizens sentences ranging from death to 1-year imprisonment for their involvement.

In October 2002, USAID official Lawrence Foley was shot and killed in front of his home. In December 2002, the Government arrested some suspects who confessed to the act. On October 15, five men accused in the assassination of Foley proclaimed their innocence, and claimed that security officials had tortured them to elicit their confessions (see Section 1.c.). At year's end, the court case was ongoing.

In November 2002, a challenge to government authority by an armed group in Ma'an led to the deaths of five persons, including two police officers and three militants. On September 27, the man accused of fomenting riots in Maan, Mohammed Shalabi, was arrested and put on trial by the State Security Court. Shalabi (known as Abu Sayyaf) claimed he had been tortured and initially denied a lawyer during his investigation (see Section 1.c.). Shalabi and 12 other defendants were charged with conspiracy to carry out terrorist acts and possession of explosives.

By year's end, the Government had made no arrests in the 2001 case in which assailants shot and killed an Israeli businessman in Amman.

Women continued to be victims of honor killings (see Section 5).

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

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.—The law prohibits such practices; however, the police and security forces sometimes abused detainees during detention and interrogation, and allegedly also used torture. Allegations of torture were difficult to verify because the police and security officials frequently denied detainees timely access to lawyers. The most frequently reported methods of torture included beatings; sleep deprivation, extended solitary confinement, and physical suspension. Defendants in high-profile cases before the State Security Court claimed to have been subjected to physical and psychological

abuse while in detention. Government officials denied allegations of torture and abuse. The Government does not interpret Shari'a as providing for exceptionally harsh punishment such as mutilation.

In June, the Court of Cassation overturned the death sentence of convicted terrorist Raed Hijazi. On December 8, the State Security Court convicted Hijazi and sentenced him to death for the third time. At year's end, he continued to proclaim his innocence and vowed to appeal the verdict again.

On October 14, Mohammad al-Shalabi (see Section 1.a.) claimed during his first court appearance that his interrogators tortured him and denied him access to an attorney. The court adjourned the session until October 19 to appoint a lawyer for Shalabi. In a December court appearance, he repeated his claim and proclaimed his innocence. Several other co-defendants retracted their previous confessions, stating that they were extracted under duress. On December 24, Shalabi's lawyers brought four prison inmates to testify before the court that they noticed marks on Shalabi's legs suggesting he had been tortured. Based on his attorneys' request, the court referred Abu Sayyaf to the National Institute of Forensic Medicine (NIFM) for medical evaluation. The NIFM physicians' report indicated that Abu Sayyaf had not been tortured and noted no torture marks on his body.

On October 15, five men accused in the assassination of USAID official Lawrence Foley claimed innocence in court and asserted that security forces had tortured them to elicit their confessions (see Section 1.a.). Bin Suwayyid, one of the defendants, told reporters that interrogators made him sign a confession that he was not allowed "to read or check". Another defendant, Yasser Freihart, reported that interrogators told him that if he did not sign the confession, he "would go back to the cell for more torture and beating." The trial was ongoing at year's end.

In April 2002, a local newspaper reporter covering anti-Israeli demonstrations in Sweileh claimed that he was detained, threatened and "manhandled" by government security forces (see Section 2.c.). Human rights activists believed that there were many incidents that were not documented.

Police on several occasions used force to disperse demonstrations during the year (see Section 2.b.).

Human rights activists reported a number of cases of beatings and other abuses of individuals in police custody during the year. Human rights activists also claim that detainees are often held incommunicado for up to 2 months after arrest.

Prison conditions generally met international standards, and the Government permitted visits by independent human rights observers. Prisons and local police detention facilities were spartan, and on the whole were severely overcrowded and understaffed. Human rights groups and prisoners complained of poor food and water quality, inadequate medical facilities, and poor sanitation in certain facilities.

The Government held men, women, and juveniles in separate prison facilities. The GID held some persons detained on national security grounds in separate detention facilities. The Government held other security detainees and prisoners in regular prisons. Conditions in GID detention facilities were significantly better than general police detention facilities. While security prisoners often were separated from common criminals, conditions for such prisoners did not differ significantly.

Local human rights monitors were allowed to visit prisons, but complained that the authorities required them to undertake a lengthy and difficult procedure to obtain permission for such visits. The International Committee of the Red Cross (ICRC) was permitted access to prisoners and prison facilities. The ICRC's access to GID facilities was limited to 1 day a week and it visited these facilities every 2 weeks.

d. Arbitrary Arrest, Detention, or Exile.—The Constitution prohibits arbitrary arrest and detention; however, the Government did not always observe these prohibitions. The Constitution provides that citizens are subject to arrest, trial, and punishment for the defamation of heads of state or public officials and dissemination of "false or exaggerated information outside the country that attacks state dignity". Criminal laws generally required warrants; however, in most cases suspects may be detained for up to 48 hours in the absence of a warrant. Police obtained many warrants after making arrests.

The Criminal Code requires that police notify legal authorities within 48 hours of an arrest and that legal authorities file formal charges within 10 days of an arrest; however, the courts routinely granted requests from prosecutors for 15-day extensions as provided by law. This practice generally extended pretrial detention for protracted periods of time.

In cases involving state security, the security forces arbitrarily arrested and detained citizens. The authorities frequently held defendants in lengthy pretrial detention, did not provide defendants with the written charges against them, and did not allow defendants to meet with their lawyers until shortly before trial. Defendants

before the State Security Court usually met with their attorneys only 1 or 2 days before their trial. The Criminal Code prohibits pretrial detentions for certain categories of misdemeanors.

Human rights activists reported that the Government detained hundreds of persons, including journalists (see Section 2.a.) and Islamists, for varying amounts of time for what appeared to be political reasons. Human rights sources also reported that at least several hundred persons were detained for security reasons and subsequently released within a short period of time throughout the year. In the past, human rights groups reported that there were a smaller number of long-term political detainees.

The local press reported that the King ordered the release of 245 detainees in November, including those held on administrative charges and security detainees not considered a threat to public security. No criminals were included in the release. These releases are an annual Eid (end of Ramadan) tradition.

Local governors had the authority to invoke the Preventing Crimes Law, which allowed them to place citizens under house arrest for up to 1 year without formally charging them (see Section 2.d.). House arrest may involve requiring persons to report daily to a local police station and the imposition of a curfew. Persons who violate the terms of their house arrest may be imprisoned for up to 14 days.

The Government used the threat of detention to intimidate journalists into practicing self-censorship. In 2001, the Government adopted a series of amendments to Penal Code provisions dealing with the press (see Section 2.a.).

The Constitution prohibits forced exile and the Government did not use forced exile. In 2001 the Government permitted the return of Ibrahim Ghosheh, one of four leaders of the terrorist organization HAMAS allegedly expelled in 1999. The three other allegedly expelled HAMAS leaders remained outside the country at year's end (see Sections 1.e. and 2.d.).

e. Denial of Fair Public Trial.—The Constitution provides for an independent judiciary; however, the judiciary was not independent in practice and remained subject to pressure and outside interference. The King appoints the Higher Judiciary Council, a committee that determines judicial appointments, advancement, and dismissal. In 2001, Parliament passed a law giving the Council increased independent jurisdiction over the judicial branch and limiting the Ministry of Justice's administrative control over judges. There were numerous allegations in previous years, and some this year, that judges were "reassigned" temporarily to another court or judicial district to remove them from a particular proceeding. The Government claimed that the Higher Judiciary Council's new independence made such tampering much more difficult. Despite constitutional prohibitions against such actions, judges complained of government monitoring of their telephones (see Section 1.f.).

The judicial system consists of civil, criminal, commercial, security, and religious courts. Most criminal cases are tried in civilian courts, which include the appeals courts, the Court of Cassation, and the Supreme Court. Cases involving sedition, armed insurrection, financial crimes, drug trafficking, and offenses against the royal family are tried in the State Security Court.

Shari'a (Islamic law) courts have jurisdiction over marriage and divorce among Muslims. Christian courts have jurisdiction over marriage and divorce cases among Christians, but apply Shari'a law in inheritance cases (see Section 5).

The law provides that all civilian court trials are open to the public unless the court determines otherwise. Defendants are entitled to legal counsel, may challenge witnesses, and have the right to appeal. Defendants facing the death penalty or life imprisonment must be represented by legal counsel. Public defenders are provided if the defendant is unable to hire legal counsel. Civil, criminal, and commercial courts accord equal weight to the testimony of men and women; however, in Shari'a court, the testimony of two women is equal to that of a man's in most circumstances (see Section 5).

The State Security Court consists of a panel of three judges, two military officers and one civilian. Most sessions are open to the public, though some are limited to the press only. Defendants tried in the State Security Court often were held in pretrial detention without access to lawyers, although they were permitted visits by representatives of the ICRC. State Security Court judges have inquired into allegations that defendants were tortured and have allowed the testimony of physicians regarding such allegations (see Section 1.c.). The Court of Cassation ruled that the State Security Court may not issue a death sentence on the basis of a confession obtained as a result of torture. Defendants in the State Security Court have the right to appeal their sentences to the Court of Cassation, which is authorized to review issues of both fact and law. Appeals are automatic for cases involving the death penalty.

The Press and Publications Law permits journalists to cover State Security Court proceedings unless the court rules otherwise. The press routinely reports on cases before the Court, including all cases heard during the year. Such reporting routinely covers defense arguments and any allegations of torture.

In 2001, the Government passed a provisional law that removed the right of appeal for defendants convicted of misdemeanors in the State Security Court. In 2002, several defendants were convicted in the State Security Court without the right to appeal, the most notable being Toujan Faisal (see Section 2.a.).

In 2002, former parliamentarian Faisal was arrested and charged with acts of sedition via libel and incitement of violence against the Government. The State Security Court sentenced Faisal to 18 months in prison. Since Faisal was convicted of misdemeanors, she had no right to appeal. Many contended that Faisal's arrest and sentence were the result of a political vendetta. In May 2002, the King pardoned Faisal and she was released in late June 2002 (see Section 3).

In the past, defense attorneys have challenged the appointment of military judges to the State Security Court to try civilian cases as contrary to the concept of an independent judiciary. According to human rights activists, military judges appeared to have received adequate training in civil law and procedure.

There were no reports of political prisoners; however, the Government detained persons for varying periods of time for political reasons (see Section 1.d.).

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 requires that security forces obtain a warrant from the Prosecutor General or a judge before conducting searches or otherwise interfering with these rights; however, in security cases, at times in violation of the law, the authorities obtained warrants retroactively or obtained pre-approved warrants. Security officers officially monitored telephone conversations and Internet communication, read private correspondence, and engaged in surveillance of persons considered to pose a threat to the Government or national security. The law permits these practices if the Government obtains a court order. In the past, judges complained of unlawful telephone surveillance (see Section 1.e.).

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 imposed some restrictions on these rights in practice. The Government detained and restricted journalists based on the provisions of a 2001 law broadening its authority; however, in April the Government repealed some of these amendments.

The Press and Publications Law and the Press Association Law imposed stringent restrictions on the operation of newspapers. The Government also intimidated journalists to encourage self-censorship. Citizens may be prosecuted for slandering the royal family, the Government, or foreign leaders, and for "sowing sedition." Citizens generally did not hesitate to criticize the Government openly, but exercised caution with regard to the King, the royal family, and the GID. The Press and Publications Law and the law governing the Jordan Press Association (JPA) require membership in the JPA for persons to be considered "legal" journalists or editors, thus potentially excluding dozens of practicing journalists from the profession. During the year, the Government selectively enforced this provision, allowing several journalists and editors who are not members to work in their respective fields.

In November, the Government allegedly censored a political cartoon in the weekly newspaper Al-Wahda. The Government denied the charge, and some commentators accused Al-Wahda's editor, Mowaffaq Mahadeen, of trying to get the Government to shut down his publication to suit his own needs. In September, the general prosecutor of the State Security Court reportedly banned the September 23 issue of Al-Wahda.

The Press and Publications Law granted the Government wide discretionary powers to issue fines, withdraw licenses, order shutdowns, and control the editorial content of newspapers. However, the 1999 amendments to the Press and Publications Law limited to some extent the Government's discretion to issue fines, transferred the power to withdraw licenses to the judiciary, limited significantly the Government's power to order shutdowns, allowed journalists to cover court proceedings unless the court ruled otherwise, and required publications to be licensed. The Law imposed strict limits on publications, which gave the Government broad leeway to impose sanctions. The law also requires that the editor in chief of a newspaper be a citizen who permanently resides in the country and a member of the JPA for at least 4 years. Journalists allege that the Government uses informants and censors at printing presses to inform the Government if particularly objectionable material is slated for print in the news media.

The 2001 amendments to the Penal Code reinforced existing restrictions on free speech and allowed for the prosecution of any person found to have written, published, or aired any statements that could be construed to harm or incite to harm or insult individuals or "the state's reputation and dignity." Imprisonment of 3 years is punishment for defamation of the King or Royal Family. In April, the Government repealed the amendments giving the State Security Court the authority to temporarily or permanently close any media outlet that published or aired any such statements, and providing for the automatic subjection of the laws' violators to trial before the Court.

Journalists also may be prosecuted before the State Security Court for criminal and security violations. Although a substantial number of cases were dismissed before trial, some cases lingered in the courts for years. The Government routinely used detention and prosecution or the threat of prosecution to intimidate journalists into self-censorship (see Section 1.d.).

On February 17, three journalists were sentenced for "blaspheming the Prophet Mohammad" in an article that insulted the Prophet Mohammad and contained "false rumors," "insulted the dignity of the state," and caused instability—all of which are crimes under the penal code. The article drew strong criticism from Islamist politicians. The court closed the publication for 2 months and the three were sentenced to prison terms ranging from 2 to 6 months. The journalists had been detained since January 16. On February 18, two of the journalists, Nasser Qamash and Roman Haddad, were released. After serving his sentence, the article's author, Mohannad Mubaidin, was released and continued to practice journalism.

In 2002, the editor and publisher of the weekly Al-Bilad were detained for publishing "false news" and later released.

In April 2002, Al-Jazeera correspondent Mahmoud Al Housa was detained for 3 days, apparently under the provisions of the Press law. In the same month a local newspaper reporter covering demonstrations in Sweileh claimed that he was detained, threatened, and "manhandled" by government security forces (see Section 1.c.). In August 2002, he claimed that government authorities seized his passport and threatened him with prosecution.

In August 2002, the Government closed the local office of Al Jazeera network and suspended the media credentials of local correspondents. The office reopened in March.

Also in August 2002, journalist Mamoun Al Roussan, editor-in-chief of the weekly Al Jazeera, was arrested and detained. Both Al Roussan and his publisher, Sakher Abu Anzeh, were held for 1 week.

In 2001, the Government arrested seven members of the Anti-Normalization Committee, a group that opposes the country's relations with Israel, on charges of belonging to an illegal group (see Section 2.b.). The State Security Court also charged two of the seven with possession of explosives and with terrorist activities. All seven detainees were released on bail while awaiting trial. The trials had not yet begun by year's end. The related trial of journalists Ma'moun Al Roussan and Abdel Naser Hourani was still ongoing.

The Press and Publications Department continued to enforce bans on the publication of a number of books within the country. Books were banned based on religious, moral and political objections.

High taxes on media and tariffs on paper caused journalists to reduce the size of their publications. Journalists also criticized the Government for advertising predominantly in newspapers in which the Government owned shares.

The law provides foreign media operations freedom of expression and the Government did not block the entry of foreign publications during the year.

Radio and television news broadcasts were more restricted than the print media. The Government was the sole broadcaster of radio and television programs. Under commercial agreements with each entity, the Government broadcasts the regional programs of the British Broadcasting Corporation, the London-based Middle East Broadcasting Center, Radio Monte Carlo, and Radio Sawa. Jordan Television (JTV) reported only the Government's position on controversial matters. International satellite television and Israeli and Syrian television broadcasts were available and unrestricted.

The GID actively investigated Internet reports of "crimes against the King." In 2002, the Government restored access to two overseas websites that it had blocked within the country. There were additional reports of government interference with Internet access this year, including several websites that appear to have been blocked.

The Government limited academic freedom. Some academics claimed that they received frequent threats of dismissal. During the year, sources in the academic community claimed that there was an ongoing intelligence presence in academic institu-

tions. In June 2002, three universities dismissed eight professors without explanation, although most suspected that the Saudi-educated professors were dismissed because of their political views or background. During the same year, four of the professors were reinstated.

During the year, Jordan University continued its policy of granting the president of the University the authority to appoint half of its 80-member student council, including the chair. The amendment was viewed widely as an effort to curb the influence of campus Islamists. Many students, including non-Islamists, continued to object to the University's decision.

b. Freedom of Peaceful Assembly and Association.—The Constitution provides for freedom of assembly; however, the Government restricts this right. Citizens must obtain permits for public gatherings. The Government generally grants permits for protests it finds objectionable only after extensive negotiations with the organizers. The law requires the organizers of rallies and demonstrations request permission from provincial governors at least 3 days prior to any event. Under the law, no protest may be held without the governor's consent and violators face imprisonment from 1 to 6 months and a fine not to exceed \$4,230 (3,000 dinars).

In some cases, the Government granted approval at the last moment, making it difficult for organizers to plan effective demonstrations. In addition, sources reported this year that the Government denied permission for several protests in the months preceding the war in Iraq. In 2002, media reports indicated that security forces used tear gas in peaceful protests at refugee camps and detained some protestors.

In March 2002, there were media reports that the Government used tear gas to disperse approximately 1,500 protestors in Irbid when they attempted to march from a local university to the city's center. The demonstrators had been denied a permit to demonstrate by the Government. Unconfirmed press reports indicated that some of the demonstrators were beaten.

There were numerous anti-Israeli protests and demonstrations in 2002. On some occasions, police used tear gas, water cannons, and dogs to disperse protestors.

Also in 2002, four members of the outlawed Liberation Party were sentenced to 1 year in prison. Reportedly, the four were arrested while obtaining signatures on a memorandum to the Prime Minister that demanded, among other things, military aid to the Palestinians.

In 2001, riot police protecting the Prime Ministry used physical force to disperse a sit-in by 25 academics protesting the absence of employment opportunities at local universities. No one was seriously injured; however, press reports claimed that at least 10 demonstrators briefly were detained. The Government denied that it detained any of the demonstrators.

The Constitution provides for the right of association. The Government limited freedom of association by law. Several university students, mostly Islamists, were taken before academic disciplinary councils during the year for political activities unrelated to their studies and punished with dismissal or the inability to sit for exams. The Government required and routinely granted approval for conferences, workshops, and seminars.

The Government prohibits membership in an unlicensed political party and routinely licensed political parties and other associations. There are 30 licensed political parties. The Government may deny licenses to parties that it decides do not meet a list of political and other criteria contained in the Political Parties Law. The High Court of Justice may dissolve a party if it violates the Constitution or the Political Parties Law.

In 2001, security officials arrested seven members of the Anti-Normalization Committee, on charges of belonging to an illegal group. The State Security Court also charged two of the seven persons with possession of explosives and with terrorist activities. All seven detainees were released on bail while awaiting trial. By year's end, the trials had not yet begun.

c. Freedom of Religion.—The Constitution provides for the freedom of religion, provided that religious practices are consistent with "public order and morality"; however, the Government continued to impose some restrictions on freedom of religion during the period covered by this report. According to the Constitution, Islam is the state religion.

There was no change in the status of respect for religious freedom during the period covered by this report. Members of unrecognized religious groups and converts from Islam face legal discrimination and bureaucratic difficulties in personal status cases. The Government prohibits non-Muslims from proselytizing Muslims.

The Ministry of Religious Affairs and Trusts manages Islamic institutions and the construction of mosques. It also appoints imams, provides mosque staff salaries,

manages Islamic clergy training centers, and subsidizes certain activities sponsored by mosques. The Government loosely monitors sermons at mosques and requires that speakers refrain from criticizing the Royal Family or instigating social or political unrest.

Religious institutions that wish to receive official government recognition must apply to the Prime Ministry for registration. Recognized non-Muslim religious institutions did not receive subsidies; however, they were financially and administratively independent from the Government and were tax-exempt. Some churches were registered with the Ministry of Justice as "societies," rather than churches.

Persons enjoy freedom of belief, and there were no reports that the practice of any faith was prohibited. The Government does not officially recognize all religious groups. Some religious groups, while allowed to meet and practice their faith, complained of societal and/or official discrimination. In addition, not all Christian denominations have been accorded legal recognition as religions. The Prime Minister unofficially conferred with an interfaith council of bishops representing local churches on all matters relating to the Christian community, including the registration of new churches in the country. The Government used the following criteria when considering recognition of Christian churches as separate official religions: the faith does not contradict the nature of the Constitution, public ethics, customs, or traditions; the faith is recognized by the Middle East Council of Churches; the faith does not oppose the national religion; and the group includes some citizen followers.

The Government states that its role in religious affairs is limited to supervision and prohibits groups whose practices violate the law; however, there were no cases of religious groups being banned in practice.

The Government did not recognize the Druze or Baha'i faiths as religions but did not prohibit the practice of the faiths. Druze faced official discrimination but did not complain of social discrimination. Baha'is faced both official and social discrimination. The Government did not record the bearer's religion on national identity cards issued to Druze or Baha'is. The small Druze and Baha'i communities did not have their own courts to adjudicate personal status and family matters; such matters are heard in Shari'a courts. The Government did not officially recognize the Druze temple in Azraq, and four social halls belonging to the Druze were registered as "societies." The Government did not permit Baha'is to register schools or places of worship.

The Government did not recognize Jehovah's Witnesses, the Church of Christ, or the Church of Jesus Christ of Latter-day Saints, but each of these denominations was allowed to conduct religious services and activities without interference.

The Government did not interfere with public worship by the country's Christian minority, and the majority of Christians were allowed to practice freely.

The Jordan Evangelical Theological Seminary (JETS), a Christian training school for pastors and missionaries, had not been accredited by year's end. As a result, students and faculty from the U.S. and elsewhere wishing to attend JETS were still unable to obtain student visas. JETS continued its operations with students studying on tourist visas and broke ground for a new building in August.

Shari'a prohibits non-Muslims from proselytizing Muslims. Conversion to the Muslim faith by Christians was allowed; however, a Muslim may not convert to another religion. Muslims who convert to other faiths complained of social and government discrimination. Under Shari'a, converts are regarded as apostates and legally may be denied their property and other rights. However, in practice, this principle was not applied. According to the Government, it neither encourages nor prohibits apostasy. Converts from and to Islam are considered Muslims under Shari'a law on matters of personal status. Shari'a prescribes the death penalty for Muslims who convert to another religion; however, there is no corresponding statute under national law, and such punishment has never been applied.

Government policy requires that foreign missionary groups refrain from public proselytizing "for the sake of their own personal safety from members of society that oppose such practices." The Government has taken action against some Christian proselytizers in response to the complaints of recognized Christian groups who charge that the activities of these missionaries "disrupt the cohesiveness and peace between religious groups in society". In March, two members of the evangelical community complained that lower-level government officials investigating a criminal issue threatened to cancel their residency permits for inappropriate activities. When the Government became aware of this at higher levels, it dropped the matter. The two evangelicals remained in the country and have reported no subsequent problems.

The Constitution provides that religious community trusts and matters of personal status fall within the exclusive jurisdiction of the Shari'a courts for Muslims, and separate non-Muslim tribunals for each religious community recognized by the

Government. There is no civil marriage. The head of the department that manages Shari'a court affairs (a cabinet-level position) appoints Shari'a judges, while each recognized non-Muslim religious community selects the structure and members of its own tribunal. All judicial nominations are approved by the Prime Minister and commissioned officially by royal decree. The Protestant denominations registered as "societies" come under the jurisdiction of one of the recognized Protestant church tribunals. There are no tribunals assigned for atheists or adherents of unrecognized religions. These persons must request one of the recognized courts to hear their personal status cases.

In 2002, the Shari'a and civil court systems adjudicated a child custody case and transferred legal custody of two minors who were raised as Christian from their Christian mother to her Muslim brother. At year's end, the children remained in her physical custody, but the case had not been resolved.

Shari'a is applied in all matters relating to family law involving Muslims or the children of a Muslim father. All citizens, including non-Muslims, are subject to Islamic legal provisions regarding inheritance. Men may divorce their spouses more easily than women; however, a 2001 provisional law allows women to divorce their husbands in Shari'a Court. Since 2001, Shari'a courts have granted over 500 divorces brought by women (see Section 5). The new lower house of parliament rejected the law in August, but the upper house approved it. The law remains in effect until parliament takes final action.

All minor children of a male Muslim who converts to another religion are automatically considered to be Muslim. Adult children of a male Christian who has converted to Islam become ineligible to inherit from their father if they do not themselves convert to Islam. Muslim converts, and minor children of male converts to Christianity are not recognized legally as Christians and continue to be treated as Muslim in matters of family and property law.

Some Christians are unable to divorce legally because they are subject to their faith's religious court system, which does not allow divorce. Many of these individuals convert to another Christian denomination or the Muslim faith to divorce legally.

The Government notes individuals' religions (except for Druze and Baha'is, and other unrecognized religions) on the national identity card and "family book" (a national registration record that is issued to the head of every family and that serves as proof of citizenship) of all citizens. Atheists must associate themselves with a recognized religion for official identification purposes.

Despite efforts by religious extremists, in 2001 the criminal and Shari'a courts acquitted poet Musa Hawamdeh of charges that he had "insulted religious values and defamed prophets" in his poetry. After his acquittal, the Shari'a court subpoenaed Hawamdeh again because of technicalities in his previous case and sentenced him to 3 months in prison for apostasy. The Court of First Instance found that Hawamdeh had denied "undeniable facts from the Holy Koran." Hawamdeh remains free pending the result of his appeal.

In June 2000, the Government closed an Arab Orthodox church that was aligned with the Antioch Patriarch in Damascus. The church remained closed at year's end.

Non-Jordanian Christian missionaries operated in the country but were subject to restrictions. During the year, Christian mission groups in the country continued to complain of bureaucratic difficulties, including refusal by the Government to renew residence 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 law provides for these rights; however, there are some restrictions. The law requires that all women obtain written permission from a male guardian to apply for a passport; however, women do not need a male relative's permission to renew their passports. In the past, there were several cases in which mothers reportedly were prevented from departing with their children because authorities enforced requests from fathers to prevent their children from leaving the country (see Section 5). The GID sometimes withheld passports from citizens on security grounds.

Local governors may use the Preventing Crimes Law to place citizens under house arrest for up to 1 year without formally charging them (see Section 1.d.). House arrest may involve requiring persons to report daily to a local police station while under curfew. Persons who violate the terms of their house arrest may be imprisoned for up to 14 days.

Persons with full citizenship receive passports that are valid for 5 years. Most Palestinians living in the country were citizens and received passports; however, the Government estimated that there are 150,000 Palestinian refugees who do not qual-

ify for citizenship. They receive 3-year passports valid for travel but which do not connote citizenship. Following the country's administrative and legal disengagement from the West Bank in 1988, Palestinians residing in the West Bank received 2-year passports valid for travel only. In 1995, King Hussein announced that West Bank residents without other travel documentation again would be eligible to receive 5-year passports; however, the Government emphasized that these passports are for travel only and do not connote citizenship, citizenship may be proven only by presenting one's "national number," a civil registration number accorded at birth or upon naturalization to persons holding citizenship. The national number is recorded on national identity cards and in family registration books, which are issued only to citizens.

Human rights activists report that the Government did not consistently apply citizenship laws. Since 2001, they have reported 109 cases in which passports were taken in efforts to implement the Government's disengagement from its former claims to the West Bank; however, human rights activists estimate there are many more such cases, which go unreported. Persons or families disputed the Government's claim that they were ineligible for citizenship under the regulations. Many have filed appeals with the Ministry of Interior, which have not been resolved to their satisfaction. The Government asserted that the cases it has closed have all involved persons without valid claims to citizenship or travel documents.

In 2001, there were reports that immigration officials confiscated Jordanian passports of some citizens who carried both Jordanian and Palestinian Authority travel documents. The Government stated that this was consistent with laws forbidding dual citizenship in Arab League states. Observers claimed that there are only informal agreements on this subject, not laws.

Human rights activists reported that approximately 1,200 citizens of Palestinian origin remained outside the country at year's end, due to the Government's refusal to renew their passports at embassies overseas. The majority of such persons now live in Syria, Lebanon, and Libya as stateless persons. The Government asserts that no Jordanian citizens are refused passports, only non-resident Palestinians who seek to renew travel documents, which require proof of residence in Jordan, have been refused.

The Constitution specifically prohibits the deportation of citizens. In 2001, the Government permitted the return of Ibrahim Ghosheh, who had allegedly been expelled in 1999. Three other expelled HAMAS leaders remained outside the country at the year's end (see Sections 1.d. and 1.e.).

Although the law does not include provisions for the granting of refugee status or asylum to persons who meet the definition in the 1951 U.N. Convention Relating to the Status of Refugees or its 1967 Protocol, there were no reports of the forced return of persons to a country where they feared persecution. The Government generally cooperates with the office of the United Nations High Commissioner for Refugees (UNHCR), although the UNHCR must resettle refugees in other countries. In 1998, the Ministry of Interior signed a memorandum of understanding with the UNHCR concerning the status and treatment of refugees. Under the agreement, the Government respects the UNHCR's eligibility determinations regarding asylum seekers, including those who have entered the country clandestinely. The agreement provides protection against the forcible return of refugees from the country, and recognizes the legal definition of a refugee as set forth in the U.N. Convention. The UNHCR regularly trains law enforcement officials in international refugee law, including specialized courses for policewomen.

In April, the Government agreed to admit persons displaced by the hostilities in Iraq. Between March 1 and December 31, the Government granted protection to 2,773 third country nationals en route to their countries of origin, while approximately 1,200 Palestinian refugees were granted protection at the UNHCR camp at Ruweished. An additional 1,200 refugees, mostly Iranian Kurds, were granted temporary protection in the no-man's-land at the Jordanian and Iraqi borders. However, the UNHCR reports that a significant number of Iraqis were refused entry into the country during this period.

The UNHCR also received reports that some asylum-seekers were required to sign documents pledging that they would return to Iraq upon the cessation of hostilities but has not been able to verify these claims.

According to human rights groups, the International Organization of Migration (IOM), and the UNHCR, some non-citizens fled Iraq through the country and returned to their countries of origin. In March, Government officials allowed Sudanese Government representatives access to a group of Sudanese who had been reluctant to return to Sudan. The IOM verified that all third-country national repatriations were voluntary.

Prior to the war, the Government estimated that over 300,000 Iraqis resided in the country. Since 1991, thousands of Iraqis have applied for refugee status and received legal and material assistance from the UNHCR. In addition to applications from Iraqis during the year, the UNHCR also received applications for refugee status from Sudanese, Russians from Chechnya, Somalis, and Eritreans. According to UNHCR figures, at the end of the year 4,420 persons previously admitted to the country were seeking asylum, another 961 persons recognized as refugees were awaiting resettlement, and 76 Chechnyans were allowed to remain indefinitely pending repatriation.

For the 2002–2003 school year, the Government continued its policy of denying Iraqi children admittance to school unless they are legal residents of the country or recognized as refugees by the UNHCR.

Almost 1.7 million Palestinian refugees were registered in the country with the U.N. Relief and Works Agency for Palestine Refugees (UNRWA). The UNRWA counts another 800,000 Palestinians as either displaced persons from the 1967 war, arrivals following the 1967 war, or returnees from the Gulf between 1990 and 1991.

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

Citizens do not have the right to change their government. Citizens may participate in the political system through their elected representatives in Parliament; however, the King has discretionary authority to appoint and dismiss the Prime Minister, Cabinet, and upper house of Parliament, to dissolve Parliament, and to establish public policy.

After being appointed by the King, a prime minister is required to submit his cabinet to a parliamentary vote of confidence, if there is a seated parliament. In practice, Parliament routinely grants its confidence. Executive power is vested in the King (or, in his absence, in the Regent), who exercises his power through his ministers in accordance with the provisions of the Constitution. In October, the King accepted the prime minister's resignation and named a new 21-member cabinet, including 9 first-time ministers, 3 of whom were women.

June 17 parliamentary elections were generally regarded as free and fair. Diplomatic observers saw no evidence of irregularities, though citizens registered 54 complaints with the Parliament for its review. The complaints included vote buying, persons voting more than once, and voting by improperly registered voters. Post-election unrest in Naur, the only major public protest related to the outcome, was tied to conflicts between supporters of the winning and losing candidates.

The Parliament is composed of a 55-member Senate appointed by the King, and a popularly elected 110-member Chamber of Deputies. The Constitution provides authority to the Parliament to initiate legislation, and to approve, reject, or amend legislation proposed by the Cabinet. A group of 10 senators or deputies may submit draft bills for consideration; however, in practice legislation is initiated and drafted by the Cabinet of Ministers and submitted by the Government to Parliament for consideration.

On November 17, the King appointed a new Senate, and reappointed Zeid Rifai as President. Fourteen senators were carried over from the previous 40-member Senate. In line with tradition, the Senate contains a large number of former government officials, including 24 former ministers and 4 former prime ministers. The number of women members increased from three to seven, while the number of senators of Palestinian origin decreased from nine to seven (see Section 5).

The law allows voters to choose only one candidate in multiple-seat districts. In the largely tribal society, citizens tend to cast their first vote for family members, and any additional votes in accordance with their political leanings. Observers believed that the law continues to give greater proportional representation to electorates in the rural and southern part of the country as well as in regions with populations known for their traditional, pro-Hashemite views, and to result in significant under-representation of urban areas. In practice, the chances of non-tribal candidates, including women, Islamists, and other opposition candidates, to be elected were limited.

The 2001 election law increased the number of electoral districts by redrawing district boundaries and redistributing seats among districts, required verification of polling results by members of the Judiciary, and lowered the voting age to 18 years. A February amendment included a six-seat quota for women in the House of Deputies. Citizens may freely nominate themselves and register as candidates as long as they do not have a criminal history.

The King proposes and dismisses extraordinary sessions of Parliament, and may postpone regular sessions for up to 60 days. If the Government amends or enacts a law when Parliament is not in session, it must submit the law to Parliament for

consideration during the next session; however, such "provisional" laws do not expire and, while technically subject to action by Parliament when it returns to session, may in practice remain in force without legislative approval.

In 2001, the Government initiated a series of consolidations to merge the country's 328 municipalities into 99. The Ministry of Municipal Affairs stated that these mergers were taken to reduce municipal operating costs and to improve local services. A 2002 provisional law gives the King the power to appoint up to half of the mayors and municipal councils. Opponents of these measures claimed that the consolidations were an attempt to undermine the strength of Islamist parties in local Government, and that they will weaken the democratic process at the municipal level by reducing the number of locally elected officials. The IAF sought to enjoin the Government from making the consolidations, but the courts held that the IAF had no standing to initiate action against the consolidation.

The June 26 municipal elections were regarded as generally free and fair, although some losing candidates claimed that voter fraud was a problem. The IAF boycotted the elections in all districts outside of greater Amman to protest the provisional law on appointing municipal officials.

Women have the right to vote, and women's groups encouraged women to vote and to be active in the political process. There are three female ministers. In the current Parliament there are seven female senators, up from three in the previous Senate, and six female members of the Chamber of Deputies, up from one in the previous Chamber.

In May, the Government rejected former parliamentarian Toujan Faisal's application to run as a candidate in June because she had previously been convicted of a non-political offense (see Section 1.e.).

Of the 110 seats in the lower house, 9 are reserved for Christians, 9 for Bedouins, and 3 for either the Circassian or Chechen ethnic minorities.

The Palestinian community, estimated at more than half of the total citizen population, contributed 7 of 21 ministers. In the Parliament, 7 of 55 senators and 16 of 110 lower house deputies were of Palestinian origin. There were no Palestinians in any of the 12 governorships throughout the country. The electoral system gives greater representation to areas that have a majority of inhabitants of non-Palestinian origin.

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

Domestic and international human rights groups investigated allegations of human rights abuses and published and disseminated findings critical of government policy. The Press and Publications Law removed restrictions on the publication of information about the military and security services, which had prevented the publication by domestic groups of reports alleging torture and other abuses committed by the security services; however, similar restrictions still exist in the Penal Code and other laws (see Section 2.a.).

The local chapter of the Arab Organization for Human Rights (AOHR) and the Jordanian Human Rights Organization (JHRO) continued to operate with the permission of the Government. In October 2002, the Ministry of Interior dissolved the Jordanian Society for Citizens' Rights (JSCR), one of the few human rights groups not affiliated with any political movements or the Government. The Government reported that it closed the JSCR because of legal infractions and internal disputes related to finances. However, the JCSR claimed the closure was for political reasons, including the JCSR's reporting of Palestinian citizens losing their passports as a result of the 1988 disengagement laws. At year's end, the Society remained closed.

The National Center for Human Rights, a quasi-governmental body with educational, protective, and reporting responsibilities, began operations in June. Its activities included training Government and international organization personnel on human rights standards and conditions in the country, and collection and analysis of citizens' complaints. The Government cooperated with the center; some human rights activists complained that it was too closely affiliated with the Government.

In March, the Ministry of Foreign Affairs created a Human Rights Directorate, focused on ensuring government compliance with international agreements and cooperation with international organizations.

In May, the Public Security Department (PSD) opened human rights complaints offices at each of its regional directorates. Persons charging police misconduct may submit complaints to the relevant office, and the Government reports that cases backed by sufficient evidence can result in police officers being tried under the Public Security Law. Plaintiffs may file compensation claims for damages, and convicted officers are reportedly also subject to disciplinary action.

The Government controlled the Parliamentary Public Freedoms Committee and the Human Rights Office at the Prime Ministry.

The Government generally cooperated with international nongovernmental organizations (NGOs). The ICRC usually was permitted full access to detainees and prisoners, including those held by the GID and the military intelligence directorate (see Section 1.c.).

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

The law does not distinguish between citizens on the basis of race; however, women and some minorities were treated differently under the law and faced discrimination in employment, housing, and other areas. Some private political groups such as the Anti-Normalization Committee, which is opposed to ties with Israel, acted through various professional organizations to restrict the freedoms of individuals who have had dealings with Israel. The Government opposed the activities of the Committee.

Women.—Violence against women was common; however, reported incidents of violence against women did not reflect the full extent of the problem. Medical experts acknowledged that spousal abuse occurred frequently. However, cultural norms discouraged victims from seeking medical or legal help, thus making it difficult to assess the extent of such abuse.

Abused women have the right to file a complaint in court against their spouses for physical abuse but, in practice, familial and societal pressures discouraged them from seeking legal remedies. Marital rape is not illegal. NGOs such as the Jordanian Women's Union, which had a telephone hotline for victims of domestic violence and provided assistance in such matters. Wife-battering technically was grounds for divorce, but a husband may seek to demonstrate that he has authority from the Koran to correct an irreligious or disobedient wife by striking her.

The Criminal Code provides for leniency for a person found guilty of committing an "honor crime," a violent assault with intent to commit murder against a female by a relative for her perceived immodest behavior or alleged sexual misconduct. Law enforcement treatment of men accused of honor crimes reflected widespread unwillingness to recognize the abuse involved or to take action against the problem. Although the press was in the past reluctant to report on honor crimes, 15 honor crimes committed during the year were reported. In 2002, 21 cases were reported. The actual number of honor crimes was most likely higher. Human rights observers believed that many more killings occurred but were not documented as honor crimes. According to women's rights activists, there was some evidence of a societal trend toward condemnation of honor crimes; however, in 2001, one forensic medical examiner estimated that 25 percent of all murders committed in the country were honor crimes. The police regularly imprisoned women who are potential victims of honor crimes for their own protection. Activists estimate that more than 25 women were detained in such "protective" custody.

The Penal Code provides that a "crime of honor" defense may be invoked by a defendant accused of murder who "surprises his wife or any close female relative" in an act of adultery or fornication, and the perpetrator of the honor crime is judged not guilty of murder. Although few defendants are able to meet the stringent requirements for a crime of honor defense (the defendant personally must have witnessed the female victim engaging in sexual relations), most avoided trial for the crime of murder, and were tried instead on the charge of manslaughter. Even those convicted of murder rarely spent more than 2 years in prison. In contrast to honor crimes, the maximum penalty for first-degree murder is death, and the maximum penalty for second-degree murder is 15 years. Such defenses also commonly relied on the male relative having acted in the "heat of passion" upon hearing of a female relative's alleged transgression, usually without any investigation on the part of the assailant to determine the veracity of the allegation before committing the assault. Defenses in such cases fall under Article 98 of the Penal Code. In 2001 the Government passed a provisional law amending Article 340 to apply equally to men and women; however, this legal change did not substantially affect the sentencing of perpetrators of honor crimes, as no defendant in an honor crime invoked Article 340 during the year. The Parliament actively debated the amendments during the year, but the provisional law remains in effect. Most activists believe that even if Article 340 were repealed, honor crimes likely would persist, with sentences continuing to be reduced under Article 98.

On February 4, a 28-year-old woman was strangled to death by her younger brother. Her brother, who turned himself in to the police after committing the murder, told them he killed his sister to save his family's honor. The victim, who was single, left the country, allegedly with the man she loved. She returned to the country a few weeks later without telling her family about her travels and the next day

had an argument with her brother about her conduct. He attempted three methods of killing her before succeeding. At trial, the original manslaughter charge was reduced to a misdemeanor under Article 98 and his (and the victim's) family dropped the charges. He was released after the trial at the end of December.

In late July, a 16 year-old girl went missing from her home for 3 days and was then found by authorities. She told them that, because her family was opposed to her relationship, she left home to be with a man she loved and wanted to marry. The National Institute of Forensic Medicine confirmed her virginity and the girl was taken to the administrative governor for protective custody. He released her after securing bail from her father with the promise she not be harmed. Minutes after returning to the family home her 18 year-old brother shot her several times, then went to a nearby police station and cited family honor as his motive for the killing. The case has not yet gone to trial.

In September, three brothers were arrested for hacking their two sisters to death with an axe. The older sister married without her family's consent and the younger victim was living with her sister at the time. According to press reports, in their confession the brothers stated that they acted to "cleanse the family's honor." At year's end the case is ongoing.

On September 11, the Criminal Court freed a man convicted of stabbing his sister to death for disappearing from the family home on two occasions in 2001. As he was drunk at the time of the killing and the victim had made "harsh and vulgar statements to her brother," the Court of Cassation previously found that "the crime did not fall under the premeditated murder charge category." The Criminal Court reduced the 2002 sentence of 10 years to 6 months and he was immediately released.

In 2002, a 39-year-old man was formally charged with the premeditated murder of his wife. After shooting her, he subsequently surrendered to local authorities. His wife had just finished serving a 2-year prison sentence for adultery and allegedly had returned to her Egyptian lover after her release from prison. On January 22, the man was sentenced to death, which was immediately reduced to 10 years' imprisonment by the court after the victim's mother dropped charges against him.

Female genital mutilation (FGM) was rarely practiced. However, one southern tribe of Egyptian origin in the small village of Rahmah near Aqaba reportedly practiced FGM. In 2001, one local Mufti issued a fatwa stating that FGM "safeguards women's chastity and protects them against malignant diseases by preventing fat excretions." However, the Mufti also stated that since FGM is not a requirement of Islam, women who do not undergo this procedure should not be embarrassed.

According to the law, sexual harassment is strictly prohibited and subject to criminal penalties including fines and imprisonment. Sexual harassment, assault, and unwelcome advances of a sexual nature against women did not appear to be widespread problems.

Women experienced legal discrimination in matters of pension and social security benefits, inheritance, divorce, ability to travel, child custody, citizenship, and the value of their Shari'a court testimony in certain limited circumstances (see Section 1.e.). The Government provided men with more generous social security benefits than women. The Government continued pension payments of deceased male civil servants but discontinued payments of deceased female civil servants to their heirs. Current laws and regulations governing health insurance for civil servants do not permit women to extend their health insurance coverage to dependents or spouses. However, divorced and widowed women may extend coverage to their children.

Under Shari'a as applied in the country, female heirs receive half the amount that male heirs receive and the non-Muslim widows of Muslim spouses have no inheritance rights. A sole female heir receives half of her parents' estate; the balance goes to designated male relatives. A sole male heir inherits both of his parents' property. Male Muslim heirs have the duty to provide for all family members who need assistance. Men are able to divorce their spouses more easily than women, although a provisional law passed in 2002 and currently under debate in Parliament adds to the circumstances under which a woman may file for divorce (see Section 2.c.). At year's end, the issue remained unresolved. Marriage and divorce matters for Christians are adjudicated by special courts for each denomination (see Section 2.c.). There were 19 female judges in the country, up from 11 in 2002.

The law requires a married woman to obtain her husband's permission to obtain, but not to renew, a passport (see Section 2.d.). Married women do not have the legal right to transmit citizenship to their children. Furthermore, women may not petition for citizenship for their non-citizen husbands. The husbands themselves must apply for citizenship after fulfilling a requirement of 15 years of continuous residence. Once the husbands have obtained citizenship, they may apply to transmit the citizenship to their children. However, in practice such an application may take years and, in many cases, citizenship still may be denied to the husband and children.

Such children become stateless and, if they do not hold legal residency, lack the rights of citizen children, such as the right to attend school or seek other government services.

Civil law grants women equal pay for equal work, but in practice this law was sometimes ignored. Press and union leaders reported during the year that a small number of employers in the private sector paid their female employees less than the legal minimum wage, despite the fact that the women were under contract, and that wage disparity increased with salary.

Social pressures discouraged many women from pursuing professional careers. Nonetheless, women had employment opportunities in many professions, including government, engineering, medicine, education, the military, and law. According to 2002 government statistics, women constituted 14.7 percent of the work force and 49.8 percent of university students. While female employees held approximately 52 and 39 percent of jobs in the education and health sectors respectively, they held only 7.5 percent of managerial posts and 10 percent of all jobs in the private sector. Women's groups stressed that the problem of discrimination was not only one of law, but also of women's lack of awareness of their rights or unwillingness to assert those rights. The Business and Professional Women's Club held seminars on women's rights and assisted women in establishing small businesses. The chapter was also one of the organizations providing programs for potential female voters and candidates leading up to the parliamentary elections. Members of the royal family worked actively to improve the status of women.

Children.—The Government is committed to children's rights and welfare in the areas of education and health; however, government efforts in these areas were constrained by limited financial resources. Education is compulsory until the age of 16; however, no legislation exists to enforce the law or punish guardians for violating it, and absence of children from school is without penalty. The overall school attendance and total secondary school attendance rates remained at 92 percent. Several domestic and foreign religious groups run private schools throughout the country. Since the beginning of the 1999–2000 school year, the Government denied Iraqi children admittance to public school unless they were legal residents of the country or recognized as refugees by the UNHCR (see Section 2.d.).

The Government attempted to address the issues of educational development and quality, and the relevance of education to job-market demand, with few concrete results. The Government does not charge tuition for public education and it grants food and transportation supplements to families with many children or to very poor families.

Students must obtain a good behavior certificate from the GID to qualify for admission under the university quota system. Activists reported that the GID sometimes withheld these certificates from deserving students due to a family member's allegedly problematic record.

The Government provided free inoculation programs typically administered through the school system for children. In addition, children had access to government-subsidized public clinics, which offer reduced fees for most services.

The National Team for Family Protection (NTFP) coordinates all issues concerning family safety. The Government-funded "Dar al Amman," the nation's first child protection center, provides temporary shelter, medical care, and rehabilitation for children ages 6 to 12 years who have suffered abuse.

Although the problem was difficult to quantify, social and health workers believe that there was a significant incidence of child abuse in families, and that the incidence of child sexual abuse was significantly higher than reported. The law specifies punishment for abuses against children. Rape or sodomy of a child under 15 years of age carries the death penalty.

The Family Protection Unit of the Public Security Department (PSD) works with victims and perpetrators of domestic and sexual violence. The Unit deals primarily with child and spousal abuse, providing multiple in-house services, including medical treatment for patients. The Unit cooperates with police to apprehend perpetrators of domestic violence, facilitates participation in education and rehabilitation programs, and refers patients to other facilities.

Illegitimate children are entitled to the same rights under the law as legitimate children; however, in practice, they suffered severe discrimination in a society that does not tolerate adultery or premarital sex. Most illegitimate children become wards of the State or live a meager existence on the fringes of society. In either case, their prospects for marriage and gainful employment are limited. Furthermore, illegitimate children who are not acknowledged legally by their fathers are considered stateless and are not given passports or identity numbers.

The Government attempts to safeguard some other children's rights, especially regarding child labor (see Section 6.d.). Although the law prohibits most children

under the age of 16 from working, child vendors worked on the streets of Amman. The Ministry of Social Development has a committee to address the problem and in some cases removes the children from the streets, returns them to their families or to juvenile centers, and may provide the families with a monthly stipend; however, the children often return to the streets. Stagnant economic conditions and social disruption have caused the number of these children to increase over the last 10 years. Child vendors sell newspapers, tissues, small food items, or gum, and other children who pick through trash dumpsters to find recyclable cans to sell, sometimes were the sole source of income for their families.

Persons with Disabilities.—High unemployment restricts job opportunities for persons with disabilities, who numbered 220,000. Thirteen percent of citizens with disabilities received monetary assistance from the Government. The Government passed legislation in 1993, reinforced in 2000, requiring future public buildings to accommodate the needs of persons with disabilities and to retrofit existing public buildings; however, implementation has been slow.

The law requires that 2 percent of available public sector jobs be reserved for persons with physical disabilities. Private organizations and members of the royal family actively promoted programs to protect and advance the interests of persons with disabilities.

Indigenous People.—The country's indigenous people, nomadic Bedouin and East Bank town-dwellers, traditionally have been the backbone of popular support for the Hashemite monarchy and are represented disproportionately in senior military, security, civil service jobs, and in the Parliament. Nevertheless, many Bedouin in rural areas were severely disadvantaged economically. Many persons of East Bank origin complained that the dynamic private sector largely is in the hands of the Palestinian majority.

National/Racial/Ethnic Minorities.—Palestinians residing in the country suffered discrimination in appointments to positions in the Government and the military, in admittance to public universities, and in the granting of university scholarships. The Government granted citizenship to all Palestinians who fled to the country in the period after the 1948 Arab-Israeli war, and to a large number of refugees and displaced persons who arrived as a result of the 1967 war. However, most refugees who fled Gaza after 1967 were not entitled to citizenship and were issued 3-year passports valid for travel only. In 1995, then-King Hussein announced that West Bank residents without other travel documentation would be eligible to receive 5-year passports. However, the Government emphasized that these passports are for travel only and do not connote citizenship (see Section 2.d.).

Section 6. Worker Rights

a. The Right of Association.—Workers in the private sector, some state-owned companies, and in certain professions in the public sector have the right to form and join unions. Unions must be registered to be considered legal. Union by-laws limit membership to citizens, effectively excluding the country's more than 125,000 registered foreign workers. However, some unions represented the interests of foreign workers informally. Over 30 percent of the work force was organized into 17 unions. Unions are required by the Government to be members of the General Federation of Jordanian Trade Unions (GFJTU), the sole trade union federation. The Government subsidizes and audits the GFJTU's salaries and activities. Union officials are elected by secret ballot to 4-year terms. The Government cosponsors and approves the timing of these elections and monitors them to ensure compliance with the law. Union leaders complained about the requirement for government oversight of their elections.

The GFJTU belongs to the Arab labor organization, the International Confederation of Arab Trade Unions, and to the International Confederation of Free Trade Unions (ICFTU).

b. The Right to Organize and Bargain Collectively.—Unions have and exercise the right to bargain collectively. The Constitution prohibits antiunion discrimination, but the ICFTU claimed that in the past that the Government did not protect adequately employees from anti-union discrimination. Workers may lodge complaints of anti-union discrimination with the Ministry of Labor, which is authorized to order the reinstatement of employees discharged for union activities. There were no complaints of anti-union discrimination lodged with the Ministry of Labor during the year.

Labor laws mandate that workers must obtain Government permission to strike. Unions generally do not seek approval for a strike, but workers use the threat of a strike as a negotiating tactic. Strikes are prohibited if a labor dispute is under mediation or arbitration. If a settlement is not reached through mediation, the Min-

istry of Labor may refer the dispute to an industrial tribunal with agreement of both parties. After mediation attempts met with limited success, the Ministry referred a dispute between the Arab Potash Company and its workers to a tribunal at the end of December.

The tribunal is an independent arbitration panel of judges appointed by the Ministry of Labor. The decisions of the panel are legally binding. If only one party agrees, the Ministry of Labor refers the dispute to the Council of Ministers and then to Parliament. Labor law prohibits employers from dismissing a worker during a labor dispute.

During the year, there were more than 10 strikes reported in the textile sector. These employees went on strike claiming that, among other issues, the employers had failed to pay wages in a timely manner. There were other labor incidents during the year in the construction and cement sectors. In most cases, labor and management reached agreements quickly, and the Government assisted in mediating disputes.

The national labor laws apply in the free trade zones in Aqaba and Zarqa. The Qualified Industrial Zones (QIZs), export zones which produced manufactured goods with at least 8 percent Israeli input, applied national labor laws as well.

c. Prohibition of Forced or Bonded Labor.—The Constitution prohibits forced or bonded labor, except in a state of emergency such as war or natural disaster. It generally was not practiced. Some foreign domestic servants, almost exclusively female, were subject to coercion and abuse and, in some cases, worked under conditions that amounted to forced labor (see Section 6.e.). The law does not prohibit specifically forced or compulsory labor by children; however, such practices were not known to occur.

d. Status of Child Labor Practices and Minimum Age for Employment.—Child labor is not a major problem, and the worst forms of child labor are virtually nonexistent. Labor law forbids children under the age of 16 from being employed, except as apprentices; however, there were reports of child labor. In February, the Government raised from 17 to 18 the minimum age for working with hazardous materials. Children under the age of 18 may not work for more than 6 hours continuously between the hours of 8 p.m. and 6 a.m., or during weekends, religious celebrations, or national holidays. Provisions in the labor laws do not extend to children in the informal sector, which consists of agriculture, domestic labor, and small family businesses.

The law provides that employers who hire a child under the age of 16 must pay a fine ranging from \$140 to \$710 (100 to 500 dinars). The fine is doubled if the offense is repeated. The Government, however, provided little training on child labor to the 89 Ministry of Labor inspectors responsible for enforcing the relevant laws. In 2002, the Ministry reported that it investigated the cases of over 3000 child laborers. No fines were levied as a result, and none of the employers were taken to court. The inspectors acted to ameliorate the situation of the involved families when appropriate, including directing some adult family members toward job training programs. In the past, some Government officials claimed that if children were barred from working, they would lose important income on which their families depend, and might turn to more serious activities, such as drug trafficking and prostitution, for income.

Since 2001, financial assistance from the International Labor Organization (ILO) and increases in Government funding have supported Ministry of Labor efforts to implement the provisions of ILO Convention 182 on the Elimination of the Worst Forms of Child Labor. Government policy also facilitated the work of NGOs in this area. The Ministry of Labor established a Child Labor Unit in 2001 to receive, investigate and address child labor complaints, although it has no formal mechanism for doing so, and to coordinate Government child labor activities. Anecdotal evidence suggests that child labor, especially of street vendors, is more prevalent now than it was 10 years ago due to declining economic conditions.

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

e. Acceptable Conditions of Work.—In January the Government increased the national minimum wage by 6.25 percent from \$113 (80 dinars) to \$121 (85 dinars) per month. The minimum wage applies to all workers except domestic servants, those working in small family businesses and those in the agricultural sector. Although the increase exceeded the 2002 1.8 percent cost of living increase, the national minimum wage did not provide a decent standard of living for a worker and family. The Government estimated that the poverty level was at a monthly wage of about \$125 (89 dinars) per month for a family with 7.5 members. A 2002 United Nations Development Program survey found that 12 percent of the population lived at or below

the poverty level and that 2 percent lived in abject poverty. Poverty was defined as income of \$1.20 per person per day or less. The Government estimated that 193,000 persons received some form of welfare assistance during the year.

The law requires overtime pay for hours worked in excess of the standard workweek, which generally is 48 hours. Hotel, restaurant, and cinema employees may work up to 54 hours per week. Workers may not work more than 10 hours in any continuous period or more than 60 hours of overtime per month. Employees are entitled to 1 day off per week. Labor law does not apply to small family businesses, domestic servants, and non-professional and non-technical workers in the agriculture sector. However, it does apply to citizens and non-citizen workers in other sectors. There is a separate civil service law. The law specifies a number of health and safety requirements for workers, which the Ministry of Labor is authorized to enforce. The law requires employers to report industrial accidents to the Ministry of Labor within 48 hours. Although employers are not required to report occupational diseases to the Ministry of Labor, the law stipulates that if the Medical Authority determines that a worker suffers an occupational disease as a result of his work, the employer is liable for compensation. The Ministry of Labor mediates disputed amounts of compensation in cases of occupational disease. Workers do not have a statutory right to remove themselves from hazardous conditions without risking the loss of their jobs.

According to the Government's Department of Statistics, there are approximately 127,000 registered non-citizen workers in the country. The majority of these were engaged in low-wage, low-skill activities in the agriculture, construction and industrial sectors.

Domestic servants have no legal redress for labor grievances and cannot sue in court for nonpayment of wages. Abuse of domestic servants, most of whom were foreign and many of whom were working without legal status in the country, was widespread. Imprisonment of maids occurred, and illegal confiscation of travel documents by employers was common. Victims, who fear losing their employment and being returned to their home country, generally did not report complaints to Government officials. Domestic servants often were not given days off and frequently were called upon to work at any hour of the day or night. However, during the reporting period the Ministry of Labor instituted a number of new requirements for employment agencies that provide Ministry oversight of foreign domestic workers' recruitment and employment. In cooperation with the U.N. Development Fund for Women and several source country embassies, the Government also introduced a new standard work contract with greater protections that has applied to all newly arriving foreign domestic workers since July 1.

f. Trafficking in Persons.—The law prohibits trafficking in children; however, it does not specifically prohibit trafficking in other persons. Other criminal statutes prohibit slavery and indentured servitude. To reduce the potential for abuse of foreign domestic workers, the Government adopted new and stricter procedures during the reporting period that regulate the importation of such labor (see Section 6.e.).

KUWAIT

Kuwait is a constitutional, hereditary emirate ruled by the Al-Sabah family, who governs in consultation with prominent families and community leaders. The Constitution provides for an elected National Assembly; however, it permits the Amir to suspend any or all of its provisions by decree. Approximately 14 percent of citizens have the right to vote (only males age 21 and over who have been citizens for at least 20 years and are not in the military or police forces). The July general election was generally considered to be free and fair; however, there were some credible reports of Government and opposition vote-buying. The Constitution provides that the National Assembly has a limited role in approving the Amir's choice of Crown Prince. Following the July elections, the Amir appointed a new Prime Minister whose authority the Crown Prince previously held. The Crown Prince appoints government members; however, the elected National Assembly has at times influenced or overturned government decisions. The Constitution provides for some judicial independence; however, the Amir appoints all judges, and the Government must approve the renewal of most judicial appointments.

The national police, the Criminal Investigation Department (CID) and Kuwait State Security (KSS) are responsible for internal security under the supervision of civilian authorities of the Ministry of Interior (MOI). Civilian authorities generally maintained effective control of the security forces; however, there were some in-

stances in which elements of the security forces acted independently of government authority. Some members of the security forces committed human rights abuses.

The country has a small, relatively open, market-based economy dominated by the oil industry and the government sector. Out of a total population of approximately 2.4 million, roughly 1.5 million were foreigners. Production from the country's proven crude oil reserves of about 98 billion barrels accounted for nearly half of Gross Domestic Product (GDP). The government sector accounted for 91 percent of citizen employment while foreigners constituted 94 percent of the private sector workforce. According to government statistics, real GDP grew 4 percent in 2002 to \$35.5 billion and an estimated 2.3 percent during the year. High citizen population growth coupled with a large influx of foreign workers has caused GDP per capita to decline in recent years. Domestic servants and unskilled workers often lived and worked in poor conditions.

Although the Government's respect for human rights improved over the last decade, serious problems remain. Citizens do not have the right to change their government. Some police and members of the security forces reportedly abused detainees during interrogation. Overcrowding in the prisons continued to be a serious problem. There were some reports of mistreatment of noncitizen prisoners. The judiciary was subject to government influence. The Government infringed on citizens' privacy rights in some areas. Security forces occasionally monitored the activities of persons and their communications. The Government placed some limits on freedom of speech and the press. The Government restricted freedom of assembly and association. Journalists practiced self-censorship. The Government placed some limits on freedom of religion and freedom of movement. Violence and discrimination against women, especially noncitizens, persisted. Judicial authorities discriminated against non-citizens, especially foreign laborers. The legal status of tens of thousands of "bidoon" Arabs with residence ties but no documentation of their nationality remained unresolved. The Government restricted worker rights to organize and bargain collectively, and form unions. Domestic servants remained marginalized and lacked a system to protect their rights, monitor working conditions, and resolve labor disputes. Unskilled foreign workers continued to suffer from the lack of a minimum wage in the private sector, government failure to enforce some Labor Law provisions effectively, and, at times, physical or sexual abuse at the hands of their employers. Some worked under conditions that constituted indentured servitude. Young boys, usually from South Asia, were used as jockeys in camel races.

Many human rights violations committed by the Iraqi army during the 1990–91 occupation remained unresolved, particularly the fate of the majority of 605 citizens and other residents who were still unaccounted for during this reporting period. DNA analysis identified the remains of some of these missing from mass graves discovered in Iraq after the fall of the Saddam Hussein regime.

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 into the extrajudicial killings that occurred during the period after the country's liberation in February 1991 (see Section 1.b.).

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

The fate of 572 Kuwaitis (including 29 bidoon) and 33 other residents taken prisoner during Iraq's occupation of the country in 1990–91 remained a highly emotional issue. The remains of several of these missing were identified by DNA tests from mass graves found in Iraq after the fall of the Saddam Hussein regime. The Tripartite Commission on Gulf War Prisoners of War (POWs) and Missing Persons (TPC) resumed functioning with Iraqi participation shortly after the end of major hostilities in Iraq.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.—The Constitution prohibits such practices; however, there continued to be credible reports that some police and members of the security forces abused detainees during interrogation. Reported mistreatment included blindfolding, verbal threats, and physical abuse. Police and security forces were more likely to inflict such abuse on noncitizens, particularly non-Gulf Arabs and Asians, than on citizens. The Government does not interpret Shari'a as providing for exceptionally harsh punishment.

The Government stated that it investigated all allegations of abuse and punished at least some of the offenders; however, in most cases, the Government did not make public either the findings of its investigations or punishments it imposed.

In August, the Ministry of Interior relieved 5 KSS officials of their duties as a result of accusations filed with the Public Prosecutor by 12 Islamist citizens accusing several KSS officers of allegedly torturing and verbally insulting them during interrogation (see Section 1.d). In November, three police reportedly raped a Philippine female domestic servant while she was in police custody at a district police station. The Philippine Embassy filed a criminal case against the officers in December on behalf of the domestic. During the year, two Ministry of Interior officers were reassigned after being accused of physically abusing citizens who had been to Afghanistan.

In February 2002, the Criminal Court sentenced a police officer to death for a 2001 killing of a news editor. The police officer believed that the editor had insulted the officer's tribe in articles written and published by the editor.

Defendants have the right to present evidence in court that they were mistreated during interrogation; however, the courts frequently dismissed abuse complaints because defendants were unable to provide physical evidence of abuse. Members of the security forces routinely did not reveal their identities during interrogation, complicating confirmation of abuse.

There were several cases in 2002 of police officials and security personnel abusing detainees while in police custody; however, there were no new developments in these cases during the year.

Prison conditions, including conditions for those held for security offenses, generally met international standards, and the Government permitted visits by independent human rights observers. The International Committee of the Red Cross (ICRC), which maintains an office in the country, visited some detainees during the year. Members of the National Assembly's Human Rights Defense Committee (HRDC) also visited prisons and inmates during the year. Credible reports from former inmates and the HRDC cited severe overcrowding (13–15 inmates per cell), lack of beds, poor sanitation, lack of clean toilet and washing facilities, poor ventilation, and inadequate containment of infectious diseases as common problems. The HRDC closely monitored prison conditions throughout the year, and the Government allowed the ICRC access to all prisons and detention facilities (see section 4). During the year, the Government completed construction of a new prison facility for rehabilitating drug offenders and neared completion of two new prison buildings to house inmates and alleviate overcrowding. One physician, a dentist, and a team of nurses staffed the prison clinic. Medical specialists attended the prisons weekly or once every two weeks. Urgent cases were transferred to local hospitals. However, the prison clinic remained severely understaffed and lacked modern medical equipment and technology. Approximately 3,150 men and 550 women were serving sentences or awaiting trial in prison; detainees were counted separately.

There were some reports of mistreatment of noncitizen prisoners at the Central Prison. There were no specific reports of mistreatment of prisoners at the Talha Prison or Shuwaikh deportation facility. The Government incarcerated an estimated 500 deportees at the deportation facility in Shuwaikh, some for 6 months or longer pending deportation. Deportees reportedly often waited months for their former employers to cancel their residency and work permits or to provide their travel documents (see Section 1.d.).

The Government held men and women in separate detention facilities. There were credible reports that prison conditions for noncitizens, including women, were less favorable than conditions for citizens. The Government held pretrial detainees separately from convicted prisoners. Juveniles were incarcerated separately from adults in a juveniles prison. The Government estimated that citizens constituted between 40 to 60 percent of the total inmate population.

The Ministry of Health requires routine tuberculosis (TB) tests for all prisoners. Inmates undergo a routine medical exam and a series of medical tests before they are incarcerated with other prisoners; however, a report by the HRDC during the year cited TB infection among inmates and staff as a major problem. In July 2002, it was reported that hundreds of prisoners at the Central Prison were infected with TB. A family of 15 tested positive for tuberculosis after visiting the Central Prison. Seven inmates reportedly were infected with HIV/AIDS during the year (see Section 5). Prison authorities reportedly transferred two of them to the Infectious Diseases Hospital during the year for advanced-stage treatment.

Drug-related offenders comprised approximately 55 percent of the inmate population. The Government provided educational and rehabilitation programs for inmates, psychological counseling, and specialized courses for inmates suffering from drug and alcohol addiction. A new prison facility specifically for the treatment of convicted drug addicts with a capacity to accommodate 500 inmates opened during the year. An Islamic educational facility under the supervision of the Ministry of Awqaf and Islamic Affairs with a capacity to accommodate 600 inmates and three

other specialized learning facilities provided religious, computer, carpentry, and other practical skills training to inmates.

d. Arbitrary Arrest, Detention, or Exile.—The Constitution prohibits arbitrary arrest and detention, and the Government generally observed these prohibitions. In general, police officers must obtain an arrest warrant from state prosecutors or a judge before making an arrest (see Section 1.f.), although in misdemeanor cases the arresting officer may issue them. There were some credible reports of police arresting and detaining foreigners without a warrant, based on mere accusation by a third party. Security forces occasionally detained persons at checkpoints in Kuwait City (see Section 2.d.). There were no reported deaths in detention from beatings or severe mistreatment.

According to the Penal Code, those suspected of serious crimes may be held for up to 4 days without charge, during which time security officers may prevent lawyers and family members from visiting them. In such cases, lawyers are permitted to attend legal proceedings, but are not allowed to have direct contact with their clients. If charges are filed, prosecutors may remand a suspect to detention for an additional 21 days. Prosecutors also may obtain court orders for further detention pending trial.

The police constitute a single national force under the purview of civilian authorities of the Ministry of Interior. There are 54 police stations, roughly 1 in each district, although larger districts may have more than 1 station. District police are responsible for maintaining internal security and investigating violations of the law in their respective districts. Citizens and noncitizens may file complaints or report violations of the law to police officials in any district but typically in the district in which the violation or incident occurred. In practice, however, many noncitizens complained of police indifference, discrimination, harassment, and favoritism of citizens. During the year, there were credible reports of police corruption and abuse of detainees during interrogation. (see Section 1.c.). The Government relieved several security officials of their duties during the year as a result of credible allegations of abuse of detainees during interrogation. There were no reported Government efforts during the year to reform the police or security forces. Of the approximately 3,700 persons serving sentences or being detained pending trial, approximately half were being held on security grounds, including some held for collaborating with Iraq during the occupation.

On October 18, the Criminal Court began trial of 12 citizens charged with involvement in the October 2002 attack that led to the death of a foreign marine on Failaka Island. The Government released 2 of the 12 suspects on bail. In June, the Criminal Court sentenced a citizen to death for the shooting of two foreign civilians, one fatally, in January near Camp Doha. The citizen appealed the verdict and, on October 28, the Court of Appeals commuted the death sentence to life in prison. The Public Prosecutor filed an appeal in November to the Court of Cassation requesting it to cancel the Court of Appeals ruling and uphold the death sentence. The case was still pending at year's end. The Criminal Court sentenced three other accomplices to varying terms in prison.

The Government may expel noncitizens, including bidoon, if it considers them security risks. The Government also may expel foreigners if they are unable to obtain or renew work or residency permits. There were approximately 500 foreigners including 28 bidoon, held in detention facilities. Some detainees were held for up to 6 months pending deportation. The Government issued many deportation orders administratively, without the benefit of a trial. However, the Government did not return deportees to their countries of origin forcibly, allowing those who objected to remain in detention (see Section 2.d.). This practice led to prolonged detention of deportees, particularly Iraqis. The practice also was a factor in the complex problem faced by stateless bidoon deportees, who essentially remained in detention because their stateless condition made the execution of the deportation order impossible (see Sections 2.d. and 5).

The Constitution prohibits the deportation or forced exile of citizens, and there were no reports of such practices during the year. The Penal Code stipulates that noncitizens convicted of felonies must be deported after finishing their jail terms, and in certain circumstances, citizens may have their citizenship revoked. This includes citizens sentenced for felonies during the first 10 years of attaining citizenship, citizens discharged from a public job for "acts against integrity" during the first 10 years of attaining citizenship, and citizens who take up residence in a foreign country and join an authority that is designed to undermine the country.

e. Denial of Fair Public Trial.—The Constitution provides for the right to a fair trial and states that "judges shall not be subject to any authority;" however, the Amir appoints all judges, and the renewal of judicial appointments is subject to gov-

ernment approval. Judges who are citizens have lifetime appointments; however, the majority of judges were noncitizens. Noncitizen judges hold 1- to 3-year renewable contracts, which undermines their independence. The Ministry of Justice may remove judges for cause, but rarely does so. Foreign residents involved in legal disputes with citizens frequently claimed that the courts showed a bias in favor of citizens.

The secular court system tries both civil and criminal cases. The Court of Cassation ("Supreme Court") is the highest level of judicial appeal. Sunni and Shi'a Muslims have recourse to their own independent courts for family law cases. Secular courts barred no groups from testifying and considered male and female testimonies equally; however, in the family courts, the testimony of one man was equal to the testimony of two women. By law, criminal trials are public unless a court or the Government decides that "maintenance of public order" or "preservation of public morals" necessitates a closed trial. There is no trial by jury.

Defendants have the right to confront their accusers and appeal verdicts. The Amir has the constitutional power to pardon or commute all sentences. Defendants in felony cases are required by law to be represented in court by legal counsel, which the courts provide in criminal cases. In misdemeanor cases, defendants have the right to waive the presence of legal counsel, and the court is not required to provide counsel to indigent defendants. However, the Kuwaiti Bar Association is obligated upon court request to appoint an attorney pro bono for indigent defendants in civil, commercial, and criminal cases. While virtually all indigent criminal defendants asked for and received pro bono counsel, in practice very few indigent civil and commercial plaintiffs requested this service.

Both defendants and prosecutors may appeal court verdicts to the High Court of Appeals, which may rule on whether the law was applied properly as well as on the guilt or innocence of the defendant. Decisions of the High Court of Appeals may be presented to the Court of Cassation, which conducts a limited, formal review of cases to determine only whether the law was applied properly.

The Government continued to incarcerate 36 citizens, bidoon, Palestinians, and Syrians convicted of collaboration with Iraq during the 1990-91 occupation. There were no new developments during the year. Under the law, such collaboration is considered a felony. Most of those convicted in the Martial Law Court in 1991 and the Special State Security Court, which the Government abolished in 1995, did not receive fair trials. Amnesty International (AI) faulted the trials in general, and particularly noted the absence of any right of appeal of the verdicts.

There were no reports of political prisoners during the year.

f. Arbitrary Interference with Privacy, Family, Home or Correspondence.—The Constitution provides for individual privacy and the sanctity of the home, and the Government generally respected these rights in practice. The law generally requires police to obtain a warrant to search both public and private property; however, it permits searches without warrant if alcohol or narcotics are suspected on the premises or if police are in pursuit of a suspect fleeing the scene of a crime. A warrant may be obtained from the State Prosecutor or, in the case of searches of private property, from a judge (see Section 1.d.). The security forces occasionally monitored the activities of persons and their communications.

The law forbids marriage between Muslim women and non-Muslim men and requires male citizens to obtain government approval to marry foreign nationals. Muslim men marrying Muslim women require no such approval. Although the Government may advise men against marriage to a foreign national, there were no known cases of the Government refusing permission for such marriages. The Government advises women against marrying foreign nationals (see Section 2.c.).

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Speech and Press.—The Constitution provides for freedom of speech and the press; however, several laws empower the Government to impose restrictions on freedom of speech and of the press, and journalists practice self-censorship. With some exceptions, citizens are free to criticize the Government at public meetings and in the media. The Press Law prohibits the publication of any direct criticism of the Amir, official government communications with other states, and material that serves to "attack religions" or "incite people to commit crimes, create hatred, or spread dissension among the public."

In May, the Government presented a new draft press law that would severely restrict press freedom by giving the Government power to close printing presses, veto advertisements, suspend publication of newspapers, and subject articles to pre-publication censorship (a practice the Government banned in 1992). Local newspapers sharply criticized the proposed law. At year's end, the National Assembly had not voted on it.

In June, the Government filed charges against the publisher and editor in chief of a prominent newspaper for "challenging the authority of the Amir" after the editor in chief stated publicly that unnamed members of the ruling family were interfering in the parliamentary election campaign (see Section 3). The case has not yet gone to court. The Government, through the Ministry of Information, threatened to impose penalties against individual publishers and editors believed to have criticized government policies or discussed subjects deemed offensive to Islam, tradition, or the State. In December, police arrested, detained, and interrogated a citizen for producing and distributing an audiotape allegedly defaming the Prophet Mohammed's companions. The Public Prosecutor ordered the suspect to remain in police custody pending further investigation. A local newspaper reported that the suspect allegedly fell ill during interrogation and was admitted to a local hospital. At year's end, the Court of Misdemeanor sentenced the citizen to 1 year in jail and imposed a \$3,500 (1,000KD) fine for "insulting the companions of the Prophet Mohammed."

The country has five Arabic and two English language daily newspapers. All newspapers are independent, privately owned, and free to report on social, economic, and political issues. Many frequently criticized government policies and officials, including the Prime Minister and Cabinet members. In June, an editorial in the largest-circulation Arabic daily openly debated the issue of separating the post of Prime Minister from that of the Crown Prince (see Section 3). In 2002, the National Assembly questioned the then Finance-Minister publicly on allegations of corruption in his ministry after a popular local newspaper published articles criticizing the minister and his conduct. Press accounts during the year that criticized the Government led to National Assembly members calling for formal question sessions of several Cabinet members.

The Government ended pre-publication censorship in 1992, but journalists still censored themselves. Direct press criticism of the Cabinet's foreign, domestic, and security policies continued.

In November 2002, the Government closed down the offices of and expelled independent Qatar-based Arab satellite network Al Jazeera on allegations of misrepresentation of information about Kuwait.

Publishers must obtain an operating license from the Ministry of Information to begin newspaper publications. Publishers may lose their license if their publications do not appear for 6 months, which prevents publishers from publishing sporadically. Individuals also must obtain permission from the Ministry of Information before publishing any printed material, including brochures and wall posters. There were no reported cases of the Ministry of Information denying permission to publish printed material during the year.

In December, security officials arrested a police officer for reportedly verbally and physically assaulting a journalist. There were no other specific reports of security forces subjecting journalists to violence or harassment during the year; however, in 2002, police confiscated film belonging to a press photographer covering a public disturbance. Police officials did not provide any explanations regarding the action taken towards the press photographer. In 2002, a police officer was sentenced to death for the 2001 killing of a news editor.

Fawwaz Muhammad Al-Awadi Bessisso and Ibtisam Berto Sulaiman Al-Dakhil, two journalists, were sentenced to life in prison in 1991 because of their work with a newspaper that published under Iraqi occupation. The Government deported one of the journalists to France during the year. The other reportedly departed the country in October.

The Government facilitated visas, established a press center, organized trips to closed military areas, and granted interviews to foreign journalists.

The law requires jail terms for journalists who defame religion (see Section 2.c.). The law provides that any Muslim citizen may file criminal charges against an author if the citizen believes that the author has defamed Islam, the ruling family, or public morals. Often, citizens filed such charges for political reasons.

The Government owns and controls local radio and television companies. Satellite dishes are widely available and operate without restriction. However, the Ministry of Information censored all books, films, videotapes, periodicals, and other imported publications deemed morally offensive. The Ministry of Information censored media for political content and did not grant licenses to political magazines. The General Organization of Printing and Publishing controlled the publication and distribution of all informational materials.

The Internet is available but access is limited. According to the latest U.N. statistics, there were approximately 120 personal computers per 1,000 people but only about 23 websites per 10,000 people and an estimated 50,000 Internet users. The Government imposed controls on Internet content in 2002 and threatened to shut down many private Internet cafes for noncompliance with new restrictive regula-

tions. The Ministry of Communications issued new directives in 2002 to Internet service providers to block some political sites and some deemed immoral. Internet providers installed filtering technology. Following the 2002 raid of 19 Internet cafes, the Ministry of Communications requires cafe owners to obtain the names and civil identification numbers of customers and to submit the information to the Ministry upon request. The law provides for a \$162,500 (50,000 dinars) bond.

The Constitution provides for freedom of opinion and of research, and states that every person shall have the right to express and propagate his opinion verbally, in writing, or otherwise. Academic freedom is limited by self-censorship, and academics were legally prohibited from criticism of the Amir or Islam.

b. Freedom of Peaceful Assembly and Association.—The Constitution provides for freedom of assembly; however, the Government restricted this right in practice. Public gatherings require government approval. The Constitution protects informal weekly social and political gatherings of men (diwanias). Most adult male citizens, including the Amir, members of the Government, and members of the National Assembly hosted or attended diwanias to discuss current events. The diwaniya system provided an important forum for public debate on political, social, and economic issues. Women were not precluded from holding diwanias of their own; however, such diwanias were uncommon. Traditionally, women do not attend male diwanias although a few diwanias are open to both sexes. Most election campaign gatherings were well attended and women attended some. The Ministry of Information granted permission for a concert of popular music despite vocal opposition from some Islamist politicians.

There were a few public demonstrations during the year. Demonstrators were orderly and the police did not interfere in most cases. In December, approximately 1,000 foreign workers protested peacefully at the Ministry of Health over reported delays by the Ministry in processing their health insurance transactions. Security officials dispersed the crowd. There were no reports of police harassment or abuse of demonstrators (see Section 6.e.).

The Constitution provides for freedom of association; however, the Government restricted this right in practice. The Government banned political parties; however, several unofficial blocs existed and were active in the National Assembly. Candidates were allowed to run for elections only as individuals, not with a party (see Section 3); however, in many cases, a candidate's party affiliation was well known and may have influenced electoral performance.

The Government uses its power to license as a means of political control. There are 52 licensed, official nongovernmental organizations (NGOs) in the country, including professional groups, a bar association, and scientific bodies; however, since 1985, the Ministry of Social Affairs and Labor approved only 6 new NGO licenses. The Ministry licensed only one NGO during the year, the Kuwait Society for the Care of Children in Hospital. There were 92 NGOs pending licensing by the Ministry; many have been waiting years for approval. Licensed NGOs receive government subsidies for their operating expenses, including travel and per diem expenses for participating in international conferences. The Ministry has rejected license requests on the grounds that established NGOs already provide services similar to those proposed by the petitioners. Members of licensed NGOs must obtain permission from the Ministry in order to attend international conferences (see Sections 2.d. and 4).

There are hundreds of unlicensed civic groups, clubs, and unofficial NGOs in the country. These unofficial associations do not receive government subsidies and have no legal status. The Kuwait Human Rights Society, an unofficial NGO with approximately 500 members, has been waiting for a license since 1992. Despite its unofficial status, it produces an annual report on human rights and a quarterly magazine. However, it cannot operate its own official premises or speak officially with the Government on human rights issues without a license (see Section 4). At year's end, the Ministry of Social Affairs and Labor initiated a review of its NGO licensing regulations and procedures with a view towards streamlining the licensing of pending NGO applicants.

In August 2002, the Acting Minister of Social Affairs and Labor approved the creation of a charitable organizations department within the Ministry. The department regulates domestic charities by reviewing their applications for registration, monitors their operations, and utilizes an accounting system to comply with regulations governing charitable operations (see Section 2.c.). In 2001, the Government intensified its supervision of all charity groups as part of its effort to prevent any diversion of funds to terrorists. The Government reportedly did not shut down any unlicensed NGOs or unregistered branches of Islamic charities during the year, but removed a large number of unlicensed street-side charity boxes.

c. Freedom of Religion.—The Constitution provides for freedom of religion; however, the Government placed some limits on this right in practice. The Constitution also provides that the State protect the freedom to practice religion in accordance with established customs, provided that it does not conflict with public policy or morals. The Constitution states that Islam is the state religion and that Shari'a (Islamic Law) is "a main source of legislation." The Government observes Islamic holidays.

The Ministry of Awqaf and Islamic Affairs has official responsibility for overseeing religious groups. Officially recognized churches must deal with a variety of government entities, including the Ministry of Social Affairs and Labor (for visas and residence permits for pastors and other staff) and the Municipality (for building permits). While there reportedly was no official government "list" of recognized churches, seven Christian churches have at least some type of official recognition that enables them to operate openly. These seven churches (Roman Catholic, Anglican, National Evangelical, Greek Orthodox, Armenian Orthodox, Coptic Orthodox, Greek Catholic) have open "files" at the Ministry of Social Affairs and Labor, allowing them to bring in staff. In October, the Government reportedly closed the National Evangelical Church's file due to its alleged failure to comply with the National Manpower Support Law by employing the requisite number of Kuwaiti nationals. At year's end, the Government reinstated its open file status.

By tradition, three churches benefit from full government recognition and are allowed to operate compounds officially designated as churches. These are the Catholic Church (which includes two separate churches, the Latin Catholic and the Maronite), the Anglican Church, and the National Evangelical Church. However, there are quotas on the number of clergy and staff that each church can bring into the country. Existing church facilities are inadequate to serve the needs of their respective communities. The Catholic Church faces severe overcrowding at its two official church facilities. Its cathedral in Kuwait City regularly attracts as many as 100,000 worshippers to its more than 30 weekly services in several languages. The National Evangelical Church, which serves a weekly average of 20,000 worshippers in 55 congregations, is also overcrowded. The church is seeking approximately 15–20 acres of new land to alleviate overcrowding and petitioned the Government for additional land during the year. No action had been taken on the issue at year's end.

The other four recognized churches reportedly were allowed to operate openly, hire employees, invite religious speakers, and conduct other such activities without interference from the Government; however, according to government records, their compounds were registered only as private homes. There were reports in previous years of at least two groups that applied for permission to build their own churches; however, the Government has yet to respond to their requests.

The Government continued to discriminate against the Shi'a minority. There are approximately 270,000–315,000 Shi'a citizens (one third of Kuwaiti citizens) and approximately 100,000 Shi'a noncitizen residents. Shi'a remained disadvantaged in the provision of mosques, access to Shi'a religious education, and representation in upper levels of government. There are approximately 30 Shi'a mosques and approximately 1,200 Sunni mosques. There is no independent Shi'a seminary. Shi'a must travel to Iran or Iraq for clerical training. Five Shi'a were elected to the 50-seat National Assembly in July, compared to 6 Shi'a in the previous National Assembly. The Government allows Shi'a to follow their own jurisprudence in matters of personal status and family law at the first-instance and appellate levels. In October, the Government approved a long-standing Shi'a request to establish a Shi'a Court of Cassation to handle Shi'a personal status and family law cases.

Shi'a were free to worship without government interference, and the overall situation for Shi'a improved somewhat during the period covered by this report. Since 2000, the Government has granted licenses for and has approved the construction of a total of 4 new Shi'a mosques. All four mosques are still reportedly under construction. In November, the Government publicly announced its approval of another long-standing Shi'a request for the establishment of an independent Shi'a Ja'fari Waqf (endowment) Department within the Ministry of Awqaf and Islamic Affairs to govern the use of funds for Shi'a charitable and religious purposes. In 2001, the Government established an independent Shi'a charity authority.

Shi'a leaders have complained that Shi'a who aspire to serve as imams are forced to seek appropriate training and education abroad due to the lack of Shi'a jurisprudence courses at Kuwait University's College of Islamic Law, which only offers Sunni jurisprudence. The Ministry of Education reviewed a Shi'a proposal to establish a private college to train Shi'a clerics within the country; however, at year's end, no action had been taken on the proposal.

Members of religions not sanctioned in the Qur'an, such as Sikhs, Hindus, Baha'is and Buddhists, are not permitted to build official places of worship as these religions lack legal status. However, they are allowed to worship privately in their homes without government interference. In January 2002, due to mounting pressure from citizens in the district of Salwa, the Government closed and later reopened an unofficial Sikh temple, located in a room in a private home. Sikhs who worshipped there were reportedly still able to worship elsewhere.

While some discrimination based on religion reportedly occurred on a personal level, most observers agreed that it was not widespread. There was a perception among some domestic employees and other members of the unskilled labor force, particularly Asian nationals, that they would receive better treatment from employers as well as society as a whole if they converted to Islam.

The seven officially recognized Christian churches were able to hold worship services freely without government interference. Other Christian denominations (including Mormons, Seventh Day Adventists, Marthoma, and Indian Orthodox), while not recognized legally, were allowed to operate in private homes or in the facilities of recognized churches without government interference, provided that they did not violate laws regarding assembly or proselytizing.

The Government prohibited proselytizing to Muslims; however, the Government permitted Christian churches to serve non-Muslim congregations. The law prohibited organized religious education other than Islam; however, the Government did not enforce this law rigidly, and such education took place. Although informal religious instruction occurred inside private homes and on church compounds without government interference, there were credible reports that government inspectors periodically visited public and private schools outside church compounds to ensure that no religious teaching other than Islam took place. There were also credible reports that government inspectors periodically observed church worship services to monitor the content of information for possible anti-Government or proselytizing rhetoric.

The Islamic Presentation Committee (IPC), under the authority of the Ministry of Awqaf and Islamic Affairs, actively encouraged proselytizing to non-Muslims. The IPC maintained an office at the Central Prison to provide religious education and information on Islam to inmates. IPC also established an NGO, AWARE, late in the year to promote awareness of Islam, Arab and Islamic culture, and provide training courses to foreigners.

The Government did not permit the establishment of non-Islamic publishing companies or training institutions for clergy. Nevertheless, several churches published religious materials for use solely by their congregations. Further, some churches, in the privacy of their compounds, provided informal instruction to persons interested in joining the clergy.

The Book House Company Ltd., a private company, imported a significant number of bibles and other Christian religious material including videotapes and compact discs for use solely by the congregations of the country's recognized churches. The firm was the only bookstore that had an import license to bring in such materials, which also required approval by government censors.

There were some reports of customs officials confiscating non-Islamic religious materials from private citizens upon their arrival at the airport. In May, police arrested five foreign workers for allegedly proselytizing with bibles in Andalus district. State security officials later released the individuals on condition that they sign commitments pledging to refrain from proselytizing.

The law prohibits the naturalization of non-Muslims; however, citizens who were Christians before 1980 (and children born to families of such citizens since that date) were allowed to transmit their citizenship to their children.

By law, a non-Muslim man must convert to Islam when he marries a Muslim woman if the marriage is to be legal in the country. The law forbids marriage between Muslim women and non-Muslim men (see Section 1.f.). By law, a non-Muslim woman does not have to convert to Islam to marry a Muslim man, but it is to her advantage to do so. In practice, many non-Muslim women faced tremendous economic and societal pressure to convert. Failure to convert may mean that, should the couple later divorce, the Muslim father would be granted custody of children, even those who most likely would have been left in the mother's custody if she were Muslim. Failure to convert may also mean that a non-Muslim woman would not be eligible to inherit her husband's property.

A few Muslim converts to Christianity reported harassment and discrimination by police and employers, including termination of employment, repeated summonses to police stations for questioning, verbal abuse, police monitoring of their activities, and imposition of fines without due process (see Section 1.e.).

The law requires jail terms for journalists who defame religion (see Section 2.a.).

The Ministry of Education announced its intention to combat religious intolerance by clarifying the concept of "jihad" in school curricula; this initiative encountered strong condemnation from some Islamist members of the National Assembly. At year's end, no reported changes had been made to school curricula regarding this concept.

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

d. Freedom of Movement Travel, Emigration, and Repatriation.—The Constitution does not provide for the rights of freedom of movement within the country, freedom of foreign travel, or freedom to emigrate. The Government placed some limits on freedom of movement in practice. Citizens have the right to travel freely within the country and to change their workplace as desired. Unmarried women must be 21 years of age or older to obtain a passport and travel abroad without permission of a male relative. Married women must obtain their husbands' permission to apply for a passport. A married woman with a passport does not need her husband's permission to travel, but he may prevent her departure from the country by placing a 24-hour travel ban on her through immigration authorities. After this 24-hour period, a court order is required if the husband still wishes to prevent his wife from leaving the country. In practice, however, many travel bans were issued without court order, effectively preventing citizens (and foreigners) from departing.

All minor children under 21 years of age require their father's permission to travel outside the country. This also applies to dual national children born to citizen fathers and noncitizen mothers. The Government does not recognize dual nationality. A citizen father can place a travel ban on his (under 21) children through the Ministry of Interior or through a local court if he does not wish for them to travel without his permission. There were many reports of citizen fathers/husbands confiscating their children's/wives' travel documents to prevent them from departing.

Citizens were largely free to emigrate and to return. Security forces in Kuwait City occasionally set up checkpoints to detain individuals for immigration purposes and to apprehend undocumented aliens (see Section 1.d.). In July 2002, the Ministry of Interior allowed expatriates a 45-day grace period to legalize their residency status or to depart the country without facing legal action. During the year, there were some reports of police harassment of foreign workers at security checkpoints.

The law permits the Government to place a travel ban on any citizen or foreigner who has a legal case pending before the courts. The law also permits any citizen to petition authorities to place a travel ban against any other person suspected of violating local law. In practice, this has resulted in many citizens and foreigners being prevented from departing the country without investigation or a legal case being brought before a local court. This practice has become less prevalent in recent years but still persists. The travel ban is a tool used by some citizens to prevent domestic servants from departing the country. Although illegal, many citizen employers routinely confiscate the passports of foreign employees, which forces them to remain in the country against their will. There does not appear to be any concerted Government effort to prevent employers from engaging in this practice.

Members of licensed NGOs must obtain government approval to attend international conferences as official NGO representatives (see Sections 2.b. and 4). The Government severely restricted the ability of its bidoon population to travel abroad (see Sections 2.d. and 5). However, the Government permitted some bidoon to travel to Saudi Arabia during the year for the annual Hajj pilgrimage.

Since 2001, there have been no special restrictions against or permits required for Palestinian workers wishing to return to the country. According to the latest estimates, there were approximately 30,000 to 40,000 Palestinians, 30,000 to 40,000 Jordanians, and 5,000 Yemenis resident in the country.

The Government permitted the ICRC to verify if deportees objected to returning to their countries of origin; it detained those with objections until they either changed their minds or made alternative arrangements to travel to another country (see Section 1.d.).

Although the law does not include provisions for the granting of refugee status or asylum to persons who meet the definition in the 1951 U.N. Convention Relating to the Status of Refugees or its 1967 Protocol, in practice the Government provided protection against refoulement but did not grant refugee or asylum status. The Constitution prohibits the extradition of political refugees. The Government stated that it did not deport persons who claimed to fear persecution in their home countries; however, it often kept such persons in detention rather than grant them permission to live and work in the country (see Section 1.d.). The Government cooperated with the office of the U.N. High Commissioner for Refugees (UNHCR) and other humanitarian organizations in assisting refugees and asylum seekers. The UNHCR maintained an office in the country and had access to refugees in detention.

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

Citizens do not have the right to change their government. The Constitution provides that the elected National Assembly has a limited role in approving the Amir's choice of Crown Prince (the future Amir). If the Assembly rejects the Amir's nominee, the Amir then submits three names from which the Assembly must choose the new Crown Prince. There is no universal suffrage. The only citizens who have the right to vote and seek election to the National Assembly are males age 21 and over who have been citizens for at least 20 years and are not members of the armed forces, police, or other uniformed personnel of the Ministry of Interior.

Under the Constitution, the Amir holds executive power and shares legislative power with an elected National Assembly. The Amir appoints the Prime Minister, who presides over a 16-member Cabinet (Council of Ministers), who he chooses in consultation with the Amir. In accordance with the practice of the ruling family (but not specifically the Constitution), the Prime Minister always has been the Crown Prince; however, in an unprecedented development in July, the Amir named one of his younger brothers, not the Crown Prince, as Prime Minister; the new Prime Minister promptly formed a new Cabinet.

The Constitution empowers the Amir to suspend its provisions and to rule by decree. The Constitution provides that cabinet members sit in the National Assembly and vote on legislation. At least one member of the Cabinet must be an elected member of the National Assembly.

There are 50 elected National Assembly members. Members serve 4-year terms, and the most recent National Assembly elections were held in July. The Government banned political parties; however, several well-organized and unofficial blocs, acting much like political parties, existed and were active in the National Assembly. The Government acknowledged and, at times, worked with these blocs, which were organized on the basis of common ideological goals. Because of the ban on political parties, National Assembly candidates must nominate themselves as individuals and may run for election in any of the country's 25 constituencies. The top two finishers in each constituency are elected in single-round balloting.

The Constitution provides that the National Assembly can overturn the Amir's decrees, but only those made when the National Assembly is not in session. The National Assembly exercised this authority in previous years in some cases; however, the National Assembly did not amend any of the Amir's proposals during the year.

Members regularly require ministers to appear before the full National Assembly for formal question sessions when they are dissatisfied with their or the Government's performance. On occasion, pressure exerted by the National Assembly, including through votes of no confidence, has led to the resignation or removal of ministers.

A law promulgated in 1998 bans primaries previously conducted by religious sects and tribes; however, such primaries or by-elections, which are limited to tribal members and do not include all eligible voters in a given electoral constituency, continued in practice.

The July National Assembly elections were generally free and fair, although there were some credible reports of government and opposition vote buying, illegal and unevenly held tribal primaries (by-elections), ballot box tampering in some constituencies, and lax enforcement of some election laws. Recounts were ordered and undertaken in 2 of the 25 electoral districts due to allegations of vote fraud. During the year, candidates from several constituencies filed court petitions challenging the July National Assembly election results on allegations of ballot box tampering. In December, the Constitutional Court dismissed these petitions.

Women continued to be denied the right to vote and run for office and had little opportunity to influence government. There were no women in the 50-seat National Assembly and no women in the Cabinet. Women held some relatively senior non-political positions within some ministries.

The new Prime Minister appointed 1 minority Shi'a member to the 16-member Cabinet as the Minister of Information. Of 50 National Assembly members, 5 were Shi'a (after the July elections).

Several tribes conducted illegal primaries (by-elections) to select candidates for participation in the National Assembly elections held in July. Such primaries are limited to tribe members and thus do not include all eligible voters in a given electoral constituency. Some Shi'a claimed that if they had held such primaries as other groups did (in violation of election laws), they would have gained more seats in the National Assembly. In December, the National Assembly's Legislative and Legal Affairs Committee approved requests from the Public Prosecutor to lift the parliamentary immunity of four parliamentarians suspected of participation in illegal tribal primaries held before the July elections.

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

The Government permitted the existence of NGOs; however, it continued to deny NGOs, including new local human rights groups, licenses. All NGOs must obtain a license from the Ministry of Social Affairs and Labor in order to operate officially (see Section 2.b.). The only local human rights NGO is the Kuwait Human Rights Society, whose license application has been pending since 1992. Without a license, the NGO cannot have its own official facility, obtain government funding, operate any official accounts, or dialogue directly and officially with the Government on human rights issues. Despite its unofficial status, however, the NGO produces an annual report on human rights in the country, publishes a quarterly magazine, and meets some senior Government officials occasionally. The NGO reportedly paid for the legal fees and the return travel of an abused Indian maid in 2002 who had been severely beaten by her employer in a high-profile domestic abuse case.

The Government permitted international human rights organizations to visit the country and to establish offices. Several organizations conducted fieldwork and reported good communication with and reasonable cooperation from the Government. For example, AI and Human Rights Watch (HRW) regularly exchanged information with the Government either directly or through the Arab Human Rights Organization.

The Government has cooperated fully in the work of the U.N. Special Rapporteurs for Iran and Iraq and the high-level representative of the Secretary General on the issue of its citizens missing in Iraq since the end of the Gulf War.

The Government has not yet submitted the remaining two of eight conventions from the International Labor Organization's (ILO) Declaration of Basic Rights at Work to the National Assembly for ratification (see Section 6).

The National Assembly has an active Human Rights Defense Committee, which took testimony from individuals regarding abuses, investigated conditions in prisons and nursing homes, and made nonbinding recommendations for redress. Despite its designation as an advisory body, the HRDC has shown that, in practice, it is able to mobilize government agencies to address significant human rights problems. During the year, the HRDC focused particular attention on the issue of access to public education for bidoon children. HRDC members questioned the Minister of Education before the National Assembly on the issue. The Government established a special educational fund to help pay for school fees for bidoon children of primary school age whose parents cannot afford them. The Committee also issued a report critical of Central Prison conditions during the year. The Committee issued its first annual human rights report in May 2002. It did not issue a human rights report during the year.

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

The Constitution prohibits discrimination based on race, national origin, language, and religion; however, in practice, the Government did not uniformly or consistently enforce laws against discrimination. Many laws and regulations discriminated against women and noncitizens. There were no specific reports of any official or societal discrimination against persons with HIV/AIDS. However, the Government tightly controlled HIV testing, and foreign workers who have HIV/AIDS were often deported.

Women.—Violence against women continued to be a serious and overlooked problem. Certain provisions of the Penal Code reduce or eliminate penalties for violent crimes committed by men against women. Each of the country's 54 police stations reportedly received on average 1 to 2 complaints of spousal abuse each week, although this may be understated. Of the complaints received, approximately 60 percent involved spousal abuse of noncitizen women. The police and the courts generally sought to resolve family disputes informally. The police referred a few serious cases to the Ministry of Health.

The courts have found husbands guilty of spousal abuse; however, most domestic abuse cases are not brought to court and abusive husbands, if charged, rarely face severe penalties. Typically, husbands accused of domestic abuse must pay a nominal fine and sign a pledge of good conduct. Police officials typically regard domestic violence as a private family affair and are reluctant to bring such cases to the attention of higher investigative authorities. Only the most egregious cases of abuse have resulted in conviction of the abuser or removal of the victim from the abusive environment. There are no shelters or hotlines for victims of domestic violence. Many noncitizen women married to citizen men reported domestic abuse and inaction or discrimination by police during the year. By law, a victim of domestic violence may file a complaint with the police and request that formal charges be brought against the abuser. In practice, however, even with documented evidence of the abuse (such as

hospital reports, eyewitness accounts, and social worker testimony), police officials rarely take into custody perpetrators of domestic violence. An abused woman may petition for divorce based on injury, but the law provides no clear legal standard as to what constitutes injury and a woman must provide at least two male witnesses (or a male witness and two female witnesses) to attest to the injury committed. There were some reports of individuals bribing police officials to ignore charges of domestic abuse. The law prohibits rape and provides that citizens found guilty of crimes that violate moral integrity, such as rape or incest, are forbidden from holding public jobs.

Rape and sexual assault remained serious problems, particularly for domestic servants and other foreign workers. Local newspapers highlighted dozens of rape and sexual assault incidents during the year, mostly involving female expatriates. In April, a male citizen, reportedly part of a criminal gang, allegedly broke into local homes and attempted to rape at least two foreign housemaids. In October, three unidentified men allegedly kidnapped and raped a female Philippine national in a remote desert area. The case was under investigation at year's end. In December, a citizen teacher reportedly raped an 11-year-old male pupil in a school bathroom. The Public Prosecutor referred the case to the Criminal Court at year's end. The police occasionally arrested rapists and several were tried and convicted during the year; however, laws against rape were not always enforced effectively. In January, the Court of Appeals upheld a Criminal Court verdict sentencing a Bangladeshi man to death for kidnapping, raping, detaining, and forcing two foreign women into prostitution in Mangaf district. Also in January, the court upheld a 15-year prison sentence handed down to a police officer who kidnapped and raped a woman. In April, Farwaniya district police arrested a male citizen, part of a criminal gang, for attempted rape of a housemaid. In November, the Public Prosecutor interrogated several police officers accused of raping a Philippine housemaid in a police station. The suspects were detained at year's end pending investigation. In previous years, the Government imposed severe penalties, including the death sentence, for particularly egregious rape cases.

The physical or sexual abuse of foreign women working as domestic servants was a pervasive problem. Some employers physically abused foreign women working as domestic servants, and, despite economic and social difficulties for a domestic servant who lodged a complaint, there were continuing reports of the rape of such women by male employers and male coworkers. The local press devoted considerable attention to the problem, and both the police and the courts have taken action against employers when presented with evidence of serious abuse. The courts fined or jailed some employers for abuse of domestics during the year. Some rapes resulted in unwanted pregnancies, and there were several reports of illegal abortions. There were also reports of domestic servants killing children that were fathered by employers. Occasionally, domestic workers were charged with assaulting their employers; in such cases, the workers claimed that they acted in response to physical abuse or poor working conditions. There also were dozens of reports of domestic workers allegedly committing or attempting to commit suicide because of desperation over poor working conditions or abuse.

Foreign-born domestic employees have the right to sue their employers for abuse, but few do so, fearing judicial bias and deportation. Local news sources reported a few criminal cases filed against abusive employers by domestics but informal out-of-court conciliation was attempted in most cases, usually with the assistance of the domestic's source country embassy. The Government deported most runaway domestics. A specialized police facility and a government domestic labor office investigated and resolved some complaints. The Government took some steps during the year to protect the rights of domestic servants, particularly victims of trafficking (see Sections 6.c., 6.e. and 6.f.). In April, the Government licensed a new union, the Kuwait Union of Domestic Labor Offices, charged with monitoring the activities of labor recruitment agencies and raising awareness among employers on the treatment of domestics. During the year, the union distributed educational brochures to both employers and newly arrived domestics on their rights and obligations. The union, in cooperation with various government ministries, proposed a new draft law to regulate the importation, training, and hiring of domestic servants. The Government had not yet taken action on the proposed law at year's end.

The Ministry of Interior sometimes pays for return airline tickets for runaway or abused domestic servants if their employers refuse to provide tickets. Some NGOs, such as the Kuwait Human Rights Society and the Kuwait Friendship Society, have paid for return airline tickets or legal fees on behalf of runaway or abused domestics in some cases. Employers often accused their runaway domestics of theft or other crimes to avoid furnishing tickets. In such cases, the domestics often were deported without owed compensation. The Ministry of Interior blacklists some delinquent em-

ployers to prevent them from sponsoring additional domestics. The Ministry reportedly blacklisted over 4,000 employers for failure to fulfill their duties as sponsors. In practice some blacklisted employers were able to hire new domestics due to their connections (“wasta”) with police officials or other authorities.

The Government prosecuted some employers accused of abusing their foreign-born domestic servants. In March, the High Court of Appeals overturned the acquittal by the Criminal Court of a female citizen charged with beating and burning her maid with an iron bar by fining her approximately \$3,300 (1,000 KD) and ordering her to sign a pledge of good conduct. In practice, however, enforcement of such pledges appears to be weak. In February, police detained a male citizen for allegedly raping his housemaid repeatedly over a period of 1 year. The maid took shelter in her source country embassy during the year. In November 2002, the Criminal Court sentenced a man to life in prison for stabbing and attempting to rape his maid while under the influence of alcohol.

There were a number of cases still pending resolution in which foreign-born domestic employees were tortured, severely beaten, or died at the hands of their employers. There were no developments in the 2002 case of an Indian maid who was beaten severely and tortured.

Runaway servants, including many women alleging physical or sexual abuse, often seek shelter at their country’s embassy pending repatriation or a change in employer (see Sections 6.c. and 6.e.). Out of an estimated 500,000 domestic servants in the country, approximately 1,000 women were reported to be in informal shelters run by source-country embassies at any given time during the year. Many runaway domestics remained in embassy shelters for months pending new employment or departure from the country. The Government does not prevent runaway domestics from seeking shelter in their host country embassies.

Some unemployed, runaway foreign domestic workers were susceptible to recruitment into prostitution. In January, a Bangladeshi man allegedly detained three Asian women inside an apartment in a remote district and forced them into prostitution. In May, a Bangladeshi man and two accomplices allegedly kidnapped two Asian women, detained them inside an apartment, and forced them into prostitution. Police arrested the man in May. The police actively enforced laws against pandering and prostitution, with arrests reported almost every week. Prostitutes generally were deported to their countries of origin. In recent years, procurers received stiff jail terms. There were several reports during the year of procurers kidnapping maids off the street and forcing them into prostitution (see Section 6.f.).

“Honor crimes” are prohibited; however, some provisions of the Penal Code reduced penalties for these crimes.

In November 2002, the High Court of Appeals upheld the original 2002 Criminal Court verdict sentencing a woman to life imprisonment and her three male accomplices to death for a 2002 “honor” killing of a 6-year-old girl. The citizens filed an appeal during the year and the Court of Cassation began considering their appeal in December.

There were some reports of women, mainly from Asia, who were trafficked into the country into situations of coerced labor, where they often suffered from physical abuse or other extreme working conditions. Some female domestic servants who ran away from their employers due to abuse or poor working conditions were recruited or kidnapped into prostitution (see Section 6.f.).

Women continued to experience legal, economic, and social discrimination. Women do not have the right to vote (see Section 3) or run for election to the National Assembly. Their testimony is worth half that of a man’s in proceedings before the family courts (see Section 1.e.). Married women require their husbands’ permission to obtain a passport (see Section 2.d.). By law, only men are able to confer citizenship; therefore, children born to citizen mothers and stateless fathers are themselves stateless. The Government forbids marriage between Muslim women and non-Muslim men (see Sections 1.f. and 2.c.). Inheritance is governed by Islamic law, which differs according to the branch of Islam. In the absence of a direct male heir, Shi’a women may inherit all property, while Sunni women inherit only a portion, with the balance divided among brothers, uncles, and male cousins of the deceased. Numerous women filed court cases and participated in marches in 2002 to press for voting rights. The courts postponed decisions on these cases and no action was taken during the year. Citizen families (a “family” must always include a male) are entitled to receive a plot of land and an approximately \$233,000 (70,000 KD) interest-free government loan (“housing allowance”) through the Credit and Savings Bank to purchase a house. The Government registers the house in the names of both the husband and the wife. In case of divorce, however, a female citizen loses her rights to the house regardless of any payments she may have made on the loan. She may continue to reside in the house if she has custody of any minor children

resulting from the marriage, but she must move out once the children reach age 18. A divorced single mother and her minor children or a female citizen married to a foreign national cannot, by law, qualify for the government housing allowance.

The Government makes family entitlement payments approximately \$165 (KD50) per child up to the seventh child to the employed parent, almost always the father. In divorce cases, the Government continues to provide these payments to the divorced father, who is expected by law and custom to provide for his children even though custody of minor children is almost always awarded to the mother.

The law provides for female "remuneration equal to that of a man provided she does the same work." This provision often was not generally respected in practice. The law prohibits women from working in "dangerous industries" and trades "harmful" to health. Educated women maintained that the conservative nature of society limited career opportunities. An estimated 33 percent of females citizen of working age were employed. Many women were employed as professors, attorneys, physicians, bankers, engineers, and businesswomen. A few women have been appointed to senior positions in the Ministry of Education, Ministry of Planning, and the state-owned Kuwait Petroleum Corporation. There was one female ambassador and two female undersecretaries; however, there were no female judges or prosecutors. During the year, the Government decided to appoint and assign female diplomats overseas to expand the public position of women.

There is no specific law that addresses sexual harassment; however, it was reportedly only a problem for domestic servants.

The law discriminates against female citizens married to foreign men. Unlike male citizens, such women are not entitled to government housing subsidies. The law also requires women to pay residence fees for their husbands and does not recognize marriage as the basis for granting residency to foreign-born husbands. Instead, the law grants residency only if the husband is employed. By contrast, male citizens married to foreign-born women do not have to pay residency fees for their spouses, and their spouses' right to residency derives from marriage.

Most classes at Kuwait University are fully segregated by gender. Construction is underway on a separate campus for female students, who comprise approximately 70 percent of the total student body at Kuwait University.

Polygyny is legal; however, it is more common among tribal elements of the population.

Several organizations followed women's issues, among the most active of which were the Women's Cultural and Social Society, the Women's Affairs Committee, Kuwait Economic Society, Kuwait Human Rights Society, and the Social Reform Society Women's Committee.

Children.—The Government is generally committed to the rights and welfare of citizen children. Citizen boys and girls receive a free education through the university level, often including advanced degrees and the opportunity to study abroad. Primary education is universal and compulsory. UNICEF estimates net primary enrollment at 66 percent. The Government provides free health care and a variety of other services to citizen children; non-citizen children must pay a small fee to be admitted into a health facility and pay additional fees for specialized care. Citizen parents also receive a monthly government allowance of approximately \$165 (50 KD) for each child up to the seventh child. The Government makes these payments to the employed parent, usually the father, and continues to provide these payments to the father even if the parents are divorced and the father does not have custody of the children. There is no legal requirement governing its use and anecdotal evidence suggests that many non-custodial fathers were not using it to contribute to the care and welfare of their children. There did not appear to be any monitoring of how the funds are spent.

There was no societal pattern of abuse; however, there were some cases of children, some as young as 6 years old, raped by men or gangs of youths. In February, a police officer allegedly raped a 9-year-old male citizen. The case was under investigation at year's end. In June, the Criminal Court sentenced a male citizen to death for kidnapping, raping, and murdering a Pakistani child. The citizen appealed the verdict and the High Court of Appeals began hearing testimony in December. In December, the Public Prosecutor referred to the Criminal Court the case of a citizen teacher accused of raping an 11-year-old boy. The teacher was reportedly in detention at year's end. There were incidents of arrests in some child abuse cases, but no reported convictions.

Some tribal groups continued to marry girls under age 17. There were credible reports of underage South Asian and Southeast Asian girls working as domestic servants (see Sections 6.c. and 6.d.).

Young boys, reportedly from South Asia and Africa, were trafficked into the country to be used as camel jockeys (see Sections 6.c., 6.d., and 6.f.). Many of the jockeys

came to the country from racing during the season in other Gulf nations. Some boys as young as five or six years old were reportedly used as camel jockeys. In response to growing criticism, the Government mandated during the year that all camel jockeys must be at least 18 years of age. The Ministry of Social Affairs and Labor, in cooperation with the Public Authority for Youth and Sport, issued a new regulation in September prohibiting the use of children under 18 years as camel jockeys, even as a sport. However, there were weight limits for camel jockeys. Camel jockeys reportedly had to weigh between 25–45 kilos, which directly contradicted the minimum age requirement. The Ministry mandated regular inspections of camel racing clubs during the year. There were no reported cases of sexual exploitation of youths used as camel jockeys.

Children of bidoon residents are not entitled to the free public education and health care provided to citizen children. The Government established an Educational Charity Fund for bidoon children during the year to help cover school fees for bidoon children of primary school age whose families cannot afford them.

Persons with Disabilities.—The law prohibits discrimination against persons with disabilities and imposes penalties against employers who refrain from hiring persons with disabilities without reasonable cause. There was no reported discrimination against persons with disabilities in employment, education, or in the provision of other state services. In 1996, the National Assembly passed legislation on the rights of persons with disabilities. The law mandates access to buildings for persons with disabilities, and the Government generally enforced these provisions in practice. The Government paid stipends to citizens with disabilities, which covered transportation, housing, job training, and social welfare. There were no similar provisions for noncitizens.

National/Racial/Ethnic Minorities.—The legal status of tens of thousands of bidoon residents remained unresolved. The bidoon (a term meaning “without” as in “without citizenship”) are Arabs who have residency ties to the country, some going back for generations and some for briefer periods, but who either lack or have failed to produce documentation of their nationality. The exact number of bidoon residents is unknown. Since the mid-1980s, the Government has actively discriminated against the bidoon in areas such as education, medical care, employment and mobility. The Government eliminated the bidoon from the census rolls, discontinued their access to government jobs and free education, and deported many. The Government has denied bidoon official documents such as birth certificates, marriage certificates, civil identification, and drivers’ licenses, which made it difficult for many unregistered bidoon, particularly young bidoon, to find employment. Bidoon pay more for medical care than citizens do, although less than foreign residents. The Government does not issue travel documents to bidoon routinely, and if bidoon travel abroad without documentation, they risk being barred from returning to the country unless they receive advance permission from immigration authorities. The children of male bidoon inherit their father’s undetermined legal status, even if born to citizen mothers.

Only bidoon registered by June 27, 2000 could begin the process under which they could be documented as citizens. According to this law, bidoon who were able to prove sufficient ties to the country (that is, their presence, or the presence of their forebears, in the country prior to 1965) were eligible to apply for citizenship directly. The Government maintained that at least 40 to 50 percent of the bidoon were concealing their true identities. While the law allows up to 2,000 registered bidoon to be naturalized each year, the Government only granted citizenship to approximately 1,600 during the year. However, an additional 5,500 bidoon in 3 categories, wives of citizens, sons of female citizens married to bidoon, and those whose male relatives are citizens, have been permitted to apply for citizenship beyond the 2,000 per year limit.

Many bidoon are unable to provide documentation proving sufficient ties to the country or present evidence of their original nationality, as they are truly stateless. Others (the Government claims 26,000 over the past 4 years) have disclosed their true nationalities and have obtained passports from their countries of origin (Iraq, Iran, Syria, Jordan, and Saudi Arabia). Once documented, bidoon are able to obtain residency permits and other official papers.

Active debate over the bidoon issue increased markedly after the July National Assembly elections. The political, economic, and long-term budgetary implications associated with extending citizenship (and the generous welfare benefits that come with it) to the equivalent of roughly 5 percent of the population have rendered the issue highly divisive. Some National Assembly members have threatened to question cabinet ministers, including the Minister of Education and Prime Minister, publicly over the issue. During the year, the Ministry of Defense approved granting citi-

zenship to an estimated 400 bidoon who participated in the liberation of the country from Iraqi occupation. The Minister of Interior proposed that deceased bidoon among the "Kuwaiti missing persons" whose remains had been identified in Iraq be naturalized, thereby allowing their surviving bidoon family members to gain citizenship. This proposal had not yet been approved at year's end. Of the 572 "Kuwaitis" missing from the Iraqi occupation, 29 were bidoon.

In 2002, the Government mandated that those who did not register by the June 27, 2000 cut-off date and did not rectify their nationality status by either disclosing their true nationality or furnishing evidence of their citizenship would be subject to deportation as illegal residents. However, no such action was taken. There were no reports during the year of the Government deciding the nationality of any bidoon without a hearing. As a result of what allegedly were fraudulent citizenship applications, the Government brought forgery charges against several bidoon applicants since July 2001. The only reported forgery conviction was in 2001. There continued to be reports of bidoon obtaining false documents in order to apply for citizenship.

The Council of Ministers and the Amir approved a draft law requiring bidoon to submit a passport with a valid residency permit when applying for Kuwaiti citizenship and referred it to the National Assembly for ratification. A final vote on the law had not yet taken place at year's end.

Section 6. Worker Rights

a. The Right of Association.—The law provides that workers have the right to join unions; however, the Government restricted the right of freedom of association to only one union per occupational trade, and permitted unions to establish only one federation.

Approximately 60,000 persons, less than 5 percent of a total work force of 1.36 million, were organized into unions, of which 14 were affiliated with the Kuwait Trade Union Federation (KTUF), the sole legal trade union federation. The Bank Workers Union and the Kuwait Airways Workers Union were independent of the KTUF. The law stipulates that any new union must include at least 100 workers, 15 of whom must be citizens. Both the ILO and the International Confederation of Free Trade Unions (ICFTU) have criticized this requirement because it discourages unions in sectors that employ few citizens, such as the construction industry and much of the private sector. Only about six percent of employed citizens worked in the private sector during the year. Despite KTUF complaints about the need for an updated law, draft proposals for a new labor law have stalled for more than 10 years.

The Government licensed a new union during the year, the Trade Union of Workers in the Public Authority for Agriculture and Fisheries.

During the year, the Government implemented the National Manpower Support Law, a new law aimed at increasing the number of citizens employed in the private sector. Article 15 of the law, not yet implemented, will require the establishment of a bank account for every foreign worker in order to ensure that workers are paid in a timely and transparent manner. The law imposes substantial fines on private companies that fail to employ the requisite number of citizens. Representatives of numerous companies and the Kuwait Industries Union met with government officials during the year to voice concern over the new law. The Ministry of Social Affairs and Labor initiated a review of the law at year's end to identify segments of the private sector that should be exempt from the law's provisions.

The Government's pervasive oversight powers further eroded union independence. The Government subsidizes as much as 90 percent of most union budgets and may inspect the financial records of any union. The law empowers the courts to dissolve any union for violating labor laws or for threatening "public order and morals," although such a court decision may be appealed. The Amir also may dissolve a union by decree. By law, the Ministry of Social Affairs and Labor is authorized to seize the assets of any dissolved union. The law subordinates the legal existence of the unions to the power of the State; however, no union has been dissolved.

The most recent government statistics cite approximately 1.1 million foreigners as employed in the country, comprising over 80 percent of the labor force. However, foreign workers constitute less than 5 percent of the unionized work force. The Labor Law discriminated against foreign workers by denying them voting rights and permitting them to join unions only after 5 years of residence, although the KTUF stated that this requirement was not widely enforced in practice. Any foreign worker covered under the Labor Law, which excluded maritime workers and an estimated 500,000 domestic servants, could submit a grievance to the Labor Office regardless of union status; however, such services were not utilized widely.

ILO officials visited the country during the year to assist the Ministry of Social Affairs and Labor in reviving 2001 proposals for Labor Law reform.

The Labor Law prohibits anti-union discrimination. Any worker who alleges anti-union discrimination has the right to appeal to the judiciary. There were no reports of discrimination against employees based on their affiliation with a union. Employers found guilty of such discrimination must reinstate workers fired for union activities.

Unions may affiliate with international bodies. The KTUF belonged to the International Confederation of Arab Trade Unions and the formerly Soviet-controlled World Federation of Trade Unions.

b. The Right to Organize and Bargain Collectively.—The Labor Law provides workers with the rights to organize and bargain collectively, subject to certain restrictions, and the Government generally respected them in practice (see Section 6.a.). However, the Labor Law does not apply to domestic servants, who constitute roughly a third of the foreign labor force but lack the rights and protections under the law enjoyed by other foreign workers. Domestic servants may not organize or bargain collectively and suffer from low wages and often abuse at the hands of their employers. The Labor Law does not provide for a minimum wage for either domestic servants or private sector workers. Foreign private sector workers are allowed to join unions but are barred from leadership positions.

The Labor Law provides for direct negotiations between employers and “laborers or their representatives” in the private sector. Most disagreements were resolved in such negotiations; if not, either party may petition the Ministry of Social Affairs and Labor for mediation. If mediation fails, the dispute is referred to a labor arbitration board composed of officials from the High Court of Appeals, the Attorney General’s Office, and the Ministry of Social Affairs and Labor.

The Civil Service Law makes no provision for collective bargaining between government workers and their employers. Technically, the Government is responsible for establishing wages and employment conditions for civil service workers but generally determined benefits in consultation with civil service unions. Union officials resolved most issues at the working level and had regular access to senior officials.

The law limits the right of workers to strike. It requires all labor disputes to be referred to compulsory arbitration if labor and management are unable to reach a solution. The law does not contain any provision ensuring strikers freedom from legal or administrative action taken against them by the State. However, the Ministry of Social Affairs and Labor has been responsive to sit-ins or protests by workers who faced obvious wrongdoing by their employers. There were no reported sit-ins or worker protests during the year. However, there were two partial strikes during the year by employees of the Kuwait Municipality and the Finance Ministry; both were reportedly resolved amicably, with the employees attaining most of their demands.

The Government cooperated closely with the ILO, which maintained a representative office in the country. The ILO Regional Director for Arab States visited the country during the year and met with the Minister of Social Affairs and Labor to discuss labor reform issues. The ILO sent two senior officials in November 2001 to advise the Government on how to improve the country’s labor situation. At the ILO’s urging, the Government agreed to ratify the remaining two of eight conventions from the ILO’s Declaration of Basic Rights at Work, but had not yet submitted them to the National Assembly for ratification. The Ministry of Social Affairs and Labor approved the provisions, which were being reviewed by the Legal Advice and Legislation Department at year’s end.

There are no export processing zones.

c. Prohibition of Forced or Bonded Labor.—The Constitution prohibits forced labor “except in cases specified by law for national emergency and with just remuneration;” however, many unskilled foreign workers were treated like indentured servants (see Section 6.e.). The Constitution prohibits forced and bonded labor by children; however, there were credible reports of young boys being used as camel jockeys, as well as of underage girls working as domestic servants (see Sections 5 and 6.d.).

Foreign workers generally may not change their employment without permission from their original sponsors unless they have been in the country for more than 2 years. Domestic workers are particularly vulnerable to abuses stemming from restrictions on transferring sponsorship because the Labor Law does not protect them. In many cases, employers exercised control over their servants by withholding their passports, although the Government prohibits this practice and in some instances acted to retrieve the passports of maids involved in disputes.

Some foreign workers, especially unskilled or semiskilled South Asian workers, lived and worked much like indentured servants. They frequently faced poor working conditions and at times encountered physical or sexual abuse (see Sections 5

and 6.e.). Domestic servants who run away from their employers as a result of abuse or poor working conditions are routinely treated as criminals under the law as they fall under the purview of the Ministry of Interior rather than the Ministry of Social Affairs and Labor. There were dozens of reports during the year of police arresting and charging domestic servants with crimes such as violating immigration procedures, for attempting to escape from abusive employers. The police typically regarded such problems as matters of law and order, and not as legitimate labor conflicts. Employers or local labor recruitment agencies routinely withheld wages from domestic servants to cover the costs involved in bringing them to the country.

There were credible reports of widespread illegal visa trading, a system by which local sponsors agree to extend their sponsorship (in name only) to foreign workers in exchange for a fee in the range of \$1,500 to \$4,000 (450 to 1,200 KD). Middlemen, generally foreigners, attract workers from economically depressed countries, take a commission, and remit the balance to the nominal sponsor. Once in the country, such agents transfer workers to employers in the informal sector or to parties that would otherwise be unable to sponsor them. Foreign workers recruited with traded visas not only faced possible prosecution for being engaged in illegal employment (that is, working for an employer other than their sponsor), but also were extremely vulnerable to extortion by employers, sponsors, and middlemen.

Visa and residence trading has resulted in a growing number of unemployed foreign workers in the country. Many are unable to earn enough money to pay the illegal fees often charged by their local sponsors or local labor recruitment agencies in exchange for residency and work permits. Many suffer from abuse or mistreatment at the hands of their unofficial employers. Abused foreign workers employed on the basis of illegally traded visas typically failed to report incidents of abuse or poor working conditions to authorities due to their illegal immigration status. Government efforts to crack down on visa trading, such as closing front companies for visa traders, have not made significant progress. There were laws aimed at curbing visa trading, with penalties against both employers and visa traders, but the Government seldom enforced these laws.

The Labor Inspection Department of the Ministry of Social Affairs and Labor is responsible for carrying out routine inspections of all private firms to ensure that all registered foreign workers are actually employed by their legal sponsors. The Ministry suspended the files of employers caught violating labor regulations. During the year, The Ministry of Labor reportedly referred more than 2,200 labor violations to its Labor Inspection Department. Most of these "violations" involved occupational health, environmental, and safety problems, and poor working conditions. The Ministry has reportedly suspended around 1,500 employer files to date for possible labor violations.

d. Status of Child Labor Practices and Minimum Age for Employment.—The Labor Law prohibits child labor, forced or compulsory labor, and exploitation of workers. Child labor was not a significant problem; however, there were credible reports of some South and Southeast Asian children under 18 years of age working as domestic servants (see Sections 5 and 6.c.). Such underage workers reportedly falsified their ages in order to enter the country. Some very young boys (reportedly from the Sudan, Bangladesh, Pakistan, Eritrea, and Yemen) also were used as camel jockeys (see Sections 5 and 6.c.). Some businessmen employed their children on a part-time basis.

The legal minimum age is 18 years for all forms of work, both full- and part-time. Employers may obtain permits from the Ministry of Social Affairs and Labor to employ juveniles between the ages of 14 and 18 in certain trades. Juveniles may work a maximum of 6 hours a day on the condition that they work no more than 4 consecutive hours followed by a 1-hour rest period.

The Government has ratified 18 ILO conventions, including 6 of the 8 core conventions. Among the ratified conventions are those prohibiting servitude and forced labor, and Convention 182 concerning the prohibition and elimination of the worst forms of child labor. The Labor Inspection Department of the Ministry of Social Affairs and Labor inspected private firms routinely during the year to monitor compliance with labor laws, including those against child labor. There were no reported Government programs to prevent exploitative child labor or remove children from such labor.

e. Acceptable Conditions of Work.—The Ministry of Social Affairs and Labor is responsible for enforcing all labor laws. An institutionalized two-tiered labor market ensured high wages for citizen employees, most of whom were in government white collar or executive positions, while foreign workers, even those in skilled positions, received substantially lower wages. Bangladeshi domestic workers reportedly earned as little as \$70 per month (21 KD). There was no legal minimum wage in the pri-

ivate sector. In the public sector, the monthly legal minimum wage was approximately \$753 (227 KD) for citizens and approximately \$300 (90 KD) for non-citizens. However, non-citizens do not receive the same social benefits as citizens and must pay fees for education and health care, which are provided free for all citizens. The Government maintains a two-tier health care system that provides substantially lower quality care to non-citizens. The best, most effective medicines, even for serious illnesses, and certain kinds of specialized treatment are officially reserved for citizens only.

Private sector wages ranged from \$10,000 (3,000 KD) each month for top managers of large companies to between \$500 to \$2,500 (150 to 750 KD) for other skilled professionals and workers. The public sector minimum wage provided a decent standard of living for a worker and family. Wages of unskilled workers in the private sector did not always provide a decent standard of living, with housemaids often making less than \$115 (35 KD) per month. To be eligible to sponsor family members for residency, government and private sector workers must receive a minimum wage of \$1,300 (400 dinars) per month. Many foreign workers who met or exceeded the minimum income threshold often waited months for government approval to sponsor their immediate family members to the country. During the year, the Government exempted public school teachers from the minimum salary threshold for sponsoring family members.

The Labor Law establishes general conditions of work for the private sector, with the oil industry treated separately. The Civil Service Law also prescribes additional working conditions for the public sector, which consisted almost entirely of citizen workers. The Labor Law limits the standard work week to 48 hours with 1 full day of rest per week, 1 hour of rest after every 5 consecutive hours of work, provides for a minimum of 14 workdays of leave each year, and establishes a compensation schedule for industrial accidents. In May 2000, the Government implemented an unemployment allowance program for citizens unable to find jobs in the public sector or with private companies. The program provides regular allowance payments averaging \$330 (100KD) to unemployed citizens until they found jobs. There were no reported cases of abuse of this program during the year. Domestic servants, who specifically are excluded from the Labor Law, and other unskilled foreign workers in the private sector frequently worked greatly in excess of 48 hours, often with no day of rest and no annual leave.

In amendments to the Labor Law in the Private Sector implemented in 1997, the Government extended the weekly 24-consecutive-hour rest period to temporary workers employed for a period of less than 6 months and workers in enterprises employing fewer than five persons. The law pertaining to the oil industry provides for a 40-hour workweek, 30 days of annual leave, and sick leave. Laws establishing working conditions were not applied uniformly to foreign workers.

The Government has issued occupational health and safety standards; however, compliance and enforcement appeared poor, especially with respect to unskilled foreign laborers. To decrease accident rates, the Government periodically inspected enterprises to raise awareness among workers and employers and to ensure that they abided by safety rules, controlled the pollution resulting from certain dangerous industries, trained workers who used new machines in specialized institutes, and reported violations. Workers had the right to remove themselves from dangerous work situations without jeopardizing their continued employment, and legal protection existed for both citizen and foreign workers who filed complaints about such conditions. However, Government attention to worker safety issues remained insufficient, resulting in poor training of inspectors, inadequate injury reports, and no link between insurance payments and accident reports.

The law provides that all outdoor work stop in the event that the temperature rises above 120 degrees Fahrenheit; however, there were allegations that the Government's Meteorological Division falsified official readings to allow work to proceed. The Meteorological Division consistently denied these allegations. In the past, recorded temperatures reached 120 degrees Fahrenheit but work reportedly continued at many outdoor locations.

Employers often exploited workers' willingness to accept substandard conditions. Some foreign workers, especially unskilled or semiskilled South Asian workers, lived and worked much like indentured servants, were unaware of their legal rights, and generally lacked the means to pursue legal remedies. They frequently faced contractual disputes and poor working conditions, and sometimes physical and sexual abuse (see Sections 5 and 6.c.). Most were in debt to their employers before they arrived in the country and had little choice but to accept the employer's conditions, even if they breached the contractual terms. It was not uncommon for wages to be withheld for a period of months, or to be decreased substantially in violation of their labor contracts. Many foreign workers were forced to live in "housing camps," which

generally were overcrowded and lacked adequate cooking and bathroom facilities. Workers were housed 10 or more to a room in squalid conditions, many without access to adequate running water. The workers were only allowed off the camp compound on company transport or by permission of the employer. Foreign workers' ability to change their employment was limited, and, in some cases, employers' possession of foreign workers' passports allowed them to exercise control over such employees (see Section 6.c.). Many foreign workers went heavily into debt and could not afford to return home.

The Labor Law discriminates against foreign workers by limiting their ability to join unions (see Section 6.a.). The KTUF administered an Expatriate Labor Office, which was authorized to investigate complaints of foreign laborers and provide them with free legal advice. However, these services were not utilized widely. Any foreign worker could submit a grievance to the labor office regardless of union status.

The Labor Law provides for employer-provided medical care and compensation to both citizen and foreign workers disabled by injury or disease due to job-related causes. Once a worker files a claim, the courts decide the amount of compensation, which is typically paid in one lump sum payment rather than in monthly payments. Workers, especially foreigners, have had difficulty enforcing such decisions. The law also requires that employers provide periodic medical examinations to workers exposed to environmental hazards on the job, such as chemicals and asbestos. Adequate and affordable health care is a serious problem for many foreign workers. Official health policies discriminate against foreigners in the provision of medicines and treatment. Foreigners must pay high yearly medical coverage fees to the Ministry of Health and additional fees each time they receive medical care, require tests, specialized procedures, or medication. Many employers deduct the medical fees from employees' salaries. Foreign workers and their family members must pay these yearly government-mandated medical coverage fees in order to obtain or renew residency or work permits. The best medicines, even for serious or life-threatening illnesses, are officially reserved for citizens. In September, more than 1,000 foreign workers protested at the Ministry of Health against reported delays in processing their medical claims (see Section 2.b.). The Ministry reportedly called in security officials to disperse the crowd. There were no reports of violence or arrests.

In September, the Government implemented the National Manpower Support Law. Article 15 of the law, not yet implemented, will require employers to deposit the salaries of all foreign private sector workers into local bank accounts on a monthly basis to help ensure that workers receive their full wages in a timely and transparent manner. At year's end, many local banks were increasing staff or adding new shifts to accommodate the increased workload.

It was common for employers to confiscate and withhold the passports of their domestic servants illegally, preventing them from departing the country. Maids paid the same amount or more than other unskilled or semiskilled workers for visas to work in the country.

Runaway servants often sought refuge at their source country embassies for either repatriation or assistance in dealing with employers. The number of runaway servants in need of assistance remained high during the year as conditions for domestic employees remained poor. An estimated 1,000 domestic servants (out of approximately 500,000 foreign domestic servants in the country) were reported to be in source country embassy shelters at any given time during the year.

Although most such workers sought shelter due to contractual or financial problems with their employers, some women also alleged physical or sexual abuse. Some embassies continued to report the steady occurrence of physical abuse and mistreatment involving domestic servants, including withheld salaries, overwork, and inadequate food. Each government has attempted to register its nationals who arrive to work in the country as domestic employees and to regulate recruiting agents in their home countries, with some success. Limited services provided by the police facility designated to mediate among embassies, domestic workers, and employers made it very difficult for domestic servants to file complaints, receive withheld salary, or reach settlement in cases of mistreatment. Domestic servants must deal with neighborhood police stations, whose personnel are untrained and inexperienced in handling such cases and often side with the employer. Source country embassies reported widespread police harassment of and discrimination against domestic servants during the year (see Sections 5 and 6.c.).

Some countries warned their female citizens about the risks of exploitation or banned them altogether from working in the country as domestic servants. Some years ago, the Government of India temporarily banned its nationals from working in the country as domestic employees, but Indian nationals continued to buy visas and enter the country as domestic workers. The Government of India limits the granting of domestic work permits for the country to women over age 30 and only

from specific states, which has helped reduce some employment problems. The Embassy of Bangladesh estimated that 90 percent of the approximately 160,000 Bangladeshi workers in the country were unskilled laborers and that 30 percent of these workers received no salaries at all from their private sector employers while 10 percent of Bangladeshi domestics were paid nothing beyond room and board. The Embassy reported that it received approximately 100 calls per month from Bangladeshi workers, including domestic servants, complaining of serious employment problems. Out of the approximately 130 runaway Philippine domestic servants in the Philippine Embassy shelter, on average, at any given time during the year, approximately 30 percent reported some form of mistreatment by their employers and 6 percent reported sexual abuse.

The courts rule in favor of employees in an estimated 90 percent of the labor disputes they hear; however, no legal mechanism exists to enforce judgments. There is no compulsion for employers to obey court rulings, and workers often do not receive court-ordered compensation. Employers also reportedly use illegal methods to pressure foreign employees to drop cases against them, such as withholding their passports, encouraging police intimidation and brutality, threatening deportation, and filing criminal charges against them for fabricated crimes, such as theft.

Trafficking in Persons.—The law does not specifically prohibit trafficking in persons, although laws against slavery, prostitution, forced labor, coercion, kidnapping, and other acts can be used collectively to prosecute traffickers. The Government has ratified some international conventions that commit it to apply these laws. The country is a destination for internationally trafficked men, women, and children. The problem principally is one of foreign workers, mostly female, coming to work as domestic servants but being abused by their employers or coerced into situations of debt bondage or involuntary servitude.

In at least a dozen incidents reported by local newspapers during the year, procurers kidnapped domestic servants and other foreign-born female workers off the street and forced them into prostitution. Most victims do not report these crimes. There were several reported incidents during the year of police raiding prostitution rings and arresting both organizers and prostitutes. In February, the Criminal Court fined an expatriate woman around \$9,600 (3,000 KD) and sentenced her to 3 years in jail followed by deportation for running a brothel and forcing other expatriate women into prostitution. In March, police arrested six men and seven foreign prostitutes in a 2-hour crackdown in Farwaniya district. In April, police raided three prostitution "houses" and arrested 10 Asian female prostitutes in an outlying district, Jleeb Al-Shuyoukh, populated mainly by expatriate workers.

In January, the High Court of Appeals upheld the verdict of the Criminal Court and sentenced a Bangladeshi man to death for kidnapping, raping, and forcing two foreign women into prostitution. The man reportedly bought one of the women for \$800 (250 KD) from another unidentified man. In February, the Court of Appeals upheld the verdict of the Criminal Court and sentenced a woman to 3 years in prison and imposed a \$10,000 (3,000 KD) fine for running a prostitution ring and holding several foreign women captive. In April 2002, a foreign development agency report on female foreign workers in the country revealed that in most trafficking cases, local manpower agents or visa traders had promised women domestic work. Upon arrival, however, numerous migrants were expected to provide sexual services in addition to their domestic duties, and some were forced to engage in prostitution exclusively.

The Government took some measures to help combat trafficking. A conciliation center attached to a district police station processed some complaints filed by domestic servants or their source country embassies against abusive or exploitative employers. A government domestic labor office, under the authority of the Ministry of Interior, investigated and resolved some labor complaints. The Government formed an inter-ministerial committee of representatives from the Ministry of Foreign Affairs, Ministry of Interior, and Ministry of Social Affairs and Labor to discuss strategies for protecting the rights of domestic employees. The committee held its first meeting in May. In April, the Government approved the establishment of a new association, the Kuwait Union of Domestic Labor Offices, to more closely monitor the activities of domestic labor recruitment agencies in the country and to educate employers and domestics about their rights. At year's end, 29 labor recruitment agencies reportedly representing about 60 percent of all domestic servants in the country were members of the association. At year's end, the association proposed a new law to regulate the hiring of domestic servants. The only human rights NGO in the country, the Kuwait Human Rights Society, does not have a Government license and thus lacks the leverage and funding necessary to raise broad public awareness on the issue of human trafficking.

There were no specific reports of government or police involvement in trafficking during the period covered by this report.

LEBANON

Lebanon is a parliamentary republic in which the President is a Maronite Christian, the Prime Minister a Sunni Muslim, and the Speaker of the Chamber of Deputies a Shi'a Muslim. President Emile Lahoud took office in 1998 after an election by Parliament that was heavily influenced by Syria. The Parliament consists of 128 deputies, equally divided between Christian and Muslim representatives. In the 2000 parliamentary elections, incumbent Prime Minister Salim al-Hoss lost his seat in a contested election, and former Prime Minister Rafiq Hariri was named Prime Minister by President Lahoud in October 2000. According to international observers, the elections were flawed; however, there reportedly were fewer voting irregularities than in the 1996 parliamentary elections. The Constitution provides for an independent judiciary; however, in practice, it was subject to political pressure.

Non-Lebanese military and paramilitary forces retained significant influence over much of the country. Approximately 15,000 to 17,000 Syrian troops were stationed in locations throughout the country, excluding the south. An undetermined number of Syrian military intelligence personnel in the country continued to conduct their activities independently. In 2000, following the Israeli Defense Forces (IDF) withdrawal from the south, the Government deployed more than 1,000 police and soldiers to the former security zone. The Government did not attempt to disarm Hizballah, a terrorist organization operating in the region. Palestinian groups, including armed factions, operated autonomously in refugee camps throughout the country.

The security forces consist of the Lebanese Armed Forces (LAF), which may arrest and detain suspects on national security grounds; the Internal Security Forces (ISF), which enforce laws, conduct searches and arrests, and refer cases to the judiciary; and the State Security Apparatus and the Surete Generale, both of which collect information on groups deemed a possible threat to state security. The Lebanese security forces committed numerous, serious human rights abuses, sometimes acting independently, and other times on instruction of senior government officials. Syrian and Palestinian security forces operated independently of Lebanese security forces and also committed numerous, serious human rights abuses. There were credible reports that Lebanese security detained individuals on the instruction of Syrian intelligence agencies.

The country maintained a free market economy, with no controls on the movement of capital and foreign exchange. The country's population of approximately 4.4 million had an estimated active labor force of 1.5 million, the majority of which were employed in the service sector and in a small industrial sector. Real gross domestic product (GDP) growth was estimated at approximately 2 to 2.5 percent. While there were no reliable government statistics, most analysts estimated unemployment at 20 to 25 percent.

The Government's overall human rights record remained poor; although there were some improvements in a few areas, serious problems remained. The right of citizens to change their government remained significantly restricted by the lack of complete government control over parts of the country, shortcomings in the electoral system, the flawed 2000 elections, and Syrian influence. Members of the security forces used excessive force and tortured and abused some detainees. Prison conditions remained poor. The Government also arbitrarily arrested and detained persons who were critical of government policies. Lengthy pretrial detention and long delays in trials remained problems. The courts were subject to political pressure, seriously hampering judicial independence. During the year, the Government infringed on citizens' privacy rights and continued surveillance of political activities. The Government limited press and media freedom. The Government continued to restrict freedom of assembly and imposed some limits on freedom of association. There were some restrictions on freedom of religion. The Government imposed some limits on freedom of movement. Violence and discrimination against women, abuse of children, discrimination against Palestinians, forced labor, including by children, child labor, and the mistreatment of foreign domestic servants remained problems. 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 political killings; however, on May 19, militant Islamists killed at least two persons and injured a photographer when they clashed with Palestinian gunmen in the Palestinian refugee camp of Ain al-Hilweh. Abdallah Shreidi, the leader of the Asbat al-Nur Sunni Islamic extremist group was critically injured and died 3 months later.

On August 2, a man identified as 42-year-old Hizballah member Ali Hussein Saleh was killed in a car bomb explosion in Beirut's southern suburbs. Some government officials and Hizballah accused Israel of carrying out the killing; however, at year's end, no one claimed responsibility for the attack.

No group claimed responsibility for the 2002 killing of American citizen missionary Bonnie Weatherall, and the case remained unsolved at year's end (see Section 2.c.).

There were no developments in the 2002 killing of Ramzi Irani, the officer-in-charge of the banned Lebanese Forces.

Unlike in previous years, there were no reported deaths in custody during the year.

During the year, violent cross-border incidents since the 2000 IDF withdrawal, involving Hizballah, Palestinian, and other unidentified armed elements, continued. In January, a cross-border fire exchange critically injured one civilian who later died of his injuries. In August, Hizballah anti-aircraft fire that landed in Israel killed a civilian.

The country's landmine and unexploded ordinance (UXO) problem was estimated at over 400,000 landmines and UXOs throughout the country, with the majority in the former Israeli occupied security zone. During the first half of the year, the Government successfully demined 600,000 square meters of land, allowing it to be returned to productive use. According to the Lebanese Demining Office, there have been a total of 2,784 landmine victims in the country since 1990. During the year there were 42 landmine victims, including 4 fatalities and 38 injured persons.

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

At year's end, the Government had not yet disclosed the findings of a 2000 committee's report investigating cases of disappearance during the country's civil war.

In October, Hizballah allowed a German mediator to visit IDF reservist Elhann Tannenbaum, kidnapped in 2000. At year's end, Tannenbaum was still presumed to be detained.

On August 25, Israel returned the bodies of two Hizballah fighters who died fighting Israeli forces in the southern part of the country in the 1990s. During the year, Hizballah continued to maintain the position that it would release Israeli soldiers in return for the release of Arab prisoners held by Israel.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.—The Constitution does not specifically prohibit torture, and there continued to be credible reports that security forces abused detainees and, in some instances, used torture. Human rights groups reported that torture was a common practice. The Government acknowledged that violent abuse usually occurred during preliminary investigations conducted at police stations or military installations, in which suspects were interrogated without an attorney. Such abuse occurred despite laws that prevented judges from accepting any confession extracted under duress.

Methods of torture reportedly included beatings and suspension by arms tied behind the back. Some former Southern Lebanese Army (SLA) detainees reported that they were abused or tortured. Amnesty International (AI) and other human rights organizations reported that some detainees were beaten, handcuffed, blindfolded, and forced to lie face down on the ground. Supporters of exiled General Michel 'Awn, and detained Tawfiq Hindi, political advisor to former Lebanese Forces commander Samir Ja'Ja who were arrested in 2001, claimed that officers had abused them and that they were psychologically tortured when authorities threatened their families (see Section 1.d.).

During the year, there were credible reports that army intelligence held detainees blindfolded and handcuffed in the "farouj" position (Arabic for "chicken"—individuals are handcuffed with their hands at their ankles in a hunched over position) for days at a time while being interrogated.

Abuses occurred in areas outside the Government's control, including in Palestinian refugee camps. During the year, there were reports that members of the various groups who controlled the camps detained their Palestinian rivals (see Section 1.d.). Rival groups, such as Fatah and Asbat al-Nur, regularly clash over territorial

control in the various camps, sometimes leading to exchanges of gunfire and/or detention of rival members.

Prison conditions were poor and did not meet minimum international standards. The Government did not allocate funds for prison reform. The Government has made a modest effort to rehabilitate some inmates. On May 22, 40 prisoners were awarded certificates for computer skills they acquired at Roumieh central prison. The ISF donated 20 used computers to provide training for more inmates. On June 27, the First Lady awarded certificates to 44 women held in Baabda prison who completed training in hairdressing, make-up, and knitting. Men, women, and juveniles were held separately in government prisons.

In 2000, AI issued a report on prison conditions for women that highlighted numerous, serious human rights abuses, including torture, as well as the breach of legal rights of citizens. In response to public concern, the Prosecutor General appointed a senior aide to investigate allegations of torture and mistreatment of women in pre-trial detention. On August 13, in response to an AI report claiming that prisoners are tortured, Prosecutor General Adnan Addoum refuted these allegations, saying that his senior aide carried out an investigation in 2002 and concluded that torture against women does not occur.

The Surete Generale, which is in charge of border posts, operated a detention facility for detainees, mostly Egyptians and Sri Lankans, pending deportation. Their detention was supposed to be for 1 to 2 months, pending the regularization of their status. However, some persons, primarily asylum seekers, were detained for more than a year and eventually deported.

Former Lebanese Forces leader Samir Ja'Ja, who is serving four life sentences for the murder or attempted murder of various political figures during and after the civil war, was kept in solitary confinement in a prison in the basement of the Ministry of Defense. Government officials stated that his solitary confinement was necessary for his own protection.

During the year, local journalists and human rights organizations were given access to certain prisons except the Yarze prison controlled by the Ministry of Defense. The Government did not grant independent monitors access to former SLA soldiers in custody. In September 2002, the Cabinet ordered that International Committee of the Red Cross (ICRC) representatives should be allowed to visit all prisons, including the one under the control of the Ministry of Defense. However, by year's end, the ICRC had not done so because the Ministry of Defense had not granted permission. Hizballah did not permit visits by human rights monitors to persons in its custody.

d. Arbitrary Arrest, Detention, or Exile.—The law requires the ISF to obtain warrants before making arrests; however, the Government used arbitrary arrest and detention. Military intelligence personnel made arrests without warrants in cases involving military personnel and those involving espionage, treason, weapons possession, and draft evasion (see Section 1.e.). The most recent estimates in 2001 by the Parliamentary Commission for Human Rights reported that of the 7,230 persons being held in prison, only 2,500 were convicted.

The Code of Criminal Procedure provides legal protection to suspects, including the right to a lawyer, to a medical examination, and to inform next of kin. Under the Code, arresting officers are required to refer a subject to a prosecutor within 48 hours of arrest. If a suspect is held more than 48 hours without formal charges, the arrest is considered arbitrary and the detainee must be released. In such cases, officials responsible for the prolonged arrest may be prosecuted on charges of depriving personal freedom. A suspect caught in hot pursuit must be referred to an examining judge, who decides whether to issue an indictment or order the release of the suspect. Under the Code, bail is available in all cases regardless of the charges. Many provisions of the Code were not observed in practice.

Defendants have the right to legal counsel, but there was no state-funded public defender's office. The bar association operated an office for those who could not afford a lawyer, and the court panel on many occasions asked the bar association to appoint lawyers for defendants.

Security forces continued the practice of arbitrary detention and arrest. On several occasions during the year, security forces detained and arrested hundreds of citizens on grounds of national security. Protestors were also arbitrarily detained and arrested (see Section 2.b.). The Government also detained, interrogated, and beat journalists (see Section 2.a.).

On September 10, the Surete Generale detained and questioned Samira Trad, executive manager of Frontiers Center, a private company that conducted studies and advocates for the rights of marginalized people, for her human rights activities. Authorities questioned her concerning slandering the country and operating an illegal association.

The Government initially held incommunicado most of the 3,000 SLA members who surrendered to the authorities following the IDF's withdrawal in 2000; however, lawyers and family members have since been provided access. The authorities often detained without charge for short periods of time political opponents and opponents of the Syrian Government. Legal action against them remained pending at year's end; however, they were free to travel abroad.

Palestinian refugees were subject to arrest, detention, and harassment by state security forces, Syrian forces, and rival Palestinians. For example, Palestinian refugees living in camps are not allowed to bring in construction material to repair damaged houses. Lebanese security services use this as leverage to recruit informers and buy their allegiance. In December, the LAF arrested without charge Khalid Shayeb, Fatah's chief official in the Biq'a at a checkpoint outside of Ain el-Hilweh camp; he was released shortly thereafter.

There were no allegations during the year of the transfer of citizens by government authorities to Syria. By year's end, 9 of 54 persons who were arrested by Syrian Forces during and after the civil war, and turned over in 2000 to the Government, remained in government custody, including Abu Haytham Karara, an official of the Progressive Socialist Party. No formal charges were brought against them. Human rights activists believed that there were numerous Lebanese, Palestinians, and Jordanians in prolonged and often secret detention. According to AI, Syrian forces operating in the country carried out searches, arrests, and detentions of citizens outside any legal framework.

The law does not provide for forced exile, and it was not practiced regularly.

e. Denial of Fair Public Trial.—The Constitution provides for an independent judiciary; however, it was subject to political pressure. The Constitution provides for a constitutional council to determine the constitutionality of newly adopted laws upon the request of 10 members of Parliament and stipulates that judges shall be independent in the exercise of their duties; however, influential politicians as well as Syrian and Lebanese intelligence officers at times intervened and protected their supporters from prosecution.

The judicial system consists of the regular civilian courts; the Military Court, which tries cases involving military personnel and civilians in security-related issues; the Judicial Council, which tries national security cases; and the tribunals of the various religious affiliations, which adjudicate matters of personal status, including marriage, divorce, inheritance, and child custody (see Section 5).

The Judicial Council is a permanent tribunal of five senior judges that adjudicates threats to national security. Upon the recommendation of the Minister of Justice, the Cabinet decides whether to try a case before this tribunal. Verdicts from this tribunal are irrevocable and may not be appealed.

The Ministry of Justice appoints all other judges based on the religious affiliation of the prospective judge. A shortage of judges impeded efforts to adjudicate cases backlogged during years of internal conflict. Trial delays were aggravated by the Government's inability to conduct investigations in areas outside of its control.

Trials were generally public, but judges had the discretion to make a court session secret. Defendants have the right to be present at trial and the right of timely consultation with an attorney. Defendants have the right to confront or question witnesses against them but must do so through the court panel, which decides whether or not to permit the defendant's question. Defendants and their attorneys have access to government-held evidence relevant to their cases and the right of appeal. These rights generally were observed in practice.

Defendants on trial for security cases, which were heard before the Judicial Council, have the same procedural rights as other defendants; however, there was no right to appeal in such cases. The testimony of a woman is equal to that of a man (see Section 5).

The Military Court has jurisdiction over cases involving the military as well as those involving civilians in espionage, treason, weapons possession, and draft evasion cases. Civilians may be tried for security issues, and military personnel may be tried for civil issues. The Military Court has two tribunals—the permanent tribunal and the cassation tribunal—the latter hears appeals from the former. A civilian judge chairs the higher court. Defendants on trial under the military tribunal have the same procedural rights as defendants in ordinary courts.

During the year, the Military Court continued trying the cases of the approximately 3,000 SLA militiamen who surrendered to the Government following the IDF withdrawal. Domestic human rights groups and international nongovernmental organizations (NGOs) reported that the trials were open to journalists and members of the public but were not fair. AI reported that such summary trials neither allowed the innocent to be acquitted nor ensured the discovery of those who may be guilty of war crimes. The standard defense presented by lawyers for the militiamen

was that the Government had been unable to defend citizens living under Israeli occupation for the last 22 years. Therefore the residents had no choice but to work with the occupiers.

Approximately one-third of the former SLA members received 1-year prison sentences and approximately one-third received sentences of 3 to 4 weeks. Two persons implicated in torture of prisoners at al-Khiam prison were sentenced to life in prison. The military prosecutor recommended the death sentence for 37 (21 tried while in government custody; 16 tried in absentia) former SLA militiamen for allegedly killing members of "the resistance" (i.e., Hizballah). The Military Court denied every recommendation for the death sentence. Unlike in previous years, there were no reports that the Government or Hizballah subjected former SLA members who returned to their villages to regular harassment.

In 2002, Mahmoud Salim Mahboubia filed a claim that armed individuals broke into his house and kidnapped his son, Mohammed, a former SLA member who was released from Roumieh prison after serving a 2-year sentence. By year's end, no action had been taken on Mahboubia's claim.

On August 8, a prominent human rights lawyer critical of the judiciary, Muhammad Mughrabi, was arrested and charged with impersonating a lawyer. The arrest followed a January action by the Beirut Bar Association disbaring Mughrabi. He was released after 3 weeks in detention, and charges were dropped in September due to lack of evidence.

In 2001, the bar association lifted the immunity of lawyer Muhammad Mughrabi to permit Mughrabi's prosecution for criticizing the country's judicial system at a press conference. Consequently, five different penal cases were started against him, but due to appeals filed by Mughrabi against the bar association, all remained pending in court at year's end. In one case, the prosecution moved against Mughrabi without seeking the Bar Association's permission. Mughrabi appealed the prosecutor's decision to the Court of Cassation, which ruled in his favor (see Section 2.a.).

There was no action taken in the 77 military and civilian cases of 'Awn and Ja'Ja supporters. The cases of Nadim Lteif and Hikmat Deeb, who were charged with defaming the Lebanese and Syrian armies, were referred to both military and civilian courts (see Section 1.d.). In December, a trial session in the case of 13 of the 'Awnist supporters was held, and the court announced that it would render a verdict in February 2004.

Palestinian groups in refugee camps operated an autonomous and arbitrary system of justice. For example, local popular committees in the camps attempted to solve disputes using tribal methods of reconciliation. If the case involved a killing, the committees occasionally used their good offices to hand over the perpetrator to Lebanese authorities for trial.

f. Arbitrary Interference with Privacy, Family, Home or Correspondence.—The Constitution provides for the inviolability of the domicile; however, authorities frequently interfered with the privacy of persons regarded as enemies of the Government. The law requires that prosecutors obtain warrants before entering homes, except when the security forces are in close pursuit of armed attackers; however, the law was not respected in practice.

The Government and Syrian intelligence services used informer networks and monitored telephones to gather information on their perceived adversaries. The Army Intelligence Service monitored the movements and activities of members of opposition groups (see Section 2.b.). The Government conceded that security services monitored telephone calls but claimed that monitoring occurred only with prior authorization from competent judicial authorities.

Militias and non-Lebanese forces operating outside the area of central government authority frequently violated citizens' privacy rights. Various factions also used informer networks and the monitoring of telephones to obtain information regarding their perceived adversaries. Despite a 2000 law regulating eavesdropping, security services continued to eavesdrop without prior authorization. Politicians and human rights advocates reported increasing and more overt government intelligence services' surveillance of political meetings and political activities across the religious and political spectrum.

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Speech and Press.—The Constitution provides for freedom of speech and of the press; however, the Government limited these rights in practice, particularly by detaining and charging activists critical of government policies and by intimidating journalists and broadcasters into practicing self-censorship. The Government censored television and radio broadcasts on a case-by-case basis.

Despite repeated attempts to restrict freedom of opinion and speech during the year, daily criticism of government policies and leaders continued. Dozens of news-

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papers and hundreds of periodicals were published throughout the country and were financed by various local and foreign groups. The press was privately owned, and press content often reflected the opinions of financial backers.

The Government continued to restrict radio and television broadcasts in a discriminatory manner. There were 7 television stations and 37 radio stations. The Government owned one television and one radio station; the remaining stations were owned privately. Inexpensive satellite television was available widely.

Although the Government did not censor broadcasts directly, government officials exerted pressure on journalists to practice self-censorship. In November 2002, the Government pressured the Lebanese Broadcasting Corporation International (LBCI) not to air a talk show that was to include an outspoken opposition figure. During 2002, the Government also pressured the media not to report on the arrest in Syria of an al-Hayat correspondent.

The Government had several legal mechanisms at its disposal to control freedom of expression. The Surete Generale was authorized to censor all foreign magazines and nonperiodical works, including plays, books, and films, before they were distributed in the market. The law prohibits attacks on the dignity of the head of state or foreign leaders. The Government may prosecute offending journalists and publications in the Publications Court, a special tribunal empowered to try such matters. Moreover, the 1991 security agreement between the Government and Syria contained a provision that effectively prohibits the publication of any information deemed harmful to the security of either state. In view of the risk of prosecution, journalists censored themselves on matters related to Syria.

During the year, the Government continued to harass, abuse, and detain journalists. On March 12, Adonis Akra, author of a book entitled "When My Name Became 16: 15 Days in Detention," was banned from attending the signing ceremony at a book festival. Prosecutor General, Adnan Addoum, indicated that Akra signed a petition pledging neither to publish his book nor to participate in any advertising activity for the book. Akra was among those arrested during a 2001 opposition crackdown. Akra and the owner of the publishing house were referred to the Publication Court for harming the army, the judiciary, the political authority, and the country's relations with a sisterly nation. The court had begun a hearing process by year's end; however it was unclear when a verdict would be issued.

On July 23, upon instruction of the Prosecutor General, Beirut Public Prosecutor Joseph Maamari charged Amer Mashmushi, the managing director of daily al-Liwa, with defaming the President of the Republic. If convicted, Mashmushi could serve a sentence of up to 2 years imprisonment and a fine of up to \$60,000 (90 million pounds). The case remained pending in court at year's end.

On November 3, Beirut Chief Investigating Judge Hatem Madi formally indicted self-exiled former general Michel 'Awn and charged him under Article 288 of the Penal Code for making statements unauthorized by the Government which could harm the country's relations with a sisterly nation, spreading false news abroad, aggravating sectarian tensions, and impersonating a high civilian government official when he testified before a foreign government. If convicted, 'Awn could face imprisonment for up to 15 years and be banned from returning to the country. The case was referred to court, which had not taken any action by year's end.

There were no new developments in the 2002 censorship lawsuits against the Saudi-owned daily Asharq al-Awsat and the International Herald Tribune (IHT) for a pro-Israeli advertisement of the Anti-Defamation League.

On February 21, the Beirut investigating judge issued a permanent search warrant to disclose the names of persons responsible for running a pro-Israeli advertisement in the IHT. The judge also dropped charges brought against the publisher and editor-in-chief of the local English newspaper Daily Star, who was the legal representative of IHT in the country.

In 2002, the Beirut Public Prosecutor filed a lawsuit against the chairman and news editor of LBCI for having "instigated sectarian discord and threatened civil peace" during its coverage of a shooting incident in which eight employees of the Ministry of Education were killed. The case remained pending in court at year's end. In 2002, the Beirut Public Prosecutor charged the Murr Television Station (MTV), its political news director, and the host of the "Referendum" political talk show with "broadcasting material whose nature is to damage ties to a sisterly nation" (Syria) and "assailing the dignity of the President, slandering the security services and undermining social order." At year's end, the cases against the news director and the talk show host remained pending.

At year's end, MTV and Radio Mount Lebanon (RML) remained closed. On April 23, the Lebanese Publication Court of Cassation ruled against reopening MTV and RML, marking the end of a series of appeals to reverse the September 2002 closure

decision. Both had been closed in 2002 under the Parliamentary Election Law, which stipulates closure for broadcasting election propaganda during campaigns.

During 2002, State Prosecutor Addoum announced that he would examine declarations, including TV interviews and press statements, made by opposition members in the country and abroad after the Christian Maronite World Congress held in Los Angeles in June in search of elements which could incriminate them. This included statements about Syria and the Syria Accountability Act. Addoum ordered security agencies to gather information about opposition activities outside of the country.

There was no action taken in the 2001 cases of: Joseph Nasr, the editor-in-chief of the daily newspaper *An-Nahar*; Rafi Madayan; and the weekly newspaper *Al-Watan Al-Arabi*.

In general, the Government did not restrict Internet access, and it was used widely.

The Government did not restrict academic freedom, and the country had a strong private educational system.

b. Freedom of Peaceful Assembly and Association.—The Constitution provides for freedom of assembly; however, the Government restricted this right in practice. Any group that wished to organize a rally had to obtain the prior approval of the Ministry of Interior, which did not render decisions consistently. Groups opposing government positions sometimes did not receive permits.

On several occasions during the year, military personnel used excessive force to disperse protesters of government political and economic policies and the Syrian presence in the country, sometimes detaining or arresting them (see Sections 1.c. and 1.d.).

During February and March, several demonstrations and sit-ins were staged in the country to protest the war in Iraq. The Government provided protection and security for foreign interests during that period. On March 21, approximately 450 protesters gathered near an embassy in Awkar. A small group of protesters threw rocks at LAF and ISF personnel, while others attempted to breach the perimeter established by government authorities. The authorities repelled and dispersed the crowd using water canons and tear gas. Sit-ins were also organized near another embassy and U.N. House in downtown Beirut.

On May 3, the anti-Syrian Free Patriotic Movement staged a demonstration near the Ministry of Foreign Affairs to reject terrorism and to reiterate its call for Syrian withdrawal from the country. The protesters clashed with riot police, who used water canons and batons to disperse the crowd. At least 7 demonstrators were injured and the security forces arrested more than 15 persons, all of whom were later released. The ISF issued a statement saying that protesters had stoned ISF personnel and attacked them with flagpoles, resulting in the serious injury of three ISF officers and damage to a military vehicle.

In 2002, at least 20 nonviolent demonstrations and sit-ins occurred in support of the Palestinian Intifada. The Government provided protection and security for foreign interests during that period. However, on April 3, a demonstration of 3,500–4,000 took place at a diplomatic mission. When the crowd attacked security forces with stones, the security forces deployed tear gas and water cannons to disperse it. At least seven police members and some demonstrators were slightly injured.

The Constitution provides for freedom of association, and the Government did not interfere with most organizations; however, it imposed limits on this right. The law requires every new organization to submit a notification of formation to the Ministry of Interior, which issues a receipt. In addition to what is provided by law, the Ministry of Interior imposed on organizations further restrictions and requirements that were not enforced consistently. The Ministry at times withheld the receipt, essentially transforming a notification procedure into an approval process. In December, the State Consultative Council ruled in favor of a complaint lodged by a human rights watchdog, ADEL (Justice), revoking the Ministry of Interior's practice of turning a notification process into an approval process. The Ministry in some cases sent notification of formation papers to the security forces, which then conducted inquiries regarding an organization's founding members. The Ministry may use the results in deciding whether to approve the group.

Organizations must invite Ministry representatives to any general assembly where votes are held for by-law amendments or elections are held for positions on the board of directors. The Ministry also required every association to obtain its approval of any change in by-laws; failure to do so could result in the dissolution of the association.

The Cabinet must license all political parties. The Government scrutinized requests to establish political movements or parties and to some extent monitored

their activities. The Army Intelligence Service monitored the movements and activities of members of opposition groups (see Section 1.f.).

The Government closely monitored groups critical of Syrian policies, and their members were subject to harassment and arrest by the Government.

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. Discrimination based on religion is built into the system of government. The Government subsidized all religions, and all Muslim religious judges received monthly salaries from the Government.

There is no state religion; however, politics are based on the principle of religious representation, which was applied to every aspect of public life.

A group that seeks official recognition must submit its dogma and moral principles for government review to ensure that such principles did not contradict popular values and the Constitution. The group must ensure that the number of its adherents is sufficient to maintain its continuity. Alternatively, religious groups may apply to obtain recognition through existing religious groups. Official recognition conveys certain benefits, such as tax-exempt status and the right to apply the recognized religion's codes to personal status matters. Each recognized religious group has its own courts for family law matters, such as marriage, divorce, child custody, and inheritance. State recognition is not a legal requirement for religious worship or practice. For example, although Baha'is, Buddhists, Hindus, and some evangelical denominations were not recognized officially, they were allowed to practice their faith without government interference; however, their marriages, divorces, and inheritances in the country were not recognized under the law.

Protestant evangelical churches are required to register with the Evangelical Synod, which represents those churches to the Government. Representatives of some churches have complained that the Synod has refused to accept new members since 1975, thereby crippling their clergy's ability to administer to communities with their beliefs. The last time a group was registered was the Coptic Church in 1997. Other groups, such as the Pentecostal Church, encountered difficulty in registering. The Pentecostal Church applied for recognition from the Evangelical Sect, but the leadership of the Evangelical Sect refused to register new groups in contravention of Lebanese law. The Pentecostal Church is pursuing recourse through the Ministry of Interior.

The unwritten "National Pact" of 1943 stipulates that the President, the Prime Minister, and the Speaker of Parliament be a Maronite Christian, a Sunni Muslim, and a Shi'a Muslim, respectively. The 1989 Taif Accord, which ended the country's 15-year civil war, reaffirmed this arrangement, but resulted in increased Muslim representation in Parliament and reduced the power of the Maronite President. The LAF, through universal conscription and an emphasis on professionalism, significantly reduced the role of confessionalism (or religious sectarianism) in the armed forces. Christians and Muslims were represented equally in the Parliament. Seats in the Parliament and Cabinet and posts in the civil service were distributed proportionally among the 18 recognized groups (see Section 3).

The Government required that religious affiliation be encoded on national identity cards, but not on passports.

Many family and personal status laws discriminated against women. For example, Sunni inheritance law provides a son twice the inheritance of a daughter. Although Muslim men may divorce easily, Muslim women may do so only with the concurrence of their husbands. There is no law that permits civil marriages, although such ceremonies performed outside the country were recognized by the Government. Only religious authorities may perform marriages.

There were no legal barriers to proselytizing; however, traditional attitudes and edicts of the clerical establishment strongly discouraged such activity. In 2002, there were reports that members of the Maronite Christian community in Kesirwan, with the knowledge of local clergy, occasionally verbally harassed church leaders and persons who attended an unrecognized Protestant evangelical church.

In December 2002, a bomb blast destroyed a mosque and shrine in the east near the border with Syria but injured no one. A 110-pound explosive charge was planted on the mosque grounds in the town of Anjar, home to a large Armenian community. Local residents stated that a Muslim charitable endowment that owned the mosque grounds had been involved in long-running disputes with local persons over land ownership in the area. Authorities were investigating the attack on the shrine, which was estimated to date back 800 years and was a popular pilgrimage site for Sunni Muslims, at year's end. Local Muslim clerics severely criticized the attack, which occurred as Muslims prepared for the 'Eid al-Fitr feast marking the end of the holy month of Ramadan.

Also in December 2002, a Sunni army conscript shot a Christian conscript. The security forces chased the culprit and killed him in an exchange of gunfire. Security forces arrested one Sunni cleric and charged him with inciting confessional violence.

At year's end, no one had been arrested in connection with the 2002 bombing of a Greek Orthodox church in Tripoli and the Saint Elias Maronite Church in Sidon and the burning of a mosque.

During 2002, an American citizen missionary affiliated with the Christian and Missionary Evangelical Alliance was killed in Sidon. No group claimed responsibility for the killing (see Section 1.a.).

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. The law prohibits travel to Israel. The LAF and Syrian troops maintained checkpoints throughout much of the country. All men between 18 and 21 years of age are subject to compulsory military service and are required to register at a recruitment office and obtain a travel authorization document before leaving the country. Married women can obtain a passport without their husband's signature and approval. Spouses may obtain passports for their children who are less than 7 years of age after obtaining the approval of the other spouse. To obtain a passport for a minor child between 7 and 18 years the father or legal guardian needs to sign the request to obtain a passport (see Section 5).

There were no legal restrictions on the right of citizens to return to the country. However, many emigres were reluctant to return for a variety of political, economic, and social reasons. The Government encouraged the return to their homes of over 600,000 internally persons displaced during the civil war. Although some persons began to reclaim homes abandoned or damaged during the war, the vast majority had not attempted to reclaim and rebuild their property. The resettlement process was slowed by tight budgetary constraints, destroyed infrastructure, political feuds, a lack of schools and economic opportunities, and the fear that physical security still was inadequate in some parts of the country.

In 2000, approximately 6,000 SLA militiamen and their families fled to Israel. At year's end, approximately 3,000 had returned to the country. Several hundred relocated elsewhere outside of Israel, and approximately 3,000 remained in Israel at year's end. Of the former SLA personnel who returned to the country, most received prison sentences of varying lengths (see Section 1.e.). The Government publicly stated that the former SLA militiamen were welcome to return to the country, but that they would face trial upon their return.

Most refugees were Palestinians. The U.N. Relief and Works Agency (UNRWA) reported that the number of Palestinian refugees in the country registered with the UNRWA was approximately 390,000 in May. This figure, which represented refugees who arrived in 1948 and their descendants, was presumed to include many thousands who reside outside of the country. Most experts estimated that the actual number in the country was between 150,000 and 200,000. According to Surete Generale records, the number of registered Palestinian refugees was approximately 418,000. Most Palestinian refugees were unable to obtain citizenship and subject to governmental and societal discrimination, particularly in the area of employment; however, Palestinian women who married Lebanese men could obtain citizenship (see Section 5). On May 8, the State Consultative Council invalidated the 1994 naturalization decree in which several thousand Palestinian nationals were naturalized. As a result, approximately 4,000 cases, some of which are families including several siblings, will lose their Lebanese citizenship. The Council referred the issue to the Ministry of Interior to review the files and decide their legal status. The Ministry was reviewing the files and had not issued a decision by year's end.

The Government issued travel documents to Palestinian refugees to enable them to travel and work abroad. The Government did not issue visitors' visas to Jordanian nationals who were born in the country and were of Palestinian origin.

On several occasions, Hizballah operatives interfered with the freedom of movement of UNIFIL personnel. According to the U.N. Secretary General's report, at year's end, no action was taken against the 15 Hizballah operatives who injured 3 UNIFIL observers in April 2002, despite government assurances that the perpetrators would be arrested and brought to trial.

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. In practice, the Government provided some protection against refoulement and granted refugee status. On September 9, the Surete Generale signed an agreement with the U.N. High Commissioner for Refugees

(UNHCR) recognizing and granting protection to non-Palestinian refugees, providing temporary relief for those seeking determination of refugee status. Those wishing to claim refugee status have to do so within 2 months of arriving in the country. The Surete Generale issues residence permits, valid for 3 months, during which time UNHCR must make a refugee status determination. The Surete Generale extended residency permits for up to a total of 12 months for those accorded refugee status by UNHCR. The Government granted admission and temporary (6 months) refuge to asylum seekers, but not permanent asylum. The Government generally cooperated with the offices of UNHCR and UNRWA.

According to the UNHCR, there were nearly 2,500 non-Palestinian refugees, primarily Iraqis, Somalis and Sudanese, residing in the country. The Surete Generale detained few and the UNHCR was granted access to them.

On October 25, 16 of 46 Iraqi Kurds stranded in Naquora on the Lebanese-Israeli border were voluntarily repatriated to Iraq after 2 years spent in limbo. The return was organized in coordination with UNHCR, the U.N., the Surete Generale, and foreign embassies.

More than 1,500 Iraqis voluntarily returned to Iraq on Government-sponsored convoys in May, June and December.

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

The Constitution provides that citizens have the right to change their government in periodic free and fair elections; however, lack of control over parts of the country, defects in the electoral process, strong Syrian influence over politics and decision makers, and weak security significantly restricted this right.

The Constitution provides that elections for the parliament must be held every 4 years. In turn, the parliament elects the president every 6 years. The president and parliament nominate the prime minister, who, with the president, chooses the Cabinet. According to the unwritten National Pact of 1943, the president must be a Maronite Christian, the prime minister a Sunni Muslim, and the Speaker a Shi'a Muslim (see Section 2.c.).

The parliamentary elections in 2000 showed fewer incidents of voter fraud and tampering with ballots than previous elections; however, the process was flawed with serious shortcomings, including Syrian government influence on the electoral law and candidate selection, progovernmental media manipulation, and improper activities of security services.

On September 14, a by-election held in the Baabda-Aley district for a Maronite Christian seat was reportedly held in a calm atmosphere, without government pressure to vote for a particular candidate or government interference in campaigning. The Lebanese Association for Democratic Elections (LADE) registered several irregularities, such as the presence of security personnel in polling stations, incomplete voter registration lists, and a lack of secret balloting.

In June 2002, a by-election held in the Metn district for the Greek-Orthodox seat was reportedly marred by numerous irregularities, in addition to the Minister of Interior's claim that the secret ballot is "optional." In November 2002, the Constitutional Council named the third-placed candidate the winner.

In September 2001, municipal elections were held for the first time since 1963 in 64 villages and towns in areas formerly occupied by Israel. Local observers reported that the elections were generally free and fair; however, there were some irregularities, including attempts by government agencies to pressure candidates and voters, the presence of unauthorized persons inside polling stations, and the absence of registration committees on voting day to correct errors in voters lists.

Women have the right to vote, and there are no legal barriers to their participation in politics; however, there were significant cultural barriers. No woman has ever held a cabinet position. There were 3 women in the 128-seat Parliament.

Palestinian refugees had no political rights (see Section 5). An estimated 17 Palestinian factions operated in the country and were generally organized around prominent individuals. Most Palestinians lived in refugee camps controlled by one or more factions. Refugee leaders were not elected, but there were "popular committees" that met regularly with UNRWA and visitors.

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

Several local human rights groups generally operated freely without overt government restriction, including the Lebanese Association for Human Rights, the Foundation for Human and Humanitarian Rights-Lebanon, and the National Association for the Rights of the Disabled, investigating and publishing their findings. In general, government officials were cooperative, except when some of these groups

sought to publicize the detention in Syria of hundreds of citizens. The bar association and other private organizations regularly held public events that included discussions of human rights issues. Some human rights groups reported harassment and intimidation by government, Syrian, or Hizballah forces. In September, the Government detained overnight the head of Frontiers Center (see Section 1.d.).

The Government generally cooperated with international NGOs and met with them during the year. In 2002, the U.N. High Commissioner for Human Rights met with senior government officials. The ICRC and AI maintained offices in the country. During the year, government officials discussed human rights problems with representatives of foreign governments and NGOs.

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

The Constitution provides for equality among all citizens; however, in practice, some aspects of the law and traditional beliefs discriminated against women. Although the law reserves a percentage of private sector and government jobs to persons with disabilities, there were few accommodations made for them. Discrimination based on race, language, or social status is illegal and was not widespread among citizens; however, foreign domestic servants often were mistreated. There was credible evidence that foreign domestic servants suffered physical abuse, had pay withheld or unfairly reduced, or were forced to remain locked within their employer's home for the duration of their contracts.

Women.—The law does not specifically prohibit domestic violence; however, violence against women was a common problem. Cases reported were believed to be only a fraction of the actual number. There were no authoritative statistics on the extent of spousal abuse; however, most experts agreed that the problem affected a significant portion of the female population. Despite a law prohibiting battery with a maximum sentence of 3 years in prison for those convicted, some religious courts legally may require a battered wife to return to the house in spite of physical abuse. Many women were compelled to remain in abusive marriages because of social and family pressures. Possible loss of custody of children and the absence of an independent source of income also prevented women from leaving their husbands.

The Government had no separate program to provide medical assistance to battered women; however, it provided legal assistance to victims who could not afford it regardless of their gender. In most cases, police ignored complaints submitted by battered or abused women. The Lebanese Council to Resist Violence Against Women worked actively to reduce violence against women by offering counseling and legal aid and raising awareness about domestic violence.

Foreign domestic servants often were mistreated, abused, and in some cases, raped or placed in slavery-like conditions (see Section 6.f.). Asian and African female workers had no practical legal recourse available to them because of their low status, isolation from society, and because the labor laws did not protect them (see Section 6.e.). Because of such abuse, the Government prohibited foreign women from working if they were from countries that did not have diplomatic representation in the country.

The law prohibits rape, and the minimum sentence for a person convicted of rape is 5 years in prison. The minimum sentence for a person convicted of raping a minor is 7 years. During the year, the courts issued several sentences in cases involving rape; most offenders received 5 to 7 years in jail.

The legal system was discriminatory in its handling of "honor crimes." According to the Penal Code, a man who kills his wife or other female relative may receive a reduced sentence if he demonstrates that he committed the crime in response to a socially unacceptable sexual relationship conducted by the victim. For example, while the Penal Code stipulates that murder is punishable by either a life sentence or the death penalty, if a defendant can prove it was an honor crime, the sentence is commuted to 1 to 7 years imprisonment. Several instances of honor crimes are reported in the media every year, and reportedly there were an average of two to three cases of honor crimes each month. No person has been convicted in a case legally considered an honor crime.

The 1931 law on prostitution requires that brothels be licensed and that sex workers be tested regularly for disease. The law remains on the books and technically in effect. However, government policy since the late 1960s was to stop issuing new licenses for brothels in an attempt to gradually eliminate legal prostitution in the country; however, as a result of the civil war and the weakness of government institutions, illicit prostitution spread. In practice, most prostitution is unlicensed and illegal. Thousands of foreign women, primarily from Russia and Eastern Europe, traveled to the country to work as "artistes." The Surete General actively investigates adult clubs employing "artistes" and issues warnings to those that do not comply with regulations regarding employee working schedules and documentary re-

quirements. The country was a destination for trafficked persons, primarily women (see Section 6.f.).

The law prohibits sexual harassment; however, it was a widespread problem. Women had varying employment opportunities in government, medicine, law, academia, the arts, and to a lesser degree, business. However, social pressure against women pursuing careers was strong in some parts of society. Men sometimes exercised considerable control over female relatives, restricting their activities outside of the home or their contact with friends and relatives.

Women may own property but often ceded control of it to male relatives for cultural reasons and because of family pressure.

The law provides for equal pay for equal work for men and women. The law gives women serving in government the same rights as men in terms of medical coverage and hospitalization, meaning that women serving in government can claim reimbursement for medical coverage, hospitalization, and family allowances in cases when they are single or their husband is unemployed or does not otherwise have coverage. Only men may confer citizenship on their spouses and children. Accordingly, children born to citizen mothers and foreign fathers are not eligible for citizenship. Citizen widows may confer citizenship on their minor children.

Children.—The plight of children was a growing concern for the Government. Education was free in public schools and compulsory until age 13. However, public schools generally were inadequate, lacking proper facilities, equipment and trained staff. A recent study indicated that 70 percent of Arabic teachers in public schools do not know the rules of Arabic. A public school in Quornet Shahwan must use the adjacent village cemetery as its playground. The cost of private education was a significant problem for the middle and lower classes. UNICEF reported that in the 2000 school year, approximately 85 percent of children between the ages of 3 and 5, and approximately 98 percent of children between the ages of 7 to 11 were enrolled in school. In some families with limited incomes, boys received more education than girls. The illiteracy rate was approximately 38 percent. An undetermined number of children were neglected, abused, and exploited. There are periodic reports that parents force children to beg in the streets or work in the fields to help support the family. The normal procedure for adoption was through religious homes or institutions authorized to arrange adoption; however, the demand to provide infants for adoption abroad resulted in illegal international adoptions. There were no statistics available concerning the prevalence of the illegal adoption of infants. Poor children often were compelled by their parents to seek employment and often took jobs that jeopardized their safety (see Section 6.d.). The Government did not have specific child protection laws to remove children from abusive situations and did not grant NGOs adequate legal standing to litigate on behalf of abused minor children.

In 2002 and during the year, the police discovered and broke up several child prostitution rings.

Persons with Disabilities.—The Disability Law mandates disabled access to buildings; however, the Government failed to take steps to amend building codes to conform to the law. Approximately 100,000 persons became disabled during the civil war. Families generally cared for persons with disabilities. Most efforts to assist persons with disabilities were made by approximately 100 private organizations. These organizations were relatively active, although poorly funded.

The law on persons with disabilities stipulates that at least 3 percent of all government and private sector positions should be filled by persons with disabilities, provided that such persons fulfill the qualifications of the position; however, there was no evidence that the law was enforced in practice.

In 2002, joint committees composed of the National Committee for the Disabled and the Ministries of Health, Labor, and Education were formed to implement the law on persons with disabilities. In 2002, the Ministry of Finance informed all firms and companies that it would not settle obligations with them unless they proved that 3 percent of their workforce was composed of persons with disabilities; however, the Ministry failed to enforce this decision in practice.

Many persons with mental disabilities are cared for in private institutions, many of which are subsidized by the Government.

National/Racial/Ethnic Minorities.—According to the UNRWA, an estimated 390,000 Palestinian refugees were registered in the country (see Section 2.d.); however, it was believed that approximately 150,000 to 200,000 Palestinians actually resided in the country. Most Palestinian refugees lived in overpopulated camps that suffered repeated heavy damage as a result of fighting during the civil war, during the Israeli invasion of the country, and during on-going camp feuds. The Government generally prohibited the construction of permanent structures in the camps on the grounds that such construction encouraged the notion of permanent refugee set-

tlement in the country. Refugees feared that the Government may reduce the size of the camps or eliminate them completely. Very few Palestinians received work permits, and those who found work usually were directed into unskilled occupations. Palestinian incomes continued to decline. The law prohibited Palestinian refugees from working in 72 professions.

Palestinian refugees do not have the right to own property in the country. Palestinians no longer may purchase property and those who owned property prior to 2001 will be prohibited from passing it on to their children. The Parliament justified these restrictions on the grounds that it was protecting the right of Palestinian refugees to return to the homes they fled after the creation of the state of Israel in 1948. Other foreigners may own a limited-size plot of land, but only after obtaining the approval of five different district offices. The law applies to all foreigners, but it was applied in a manner disadvantageous to the 25,000 Kurds in the country. The Government did not provide health services or education to Palestinian refugees, who relied on UNRWA for these services.

Palestinian children reportedly were forced to leave school at an early age to help earn income. The U.N. estimated that 18 percent of street children in the country were Palestinian. Poverty, drug addiction, prostitution, and crime reportedly were increasing in the camps, although reliable statistics were not available.

Section 6. Worker Rights

a. The Right of Association.—The law provides that all workers, except government employees, may establish and join unions, and workers exercised this right in practice. Worker representatives must be chosen from those employed within the bargaining unit. About 900,000 persons formed the active labor force, 14 percent of whom were members of 210 labor unions and associations. Most of these unions formed federations. At year's end, 37 federations, with about 200,000 workers, were represented in the General Confederation of Labor (GCL).

Anti-union discrimination did not appear to be widespread, although there were credible reports that a small number of workers were fired following their participation in a general strike in October.

Palestinian refugees may organize their own unions; however, because of restrictions on their right to work, few Palestinians participated actively in trade unions.

Unions were free to affiliate with international federations and confederations, and they maintained a variety of such affiliations.

b. The Right to Organize and Bargain Collectively.—The right of workers to organize and to bargain collectively exists in law and practice. Most worker groups engaged in some form of collective bargaining with their employers. Stronger federations obtained significant gains for their members and on occasion assisted non-unionized workers. There were no government mechanisms to promote voluntary labor-management negotiations, and workers had no protection against anti-union discrimination.

The law provides for the right to strike. In 2002, the teachers' union went on a strike and then staged a demonstration to protest budget proposals including taxes on pensions and working hour increases.

In December, Lebanese University (LU) professors and students staged the largest demonstration in the country since 1992 when more than 15,000 people marched to protest threats to LU's autonomy, administrative shortcomings, and shrinking budgets.

In October, the General Confederation of Labor called a general strike to protest high unemployment, deteriorating social benefits, high taxes, planned privatization, and frozen minimum wages. An estimated 4,000 to 8,000 people participated in a peaceful march.

In June and July 2002, taxi and bus drivers held separate strikes to protest a new government anti-pollution measure calling for a switch from diesel to gasoline for all passenger vehicles carrying less than 15 passengers. Similar protests were carried out during the year.

There are no export processing zones (EPZs).

c. Prohibition of Forced or Bonded Labor.—The law does not prohibit forced labor; however, children, foreign domestic servants, and other foreign workers sometimes were forced to remain in situations amounting to coerced or bonded labor (see Sections 5 and 6.e.).

d. Status of Child Labor Practices and Minimum Age for Employment.—Child labor was a problem. The Labor Code prohibits employment of workers under the age of 18 for more than 6 hours per day, and requires 1 hour of rest if work is more than 4 hours. The law defines workers under the age of 14 as child laborers. The amendments also entitle children to 21 days of paid annual leave. Children are pro-

hibited from working between the hours of 7 p.m. and 7 a.m. The Code also prohibits certain types of mechanical work for children between the ages of 8 and 13 and other types for those between the ages of 13 and 16. The law prohibits children under the age of 18 from working in jobs that jeopardize their health, safety, or morals. The Ministry of Labor was responsible for enforcing these requirements; however, it did not apply the law rigorously. In 2002, a law was passed regarding the protection of juveniles exposed to danger; however, at year's end, there was no evidence of its implementation.

According to the Central Statistics Administration, 7.6 percent of working children were between the ages of 6 and 14. The report also indicated that of this 7.6 percent, 45.3 percent were performing all kinds of jobs, such as working in the fields and helping their parents in the home. Most of these child laborers were citizens, but some were Syrian; they worked predominantly in the agricultural, industrial, craft, and metallurgical sectors.

Approximately 40 percent of working children worked 10 to 14 hours per day, and few received social welfare benefits. In addition, the active labor force included approximately 52,000 workers between the ages of 15 and 19, who were not eligible for the minimum wage until they reached the age of 21.

e. Acceptable Conditions of Work.—The Government set a legal minimum wage; during the year, it was approximately \$200 (300,000 Lebanese pounds) per month. The law was not enforced effectively in the private sector. The minimum wage was insufficient to provide a decent standard of living for a worker and family. Trade unions attempted to ensure the payment of minimum wages in both the public sector and the large-scale private sector.

The Labor Law prescribes a standard 6-day workweek of 48 hours, with a 24-hour rest period per week. In practice, workers in the industrial sector worked an average of 35 hours per week, and workers in other sectors worked an average of 30 hours per week. The law includes specific occupational health and safety regulations. Labor regulations require employers to take adequate precautions for employee safety. The Ministry of Labor was responsible for enforcing these regulations, and it did so unevenly. Labor organizers reported that workers did not have the right to remove themselves from hazardous conditions without jeopardizing their continued employment. Foreign domestic servants, mostly of Asian and African origin, often were mistreated, abused, raped, or placed in situations of coerced labor or slavery-like conditions (see Sections 5 and 6.f.). Recruitment agencies and employers generally signed employment contracts requesting a foreign worker; the prospective foreign workers rarely were party to such contracts or, if they were, might not know what the contract stipulates because it was written in Arabic. Recruitment agencies or employers illegally confiscated the passports of foreign domestic workers when the workers arrived at the airport. The Government enacted regulations prohibiting employment agencies from withholding foreign workers' passports for any reason and specifically defined sponsors responsibilities with regard to the treatment of domestics. The Ministry of Labor regularly met with source country embassies to ensure that foreign laborers and domestic workers were aware of the new employment agency regulations and the "complaint line" for reporting violations.

The labor laws do not protect foreign domestic servants. Domestic servants often worked 18 hours per day, and in most cases did not receive vacations or holidays. There was no minimum wage for domestic servants; their average wage was approximately \$100 (150,000 pounds) per month. Victims of trafficking or abusive labor situations may file civil suits or seek legal action.

The Ministry of Labor referred cases of abuse reported to its complaint line to law enforcement for investigation and prosecution. It also enacted regulations prohibiting employment agencies from withholding foreign workers' passports for any reason and specifically define sponsors' responsibilities with regard to the treatment of domestics. In 2002, 18 employment agencies were closed for non-compliance with these regulations.

f. Trafficking in Persons.—The law does not specifically prohibit trafficking in persons; however, trafficking in persons was a problem. The Penal Code stipulates that "any person who deprives another of freedom either by abduction or any other means shall be sentenced to temporary hard labor;" however, during the year, the Government did not prosecute such cases. During the year, the country was a destination for African and Asian women contracted as household workers, and East European and Russian women contracted as dancers in adult clubs. These women may have come voluntarily; however, there was evidence that many found themselves in coercive work situations from which they had little practical legal recourse. If forced prostitution or forced rendering of sexual services occurred as a result of

an abduction, the Penal Code stipulates that the abductor be sentenced to at least 1 year in prison.

Many women became illegal workers because their employers did not renew their work and residency permits. Unscrupulous employers sometime falsely accused the employee of theft in order to relinquish responsibility for the employee as well as the taxes and airline ticket home (see section 6.e). Restrictions of movement and withholding of passports were common practices. A very small number of exploited foreign workers won cases against their employers. The judiciary did not usually acknowledge the violation of maids' rights, but in a few cases, courts decided in favor of foreign workers against whom charges had been brought.

In January, the public prosecutor bought and won a case on behalf of a maid against her employer. A Sri Lankan domestic worker was assaulted and burned with boiling water by her employer. The court ruled that the sponsor was responsible for the maid's well-being and ordered that the maid be paid compensation for her suffering as well as repatriation expenses.

On September 30, in an unprecedented verdict, a penal judge sentenced an employer to 15 days imprisonment on charges of beating her Filipina maid and burning her with an iron in 1999. The judge imposed a fine of \$1,000 (1.5 million pounds) as compensatory damages.

In October 2002, the criminal court of the Metn district acquitted two Filipina maids on charges brought against them by their employers for theft. In another case, a Sri Lankan maid was repatriated after her employer dropped charges brought against her for leaving her house.

During the year, the Government took new measures to counter trafficking, including signing the U.N. Convention against Transnational Organized Crime Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children. During the year, the Ministry of Labor enacted regulations prohibiting employment agencies from withholding foreign workers' passports for any reason and specifically defining sponsors' responsibilities with regard to the treatment of domestics.

In 2002, the Surete Generale actively investigated adult clubs employing "artistes" from Eastern Europe and issued warnings to those who did not comply with regulations. It issued 20 warnings and closed one club. Other anti-trafficking measures included the closure of approximately 18 illegal employment agencies for violating trafficking related regulations by the Ministry of Labor, and participation in awareness programs, namely with the Embassy of Sri Lanka.

The Government did not fully comply with the minimum standards for the elimination of trafficking; however, it was making significant efforts to do so. The Government's strengths in combating trafficking are in the area of prevention.

The Government did not provide foreign workers with relief from deportation, shelter, or access to legal, medical or psychological services. However, social workers from the Caritas Migrant Center had full-time access to the government retention Center for Foreign Persons. A number of NGOs provided pro bono legal assistance and counseling to victims of trafficking; however, few victims used this service. In 2002, the Ministry of Labor also began implementing procedures for lodging complaints against employers or employment agencies.

LIBYA¹

The Socialist People's Libyan Arab Jamahiriya is a dictatorship that has been ruled by Colonel Mu'ammarr Al-Qadhafi since 1969, when he led a military coup that overthrew King Idris I. Borrowing from Islamic and pan-Arab ideas, Qadhafi created a political system that rejects democracy and political parties and purports to establish a "third way" superior to capitalism and communism. The country's governing principles are derived predominantly from Qadhafi's "Green Book." In theory, the citizenry rules the country through a series of popular congresses, as laid out in the Constitutional Proclamation of 1969 and the Declaration on the Establishment of the Authority of the People of 1977; however, in practice, Qadhafi and his inner circle monopolize political power. Qadhafi is aided by extragovernmental organizations, the Revolutionary Committees, that exercise control over most aspects of citizens' lives. The judiciary is not independent of the Government, and security forces have the power to pass sentences without trial.

¹The United States has no official presence in Libya. Information on the human rights situation therefore is limited; this report draws heavily on non-U.S. Government sources.

The country maintains an extensive security apparatus, consisting of several elite military units, including Qadhafi's personal bodyguards, local Revolutionary Committees, People's Committees, and "Purification" Committees. The result was a multilayered, pervasive surveillance system that monitored and controlled the activities of individuals. The various security forces committed numerous serious human rights abuses.

The Government exercised complete control over the country's oil resources, which accounted for approximately 95 percent of export earnings and an estimated 23 percent of the gross domestic product. The population of the country was approximately 5.7 million. Oil revenues were the principal source of foreign exchange. Much of the country's income has been lost to waste, corruption, conventional armament purchases, and attempts to develop weapons of mass destruction, as well as to large donations made to "liberation" movements and to developing countries in attempts to increase Qadhafi's influence in Africa and elsewhere. The Government's mismanagement of the economy has led to high inflation and increased import prices, resulting in a decline in the standard of living for most of its citizens in recent years.

The Government's human rights record remained poor, and it continued to commit numerous, serious abuses. Citizens did not have the right to change their government. Qadhafi used summary judicial proceedings to suppress domestic opposition. Security forces tortured prisoners during interrogations and as punishment. Prison conditions were poor. Security forces arbitrarily arrested and detained persons, and many prisoners were held incommunicado. Many political detainees were held for years without charge or trial. The Government controlled the judiciary, and citizens did not have the right to a fair public trial or to be represented by legal counsel. The Government infringed on citizens' privacy rights, and citizens did not have the right to be secure in their homes or to own private property. The Government restricted freedom of speech, press, assembly, association, and religion. The Government imposed some limits on freedom of movement. The Government prohibited the establishment of independent human rights organizations and of free trade unions.

Violence against women was a problem. Traditional attitudes and practices continued to discriminate against women, and female genital mutilation (FGM) was practiced in remote areas of the country. The Government discriminated against and repressed tribal groups. The Government continued to repress banned Islamic groups and exercised tight control over ethnic and tribal minorities, such as Amazighs (Berbers), Tuaregs, and the Warfalla tribe. The Government denied basic worker rights, used forced labor, and discriminated against foreign workers. There were reports of slavery and trafficking in persons.

RESPECT FOR HUMAN RIGHTS

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

a. Arbitrary or Unlawful Deprivation of Life.—There were no political killings; however, poor prison conditions contributed to an unknown number of deaths in custody (see Section 1.c.).

In July, the Human Rights Society of the Qadhafi International Foundation for Charity Association (commonly known as the Qadhafi Foundation), headed by Saif al-Islam al-Qadhafi, called for an investigation into the deaths of detainees in custody; however, no subsequent investigation was known to have taken place.

In 2002, the World Organization Against Torture (OMCT) reported that authorities detained and tortured Mohammad Massaud Izbeda after he inquired as to why his son had not been among 62 prisoners released by the Government on September 1, 2002. According to reports, he was released later that day and died the same night (see Section 1.c.).

Since 2001, the Government has suppressed all opposition within the country, focusing its efforts primarily on Islamist groups. It reinforced the tightened security measures put in place following a 1996 prison mutiny in Benghazi by arresting possible dissidents, conducting military operations in the areas of insurrection, and killing a number of persons.

In 2001, a German court found four persons, including a former government diplomat, guilty of murder and attempted murder in connection with the 1986 bombing of the La Belle disco in then-West Berlin. The judge declared that there was clear government responsibility. The German Government immediately called upon the Government to admit responsibility and provide compensation for the victims.

U.N. sanctions against the country were lifted on September 12 after the country fulfilled the remaining U.N. Security Council obligations imposed upon it in connection with the bombing of Pan Am flight 103 in 1988. In fulfilling these obligations,

the country accepted responsibility for the actions of its officials and made arrangements for the payment of appropriate compensation to the families of the victims. On November 24, a Scottish court ruled that Abdelbasset al-Megrahi must serve a minimum of 27 years in prison before he will be considered for parole. In 2002, Megrahi appealed his conviction to the European Court of Human Rights, alleging that his rights were breached during his 2000–2001 trial and the subsequent appeal. At year's end, the appeal remained pending.

In 1999, a French court convicted in absentia 6 defendants in the bombing of UTA flight 772 over Chad in 1989, which killed 171 persons, and sentenced them to life in prison. In 2000, the Government paid the French Government \$31 million (17 million dinars) to compensate the victims' families. In August, France threatened to veto any U.N. Security Council resolution to lift sanctions against the country in an effort to obtain additional compensation for the families of UTA victims. The two sides reached a framework agreement that enabled France to abstain on the resolution, but at year's end they had not reached a final agreement on the amount of compensation.

b. Disappearance.—There were no confirmed reports of politically motivated disappearances; however, in the past, the Government abducted and killed dissidents in the country and abroad.

In September, tensions flared with Lebanon over accusations of government responsibility for the 1978 disappearance of Lebanese Shi'a leader Imam Mousa al-Sadr and two of his companions in the country. Lebanese Shi'a Muslim groups pressed for Qadhafi to be held accountable for the disappearance. The country's embassy in Beirut was closed and its diplomats relocated to Damascus as a result of the renewed controversy. In October, a representative of the Lebanese Communist Party visited Tripoli, and the embassy was subsequently reopened.

At year's end, the Government still had not taken any action in the 1993 disappearance in Cairo of its citizen Mansur Kikhiya, a human rights and political activist.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.—Security personnel routinely tortured prisoners during interrogations or for punishment. Government agents reportedly detained and tortured foreign workers, particularly those from sub-Saharan Africa. Reports of torture were difficult to corroborate because many prisoners were held incommunicado. Although the Government promised to make public the names of any government personnel involved in the torture in 2002 by Qadhafi's son, Saif al-Islam, it had not done so by year's end.

Methods of torture reportedly included: Chaining to a wall for hours; clubbing; applying electric shock; applying corkscrews to the back; pouring lemon juice in open wounds; breaking fingers and allowing the joints to heal without medical care; suffocating with plastic bags; depriving of food and water; hanging by the wrists; suspending from a pole inserted between the knees and elbows; burning with cigarettes; attacking with dogs; and beating on the soles of the feet.

In September, Amnesty International (AI) reported that an Eritrean national died in custody after having been denied appropriate medical treatment. According to the report, the individual had been detained for approximately 18 months without being charged. He and seven other Eritreans were arrested for allegedly having deserted from the Eritrean military. AI also reported that the other seven detainees had been beaten and kicked, and that a prison guard had wounded one of the men with a knife. In 2002, the Government amputated the hands and legs of four individuals in punishment for theft. The sentences were the first issued since 1969.

In September 2002, OMCT reported that Mohammad Massaud Izbeda inquired at the Revolutionary Committee Headquarters as to why his son, Abdallah Mohammad Massaud Izbeda, had not been among the 62 prisoners released by the Government on September 1, 2002. Authorities at the headquarters detained and tortured Mr. Izbeda. According to reports, he was released later that day and died the same night. Security forces reportedly attempted to remove Izbeda's body from its gravesite on September 13, 2002, when a group of young persons intervened. Authorities arrested several, subjecting at least one, Seif Salem Aljadik, to torture, and reportedly killing others. Authorities also demolished both Mr. Izbeda and Mr. Aljadik's homes (see Section 1.a.).

In a 1999 case involving the HIV infection of nearly 400 children, 16 defendants claimed that their confessions had been obtained under duress. In February 2002, a court in Benghazi conducted an official inquiry into the defendants' claims of torture. Defense lawyers for the health care professionals told the press that the inquiry was completed but the results were not communicated to the defense. In November 2002, seven of the suspects told the Sunday Times that they had signed confessions after months of torture. The torture methods they described included elec-

tric shocks, beatings, sleep deprivation, intimidation by police dogs, and forcing one female suspect to undress and threatening to insert a lighted lamp into her vagina. These signed confessions were the prosecution's best evidence against the suspects. The case remained pending at year's end after a series of delays in court proceedings.

Prison conditions reportedly were poor. According to AI, political detainees reportedly were held in cruel, inhuman, or degrading conditions, and denied adequate medical care, which led to several deaths in custody. The Government did not permit prison visits by human rights monitors, including the International Committee of the Red Cross.

d. Arbitrary Arrest, Detention, or Exile.—By law, the Government may hold detainees incommunicado for unlimited periods. Security forces arbitrarily arrested and detained citizens. The Government held many political detainees incommunicado in unofficial detention centers controlled by members of the Revolutionary Committees.

Scores of businessmen, traders, and shop owners have been arrested arbitrarily on charges of corruption, dealing in foreign goods, and funding Islamic fundamentalist groups in violation of the 1994 Purge Law. The Purge Law was established to fight financial corruption, black marketeering, drug trafficking, and atheism. Purification committees enforced the law.

Hundreds of political detainees, many associated with banned Islamic groups, reportedly were held in prisons throughout the country (but mainly in the Abu Salim prison in Tripoli); many have been held for years without charge. Some human rights organizations estimated this number to be as high as 2,000. Hundreds of other detainees may have been held for periods too brief (3 to 4 months) to permit confirmation by outside observers.

In October, an official from the Bulgarian Embassy was banned from the courtroom proceedings in the trial of the Bulgarian health professional charged with intentionally infecting 400 children with HIV.

In 2002, a People's Court in Tripoli sentenced to death Salem Abu Hanak and Abdullah Ahmed Izzedin, 2 out of at least 152 professionals who were arbitrarily arrested in 1998 in Benghazi for involvement with Islamic organizations. Eighty-six of the 152 men were sentenced, while 66 were acquitted. Those who were convicted received sentences ranging from 10 years to life imprisonment. The appeal trial opened in December 2002 and continued at year's end. AI reported that lawyers for the accused were neither allowed to study their case files nor to meet with their clients. The lawyers were denied access to the court, and the judge appointed government clerks to replace them. Family members were allowed to meet with the accused briefly for the first time since their arrest in April 2001, but then not again until at least December 2001 (see Sections 1.c. and 1.e.). In September, the Qadhafi Foundation, headed by Saif al-Islam al Qadhafi, announced that it had intervened with authorities in the case asking that they, "work towards the release of the group . . . in order to re-integrate them into society."

In 1999, the 16 defendants of the case involving the HIV infection of nearly 400 children were kept in incommunicado detention for approximately 10 months, without access to their families or legal representation (see Sections 1.c. and 1.e.).

There was no information available on Abdullah Ali al-Sanussi al-Darrat, who was detained without charge and has not had a trial since 1973 (see Section 2.a.).

The Government did not impose forced exile as a form of punishment, and it continued to encourage citizen dissidents abroad to return, promising to ensure their safety. It was unclear whether such promises were honored. During the year, the Government continued to repatriate family members of suspected citizens who were members of the terrorist group al-Qa'ida. Students studying abroad have been interrogated upon their return.

e. Denial of Fair Public Trial.—The judiciary was not independent of the Government, and security forces had the power to pass sentences without trial. The Government used summary judicial proceedings to suppress domestic dissent.

There are four levels of courts: summary courts, which tries petty offenses; the courts of first instance, which tries more serious crimes; the courts of appeal; and the Supreme Court, which is the final appellate level.

Special revolutionary courts tried political offenses. Such trials often were held in secret or even in the absence of the accused. In other cases, the security forces had the power to pass sentences without trial, especially in cases involving political opposition. In the past, Qadhafi incited local cadres to take extrajudicial action against suspected opponents.

The private practice of law is illegal; all lawyers must be members of the Secretariat of Justice.

The trial of the 152 professionals and students who were arrested in Benghazi for alleged involvement with an Islamic organization remained under appeal at year's end (see Sections 1.c. and 1.d.).

In February 2002, the special People's Court, charged with trying 16 health professionals in 1999 for allegedly infecting 400 children with HIV, dropped the conspiracy charge and transferred the proceedings to the criminal court. The attorney defending the persons claimed he was allowed to meet with his clients twice in the 3 years since their jailing. The case was still pending at year's end after a series of delays in the court proceedings (see Sections 1.c. and 1.d.).

The Government held a large number of political prisoners. AI estimated that there were hundreds of persons imprisoned for political reasons; other groups put that number as high as 2,000. On September 1, 2002, the Government announced that it had pardoned and released 3,000 citizen and foreign prisoners on the occasion of the 34th anniversary of the revolution that brought Qadhafi to power. It was unclear how many of these may have been political prisoners.

The Government did not permit access to political prisoners by international human rights monitors.

f. Arbitrary Interference with Privacy, Family, Home or Correspondence.—The Government does not respect the right to privacy. The security agencies often disregarded the legal requirement to obtain warrants before entering a private home. They also routinely monitored telephone calls.

The security agencies and the Revolutionary Committees oversaw an extensive network of informants; one credible foreign observer estimated that 10 to 20 percent of the population was engaged in surveillance for the Government. Exiles reported that family ties to suspected government opponents may result in harassment and detention. The Government may seize and destroy property belonging to "enemies of the people" or those who "cooperate" with foreign powers. In the past, citizens reported that the Government warned members of the extended family of government opponents that they too risked the death penalty.

The law provides for the punishment of families or communities that aid, abet, or do not inform the Government of criminals and oppositionists in their midst. The crimes include "obstructing the people's power, instigating and practicing tribal fanaticism, possessing, trading in or smuggling unlicensed weapons, and damaging public and private institutions and property." The law also provides that "any group, whether large or small," including towns, villages, local assemblies, tribes, or families, be punished in their entirety if they are accused by the General People's Congress (GPC) of sympathizing, financing, aiding in any way, harboring, protecting, or refraining from identifying perpetrators of such crimes. Punishment under the Collective Punishment Law ranges from the denial of access to utilities (water, electricity, telephone), fuels, food supplies, official documents, and participation in local assemblies, to the termination of new economic projects and state subsidies. The "Code of Honor," passed by the GPC in 1997, provides for collective punishment to be inflicted on the relatives of persons having committed certain crimes, normally opponents of the regime.

The 1994 Purge Law provides for the confiscation of private assets above a nominal amount, describing wealth in excess of such undetermined amounts as "the fruits of exploitation or corruption." In 1996, the Government ordered the formation of hundreds of "Purge" or Purification Committees composed of young military officers and students. The Purification Committees reportedly seized some "excessive" amounts of private wealth from members of the middle and affluent classes; the confiscated property was taken from the rich to be given to the poor in an effort to appease the populace and to strengthen the Government's power and control over the country. The activities of the Purification Committees continued during the year.

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Speech and Press.—The Government severely limited the freedoms of speech and of the press. This was especially true with regard to criticism of Qadhafi or his Government. The occasional instances of criticism of political leaders and policies in the state-controlled media usually were government attempts to test public opinion or weaken a government figure who may be a potential challenger to Qadhafi. The authorities tolerated some difference of opinion in People's Committee meetings and at the GPC.

By year's end, the Government still had not responded to requests on the whereabouts of the journalist Abdullah Ali al-Sanussi al-Darat, who has been detained without trial or charges brought against him since 1973 (see Section 1.d.).

In October, the Government banned the newspaper *Az-Zahf Al-Akhdar* for 2 weeks following its criticism of Lebanese Shi'ite parties and politicians. Following the 2 week ban, a new editor was appointed.

The Government restricted freedom of speech by prohibiting all political activities not officially approved, by enacting laws so vague that many forms of speech or expression may be interpreted as illegal, and by operating a pervasive system of informants that created an atmosphere of mistrust at all levels of society (see Section 1.f.).

The Government owned and controlled the media. There was a state-run daily newspaper, *Al-Shams*, with a circulation of approximately 40,000. Local Revolutionary Committees published several smaller newspapers. The official news agency, JANA, was the designated conduit for official views. The Government did not permit the publication of opinions contrary to its policy. Such foreign publications as *Newsweek*, *Time*, the *International Herald Tribune*, *L'Express*, and *Jeune Afrique* were available, but authorities routinely censored them and had the power to prohibit their entry into the market.

The Internet and satellite television were widely available in the country. According to numerous anecdotal reports, both were accessed easily in Tripoli.

The Government restricted academic freedom. Professors and teachers who discussed politically sensitive topics faced the risk of government reprisal.

b. Freedom of Peaceful Assembly and Association.—The Constitution does not provide for the freedom of assembly, and the Government severely restricted this right. Public assembly was permitted only with Government approval and in support of the Government's positions.

The Government restricted the right of association; it grants such a right only to institutions affiliated with the Government. Under the law, political activity found by the authorities to be treasonous is punishable by death. An offense may include any activity that is "opposed to the principles of the Revolution."

c. Freedom of Religion.—The Government restricts freedom of religion. Although the country is a dictatorship, the Government was tolerant of other faiths, with the exception of fundamentalist and militant forms of Islam, which it viewed as a threat to the regime.

In an apparent effort to eliminate all alternative power bases, the Government banned the once powerful *Sanusiyya* Sufi order of Islam. In its place, Qadhafi established the Islamic Call Society (ICS), which was the outlet for state-approved religion, as well as a tool for exporting the revolution abroad. The ICS also was responsible for relations with other religions, including Christian churches in the country. In 1992, the Government announced that the ICS would be disbanded; however, its director still conducted activities, suggesting that the organization remains operational. The Government heavily censored its clerics. Islamic groups whose beliefs and practices were at variance with the state-approved teaching of Islam were banned. Although most Islamic institutions were under state control, prominent families endowed some mosques; however, they generally followed the government-approved interpretation of Islam. Government officials repeatedly denounced militant Islam during the year.

Members of some minority religions were allowed to conduct services. Christian churches operated openly and were tolerated by the authorities. However, Christians were restricted by the lack of churches; there was a government limit of one church per denomination per city.

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 usually does not restrict the internal movement of citizens; however, it has imposed blockades on those cities and regions (primarily in the east) in which anti-government attacks or movements originated.

The Government requires citizens to obtain exit permits for travel abroad and limits their access to hard currency. A woman must have her husband's permission to travel abroad (see Section 5). Authorities routinely seized the passports of foreigners married to citizens upon their entry into the country.

The right of return exists. The Government has called on students, many of whom receive a government subsidy, and others working abroad, to return to the country on little or no notice. The Government expelled noncitizens arbitrarily. The Government continued to repatriate family members of suspected al-Qa'ida members during the year.

Following reports in 2001 of mob violence in which 150 African workers were killed, the Government expelled hundreds of thousands of African migrants by driv-

ing them in convoys to the border with Niger and Chad and abandoning them there in the desert (see Sections 5 and 6.e.).

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. The U.N. High Commissioner for Refugees (UNHCR) reported that there were approximately 33,000 refugees in the country, including 30,000 Palestinians and 3,000 Somalis. During 2001, the UNHCR assisted approximately 1,300 of the most vulnerable refugees in the country and supported income-generating programs for refugee women. The Government cooperated with UNHCR and provided free housing to approximately 850 refugees during 2001.

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

Citizens do not have the right to change their government. Qadhafi, his close associates and committees acting in his name controlled major government decisions. Political parties are banned. Qadhafi appointed military officers and official functionaries down to junior levels. Corruption and favoritism, partly based on tribal origin, were major problems that adversely affected government efficiency.

In theory, popular political participation is provided by the grassroots People's Committees, which are open to both men and women, and which send representatives annually to the national GPC; however, the GPC is chosen by Qadhafi and merely approves all recommendations made by him.

Qadhafi established the Revolutionary Committees in 1977. These bodies consisted primarily of youths who guard against political dissent. Some committees have engaged in show trials of government opponents; the committees also have been implicated in the killing of opponents abroad. The committees approve all candidates in elections for the GPC.

There was no reliable information on the representation of women and minorities in the Government.

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

The Government prohibits the establishment of independent human rights organizations. The Government created the Libyan Arab Human Rights Committee in 1989; however, the committee was not known to have published any reports.

The Government had not responded substantively to appeals from AI on behalf of detainees by year's end.

The Government's human rights record came under renewed international scrutiny as a result of its chairmanship of the 57th U.N. Commission on Human Rights (UNCHR). The Government repeatedly dismissed criticism of its human rights record and there was no evidence that chairing the CHR prompted better behavior as Qadhafi's son, Saif al-Islam, had claimed would be the case.

In September, the Government appointed for the first time a Secretary for Human Rights; however, at year's end, this ministry had yet to demonstrate any influence over the country's human rights policies.

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

The Constitution prohibits discrimination based on these factors; however, the Government did not enforce the prohibitions, particularly with regard to women and tribal minorities.

In 1999, 16 health professionals were charged for allegedly infecting 400 children with HIV. The case was still pending at year's end after a series of delays in the court proceedings (see Sections 1.c, 1.d., and 1.e.). In 2000, mobs beat and killed numerous African workers and, in some cases, burned their places of residence and employment. The mobs blamed the foreign population for increased crime and the presence of HIV/AIDS in the country.

Women.—There was little detailed information regarding the extent of violence against women; however, it reportedly remained a problem. In general, the intervention of neighbors and extended family members tended to limit the reporting of domestic violence. Abuse within the family rarely was discussed publicly, due to the value attached to privacy in society.

Some nomadic tribes located in remote areas still practiced FGM on young girls. Citizens have been implicated in the purchase of Sudanese slaves, mainly southern Sudanese women and children (see Section 6.f.).

The 1969 Constitutional Proclamation granted women total equality; however, traditional attitudes and practices continued to discriminate against women. Women were reportedly prevented, in practice, from owning property. A woman must have

the permission of her husband or another close male relative to travel abroad (see Section 2.d.).

Although their status was not equal to that of men, the opportunity for women to make notable social progress increased in recent years. Oil wealth, urbanization, development plans, education programs, and even the impetus behind Qadhafi's revolutionary government have contributed to the creation of new employment opportunities for women. In recent years, foreign diplomats have noted a growing sense of individualism in some segments of society, especially among educated youth. For example, many educated young couples preferred to set up their own households, rather than move in with their parents, and viewed polygyny with scorn. Educational differences between men and women have narrowed.

In general, the emancipation of women is a generational phenomenon: Urban women under the age of 35 tended to have more "modern" attitudes toward life; however, older urban women tended to have more traditional attitudes toward family and employment. Moreover, a significant proportion of rural women did not attend school and were inclined to instill in their children such traditional beliefs as women's subservient role in society.

Female participation in the workforce, particularly in services, continued to increase. However, employment gains by women were often inhibited by lingering traditional restrictions that discourage women from playing an active role in the workplace and by the resurgence of Islamic fundamentalist values. Some observers noted that even educated women often lacked self-confidence and social awareness and sought only a limited degree of occupational and social equality with men.

Children.—The Government subsidized education (which is compulsory until age 15) and medical care, and it has improved the welfare of children; however, declining revenues and general economic mismanagement have led to cutbacks, particularly in medical services.

Sudanese girls reportedly have been trafficked and sold as slaves in the country (see Section 6.f.).

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

Persons with Disabilities.—No information was available on the Government's efforts, if any, to assist persons with disabilities.

National/Racial/Ethnic Minorities.—Arabic-speaking Muslims of mixed Arab and Amazigh ancestry constituted 97 percent of the population. The principal minorities are Amazighs and sub-Saharan Africans. There were frequent allegations of discrimination based on tribal status, particularly against Amazighs in the interior and Tuaregs in the south. The Government manipulated the tribes to maintain a grip on power by rewarding some tribes with money and government positions and repressing and jailing members of various other tribes. The Government also attempted to keep the tribes fractured by pitting one against another.

Foreigners constituted a significant part of the workforce. According to some estimates, there were 2.5 million foreign workers in the country. Africans in particular have become targets of resentment in the past. In 2001, mobs of citizens in several locations reportedly killed 150 African workers, including a Chadian diplomat. The Government dispersed the rioters, but then reportedly expelled hundreds of thousands of African workers (see Sections 1.a., 2.d., and 6.e.).

Section 6. Worker Rights

a. The Right of Association.—Independent trade unions and professional associations are prohibited, and workers do not have the right to form their own unions. The Government regards such structures as unacceptable "intermediaries between the revolution and the working forces." However, workers may join the National Trade Unions' Federation, which was created in 1972 and is administered by the People's Committee system. The Government prohibited foreign workers from joining this organization.

The official trade union organization played an active role in the International Confederation of Arab Trade Unions and the Organization of African Trade Union Unity. The Arab Maghreb Trade Union Federation suspended the membership of the country's trade union organization in 1993. The suspension followed reports that Qadhafi had replaced all union leaders, and in some cases, with loyal followers without union experience.

b. The Right to Organize and Bargain Collectively.—Collective bargaining did not exist in any meaningful sense, because labor law requires that the Government must approve all agreements.

The law does not provide workers with the right to strike and there were no reports of strikes during the year.

There are no export processing zones.

c. Prohibition of Forced or Bonded Labor.—There was no information regarding whether the law prohibits forced or bonded labor including by children, or whether such practices occurred. In its 2000 report, the International Labor Organization's (ILO) Committee of Experts stated that in the country "persons expressing certain political views or views ideologically opposed to the established political, social, or economic system may be punished with penalties of imprisonment," including "an obligation to perform labor." The ILO report also noted that public employees may be sentenced to compulsory labor "as a punishment for breaches of labor discipline or for participation in strikes, even in services whose interruption would not endanger the life, personal safety, or health of the whole or part of the population."

There have been credible reports that the Government arbitrarily forced some foreign workers into involuntary military service or coerced them into performing subversive activities against their own countries.

Despite the Penal Code's prohibition on slavery, citizens have been implicated in the purchase of Sudanese slaves, mainly southern Sudanese women and children, who were captured by Sudanese government troops in the ongoing civil war in Sudan (see Section 6.f.).

d. Status of Child Labor Practices and Minimum Age for Employment.—The minimum age for employment of children is 18. There was no information available on the prevalence of child labor, or whether forced or bonded labor by children is prohibited or practiced (see Section 6.c.).

e. Acceptable Conditions of Work.—The labor law defines the rights and duties of workers, including matters of compensation, pension rights, minimum rest periods, and working hours.

Wages, which are forbidden by the Green Book and are actually paid in the form of "entitlements" to workers, frequently were in arrears. A public sector wage freeze was imposed over a decade ago particularly in the face of consistently high inflation. According to some reports, the average family lived on \$170 (86.7 dinars) a month. Although there was no information available regarding whether the average wage was sufficient to provide a worker and family with a decent standard of living, the Government heavily subsidized rent, utilities, oil, and every day food staples such as flour and sugar. The legal maximum workweek is 48 hours.

Labor inspectors are assigned to inspect places of work for compliance with occupational health and safety standards. Certain industries, such as the petroleum sector, attempted to maintain standards set by foreign companies. There was no information regarding whether a worker may remove himself or herself from an unhealthy or unsafe work situation without risking continued employment.

Although foreign workers constitute a significant percentage of the work force, the Labor Law does not accord them equality of treatment. Foreign workers were permitted to reside in the country only for the duration of their work contracts and could not send more than half of their earnings to their families in their home countries. They were subjected to arbitrary pressures, such as changes in work rules and contracts, and had little option but to accept such changes or to depart the country. Foreign workers who were not under contract enjoyed no protection.

In 1997, the U.N. Committee on Economic, Social, and Cultural Rights cited inadequate housing, threats of imprisonment to those accused of disobeying disciplinary rules, and accusations of causing a variety of societal problems as some of the problems in the Government's treatment of foreign laborers.

The Government used the threat of expulsion of foreign workers as leverage against countries whose foreign policies ran counter to the Government's.

f. Trafficking in Persons.—There was no information available regarding whether the law specifically prohibits trafficking in persons; however, the Penal Code prohibits prostitution and related offenses, including sexual trafficking.

There were reports of trafficking in persons. The country was a place of transit for women trafficked from Africa to central Europe, and there were reports that Sri Lankan women were transported through the country as well. The country was also a transit point for sub-Saharan Africans attempting to reach Italy and other European Union countries. In September, dozens of Somalis died at sea after spending 3 weeks adrift in their attempt to reach the Italian island of Lampedusa. In 2001, Senegalese authorities detained 100 young Senegalese women from boarding a charter flight to the country. According to a media report, in 2001 two French nationals of Senegalese origin were arrested and charged with organizing international prostitution. There were reports that these women were being sent to the country to work as prostitutes.

Citizens have been implicated in the purchase of Sudanese slaves, mainly southern Sudanese women and children, who were captured by Sudanese government troops in the ongoing civil war in Sudan (see Section 6.c.).

MOROCCO

Morocco is a constitutional monarchy with an elected parliament; however, ultimate authority rests with the King, Mohammed VI, who presides over the Council of Ministers, appoints or approves members of the Government, and may, at his discretion, terminate the tenure of any minister, dissolve the parliament, call for new elections, and rule by decree. The bicameral legislature consists of a lower house, the Chamber of Representatives, which is elected through universal suffrage, and an upper house, the Chamber of Counselors, whose members are elected by various regional, local, and professional councils (members of whom are elected directly). The lower house of parliament also may dissolve the Government through a vote of no confidence. In September 2002, the country held parliamentary elections for the lower chamber that were widely regarded as the first free, fair, and transparent elections in its history. The King appointed nonparty member and former Interior Minister Driss Jettou as the new Prime Minister. In September, elections were held for local government councils. The elections were widely recognized as well administered; the Government limited the participation of the Islamist Party of Justice and Development (PJD). The Constitution provides for an independent judiciary; however, it remained subject to government influence and corruption.

The security apparatus includes several overlapping police and paramilitary organizations. The National Police (which includes the Border Police and the Mobile Intervention Corps), and the country's intelligence service (Direction de la Surveillance du Territoire—DST) and the Auxiliary Forces are departments of the Ministry of Interior; the Judicial Police is under the jurisdiction of the Ministry of Justice; and the Royal Gendarmerie reports to the Palace. Civilian authorities maintained effective control of the security forces. Some members of the security forces continued to commit serious human rights abuses.

The market-based economy was led by a sizable services sector with a strong tourism component, a growing manufacturing sector, a diverse agricultural and fisheries sector, and large phosphate reserves. The population was approximately 31.7 million. Citizens working abroad were a source of substantial remittances. The Government expected a real GDP increase of 5.5 percent for the year. Wages and benefits kept pace with inflation during the year. One in five citizens lived in poverty.

Although there was important progress in some areas, the human rights record remained poor in other areas. Citizens lacked the full ability to change their government. The May 16 terrorist attacks on five Western and Jewish targets in Casablanca altered the human rights, as well as the security environment in the country. Forty-five persons were killed in the attacks, including 12 suicide bombers. During the year, authorities detained more than 1000 people for possible involvement with terrorist groups. An anti-terrorist law passed by parliament on May 27 very broadly defined terrorism as an act or acts intended to create fear and discord in society and threaten its safety. There were deaths in police custody. Impunity remained a problem. Authorities, at times, arbitrarily arrested and detained persons. Human rights groups did not believe that the Government disclosed all the information available about citizens who were abducted from the 1960s through the 1980s. At times, the authorities infringed on citizens' privacy rights. Prison conditions remained extremely poor. The judiciary lacked independence and was subject to government influence and corruption. Freedom of the press was restricted; journalists regularly practiced self-censorship, and seven journalists were sentenced to prison. The police violently dispersed several peaceful demonstrations during the year. The Government generally respected freedom of religion; however, there were some limitations. Violence and societal discrimination against women were problems. The protection of unaccompanied, repatriated children was a problem. The Government violated worker rights, subjected unions to government interference, restricted the right to strike and to form unions, and used security forces to break up strikes. Child labor was a problem, including the practice of the illegal employment of young girls who were subjected to exploitative domestic servitude. Trafficking in persons remained a problem, but the Government fully complied with the minimum standards for the elimination of trafficking in persons.

In November, the King approved the establishment of a nonjudicial Justice and Reconciliation Commission to provide out-of-court settlements and to rehabilitate victims in approximately 13,000 cases of alleged abuses that occurred before he as-

sumed the throne in 1999. On July 3, parliament passed a new Labor Code, based on extended, society-wide consultations, which provides a new basis for labor relations. On December 12, the Cabinet approved a new Code of Family Law to improve the status of women and establish a more egalitarian society. Parliamentary action was expected early in 2004. Increased human rights awareness training continued, including for prison officials and medical personnel.

RESPECT FOR HUMAN RIGHTS

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

a. Arbitrary or Unlawful Deprivation of Life.—There were no reports of politically motivated killings; however, according to human rights groups and press reports, several detainees died in police custody, with little or no serious investigation into the circumstances. For example, Abdelhaq Bentasser, described by a state prosecutor as the general coordinator of the May 16 attacks, died May 28 while being taken by investigators from Fez to Casablanca. According to government officials, he died from chronic heart and liver disease. On June 24, Mohamed Boualnit reportedly died in a road crash near Marrakech on June 24, while in police custody. Ministry of Justice officials reported that three policemen were charged in the case. In another instance of alleged unlawful death, the Moroccan Organization for Human Rights (OMDH) cited the case of Driss Dida who was arrested by gendarmes near Meknes on August 31 and died on September 1. His family was told that he had suffered a heart attack.

In July, three prisoners were convicted for the November 2002 death in custody of Mohamed Boucetta, imprisoned in Laayoune for drug charges. A prison guard was acquitted in the case.

b. Disappearance.—There were no new cases of confirmed disappearance; however the large increase in detainees and prisoners has resulted in an increase in allegations of disappearance that were, by their nature, difficult to confirm. For example, in its statement to the U.N. Committee against Torture in November, the OMDH cited the case of Mohamed Damir, whose brother was sentenced to death in connection with an Islamist group, who disappeared after the May attacks. His family had still not received any news from him at year's end.

The Moroccan Association for Human Rights (AMDH) claimed that the continued practice of incommunicado detention without informing family members of those detained confirmed the continued practice of forced disappearance (see Section 1.d.). According to Amnesty International (AI), the DST practice is to deny holding the person in question, particularly those held in the DST detention center in Temara. In such cases, family members and lawyers usually learned of the detention after the detainee was brought before a magistrate, charged and placed in pre-trial detention; in this context, the secret detention amounted to a period of disappearance.

The forced disappearance of individuals who opposed the Government and its policies occurred during several decades. In 1997, the Government pledged that such activities would not recur, and that it would disclose as much information as possible about past cases. The Government provided information and death certificates for many of those who had disappeared over the years. However, hundreds of families did not have any information about their missing relatives, many of whom disappeared over 20 years ago. Authorities stated that they released information on all 112 confirmed disappearance cases. However, human rights groups and families continue to claim hundreds more cases of disappearances, many from the Western Sahara.

The CCDH also was responsible for assisting the Royal Arbitration Commission in providing compensation to victims of past human rights abuses, or their surviving family members, including Sahrawis.

According to the Ministry of Human Rights, the Commission had resolved 4677 cases, in which 3657 claimants were awarded \$ 94.5 million (945 million DH). The Commission rejected 885 cases because they did not involve disappearances or arbitrary detention and 133 cases because the claimants did not respond to a summons to appear before the Commission or did not supply documentation.

Two cases were suspended, and a further 450 were considered to be duplicates. The Arbitration Commission did not review a further 6500 requests for compensation because they were received after the December 31, 1999 application deadline.

Associations that sought information regarding those who have disappeared called upon the Government for full disclosure of events surrounding cases that date back to the 1960s. Associations in the Western Sahara that sought information on disappearances were not free from government interference; there were reports that some members of these associations were harassed and intimidated while seeking

information regarding missing Sahrawis. Some also continued to be denied passports (see Section 2.d.).

In November, the CCDH announced the formation of a Justice and Reconciliation Committee to replace the Arbitration Commission and whose purpose would be to settle definitively serious violations of human rights, including compensation for all outstanding cases of arbitrary detention and disappearance, prior to the King's assumption of the throne in 1999 (see Section 4).

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.—The law prohibits torture, and the Government denied the use of torture; however, some members of the security forces tortured or otherwise abused detainees. The Penal Code stipulates sentences up to life imprisonment for public servants who use or oblige the use of violence against others in the exercise of their official duties. By law, pretrial-investigating judges must, if asked to do so or if they themselves notice physical marks that so warrant, refer the detained person to an expert in forensic medicine. However, according to human rights groups, judges often ignored this requirement in practice, which called into question the Government's commitment to resolving the problem.

Attorneys for some persons convicted under the new anti-terrorism law claimed their clients were convicted on the basis of confessions coerced by torture. For example, according to the OMDH, in early August, at the Court of Appeal in Fez, most of the 29 accused of terrorist involvement stated that they had been tortured; judicial authorities refused to order any medical examinations.

In October after a mission to the country, AI reported a sharp rise in the number of cases of torture or ill treatment in the last 2 years. Allegations generally involved detainees held during an illegally extended period of pre-arraignment detention.

The Government continued to admit past torture and abuses. While its mandate was not to prosecute those responsible, the Royal Arbitration Commission continued to hear and rule on claims and offer restitution to victims and has permitted human rights groups to organize conferences on the subject.

During the year on a number of occasions, police violently dispersed demonstrators (see Section 2.b.).

Prison conditions remained extremely poor, and did not generally meet international standards, despite some improvements in medical care and efforts to expand capacity. There were separate facilities for men, women and minors. Pretrial detainees were not held separately from convicts.

Extreme overcrowding, malnutrition, and lack of hygiene continued to aggravate the poor health conditions inside prisons.

In January, a local NGO, the Moroccan Prison Observatory (OMP) reported that the population in the country's 46 prisons, which were designed for 39,000 had reached 59,000 prisoners. The OMP reported that food, hygiene and medical conditions were grossly inadequate, with a daily budget of only \$1.30 (13 DH) per prisoner.

In June 2002, the OMP alleged that 12 percent of prisoners were minors that the prison administration failed to protect. The OMP continued to call attention to problems of corruption, maltreatment, malnutrition, sexual abuse, lack of training and education, drug abuse and violence within the prisons, as well as the issue of incarcerating first-time offenders with hardened criminals.

The Government permitted some independent monitors to visit prisons; however, some monitors were refused entry to the country to have access to alleged political prisoners.

d. Arbitrary Arrest, Detention, or Exile.—The Constitution does not prohibit arbitrary arrest or detention, and police continued to use these practices. Although legal provisions for due process have been revised extensively in recent years, reports indicated that authorities sometimes ignored them. Although police usually made arrests in public and during the day, they did not always identify themselves and did not always obtain warrants. Under the new antiterrorism law, administrative detention has increased from 48 to 96 hours, with two additional 96 hour extensions allowed at the prosecutor's discretion. In state security cases, the administrative detention period is 96 hours; the prosecutor may also extend this time. Defendants were denied access to counsel or family members during this initial period, which is when the accused is interrogated and abuse or torture is most likely to occur. Some members of the security forces, long accustomed to indefinite access to detainees before charging them, continued to resist the time limits. In November, AI reported that some of those arrested had been held for up to 5½ months in secret detention.

The police were required to notify a person's next of kin of an arrest as soon as possible; however, lawyers were not always informed promptly of the date of arrest,

and thus were not able to monitor compliance with the administrative detention limits. The law provides for a limited system of bail; however, it rarely was granted. Defendants in some instances were released on their own recognizance. The law does not provide for habeas corpus or its equivalent. Under a separate military code, military authorities may detain members of the military without warrants or public trial.

Although accused persons generally are brought to trial within an initial period of 2 months, prosecutors may request up to five additional 2-month extensions of pretrial detention. Thus, an accused person may be kept in detention for up to 1 year prior to trial.

The National Police (6,000 personnel) and the Mobile Intervention Corps (5,000 personnel) are part of the Ministry of the Interior. The National Police contains the border and immigration services which have responsibility for matters concerning the frontiers and immigration laws, and also contains the main federal investigative body, the National Brigade which is responsible for investigating violations of the federal penal code, such as terrorism, organized crime, and white-collar crime. The DST, part of the Ministry of Interior, has security functions. The Auxiliary Forces (25,000 personnel) are also part of the Ministry of Interior. The Judicial Police are part of the Ministry of Justice. The Royal Gendarmerie (29,000 personnel) is a paramilitary force reporting directly to the Palace and is responsible for law enforcement in rural regions, including national highways.

Police impunity remained a problem. Bribery and smuggling were prevalent. During the year, the Government acted against smuggling rings and police corruption in the northern regions of the country.

In August, the Government announced that 1048 persons had been detained for links with terrorist groups, including involvement in the May 16 suicide attacks. The law provides for the right to a fair trial; however, some human rights groups criticized the conduct of trials which proceeded very quickly for some defendants, including by mass trials of 50 persons. According to law, all the defendants had the right to be represented by attorneys and, if a defendant could not afford private counsel a court appointed attorney was to be provided. Attorneys for two prominent defendants, Hassan Kettani and Mohamed Abdelouhab, withdrew from their cases on the grounds that they were not allowed to call witnesses. Other attorneys alleged that a number of prosecutions were based solely on police interrogations and confessions coerced by torture.

There were numerous other arrests of persons whom authorities described as criminals but whom activists for Western Sahara independence described as victims of forced confessions.

The law provides for forced exile; however, there were no known instances of its use during the year.

e. Denial of Fair Public Trial.—The Constitution provides for an independent judiciary; however, the courts were subject to extrajudicial pressures, including government influence. Some members of the judiciary were corrupt and delays were lengthy in some cases.

There are four levels in the common law court system: Communal and district courts; courts of first instance; the Appeals Court; and the Supreme Court. In theory there is a single court system under the Ministry of Justice; however, other courts also operate, including: The Special Court of Justice, which handles cases of civil service corruption; administrative courts; commercial courts; and the military tribunal. At the Government's discretion, serious state security cases such as those relating to the Monarchy, Islam or territorial integrity (i.e., advocating independence for the Western Sahara) may be brought before a specially constituted military tribunal, responsible to the military and the Ministry of Interior.

In October, the Minister of Justice began to establish new family courts to adjudicate divorce and child custody cases in anticipation of proposed reforms to the Moudawana (Personal Status Code). Family issues for Muslim citizens are adjudicated by a Family Court system formed in July 2002 whose judges are trained in Shari'a (Islamic law) as applied in the country; Jewish citizens deal with these matters in their own courts.

In general, detainees were arraigned before a court of first instance. If the judge determined that a confession was obtained under duress, the law requires him to exclude it from evidence. However, human rights activists alleged that cases often were adjudicated on the basis of forced confessions.

While appeal courts may in some cases be used as a second reference for courts of first instance, they primarily handled cases involving crimes punishable by 5 years or more in prison. In practice, defendants before appeals courts who are implicated in such crimes consequently have no method of appeal. The Supreme Court did not review and rule on cases sent to it by courts of appeal; the Supreme Court

may overturn an appellate court's ruling on procedural grounds only. The absence of appeals for defendants in such crimes therefore became more problematic given the fact that an investigation into the case by an examining magistrate was mandatory only in those crimes punishable by sentences of life imprisonment or death.

Efforts continued with very limited success to increase efficiency and to end corruption, which, according to most observers, remained a routine cost of court business.

Resource constraints also affected the court system. Although the Ministry of Justice provided an attorney at public expense for serious crimes (when the offense carries a maximum sentence of more than 5 years), appointed attorneys who were poorly paid often provided inadequate representation.

The law does not distinguish political and security cases from common criminal cases. The Government did not consider any of its prisoners to be political prisoners; however, AI identified 60 persons whom it considered to be political prisoners.

Various international human rights groups' estimates of the number of persons in prison for advocating independence for the Western Sahara varied from 0 to 700; however, there was no consensus on a definitive number. Conditions in the Western Sahara complicated attempts to confirm whether Sahrawis were imprisoned solely for their political affiliation or open advocacy of independence, or for other actions in violation of the law. The AMDH claimed that it knew of no persons imprisoned for having solely overtly advocated independence.

f. Arbitrary Interference with Privacy, Family, Home or Correspondence.—The Constitution states that the home is inviolable and that no search or investigation may take place without a search warrant however, authorities sometimes ignored these provisions. The law stipulates that a prosecutor may issue a search warrant on good cause.

Government security services monitored certain persons and organizations, both foreign and domestic, and government informers monitored activities on university campuses.

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Speech and Press.—The Constitution provides for freedom of expression; however, Article 41 of the anti-terrorist law as well as the Press Code permits prison sentences and financial penalties for journalists and publishers who violate its restrictions on defamation, libel and discussion regarding three topics: the Monarchy; territorial integrity, i.e., advocating independence for the Western Sahara; and Islam. The Press Code lists threats to public order as one of the criteria for the censor to consider. Within these limits, newspapers and weeklies were published across the political spectrum and were sometimes critical of government policies.

The Government controlled the media generally through directives and guidance from the Ministry of Interior. Publications that were judged offensive could be confiscated or indefinitely suspended. The Government may censor newspapers directly by ordering them not to report on specific items or events. The Government registered and licensed domestic newspapers and journals and could use the licensing process to prevent the publication of materials that exceeded its threshold of tolerable dissent. The Ministry of Interior controlled foreign publications by removing banned publications from circulation.

On May 21, journalist Ali Lmrabet was sentenced under the press code to 4 years imprisonment and fined \$2000 (20,000 DH) for disrespect to the King, disparaging the monarchy, and challenging the country's territorial integrity. Lmrabet began a hunger strike before his trial, which he continued for 54 days. On June 17, his sentence was reduced to 3 years on appeal.

Five other journalists received sentences for various offenses. On June 5, Mustapha Alaoui, editor of the newspaper *Al Usbua* was arrested after his newspaper published a statement from an organization called *Assaiqa* that claimed to be involved in some of the May 16 attacks. The Government argued that his actions undermined public security. Alaoui, who was not jailed, received a 1-year suspended sentence, a fine of \$50 (500 DH), and his newspaper was banned for 3 months.

Three journalists from the northern town of Oujda were arrested on June 10 for publishing an interview in the journals *Al Hayat Al Maghribiya* and *Al Sharq* in which an alleged member of the extremist movement-Salafiya Jihadiya described the May 16 suicide attackers as martyrs and discussed the history of the Islamist movement in the country and its relationship with the DST. Two of the journalists, Abdel Majid Ben Taher and Mustapha Kechnini, were sentenced on August 4 to 2-year prison terms, but were free at year's end on appeal. Another journalist, Mohamed Al Herd, director of the *Asharq* newspaper was sentenced to a 3-year imprisonment in August for re-printing the interview linking the security services with the May 16 attacks.

On May 21, the Government banned under the provisions of the Press Code the publication of Lmrabet's weeklies, the French language *Demain* and the Arabic language *Doumain*, the Arabic language publication *Al Usbua* and the Arabic language publication *Asharq*, for articles or cartoons viewed as defaming the monarchy or violating the new antiterrorism law.

The law requires the Ministry of the Interior to justify to the courts any seizure or banning of domestic or foreign publications, suspension of the publisher's license, or destruction of equipment. The law provides for 3 to 5 year jail sentences, fines, and payment of damages for newspaper officials found guilty of libeling public officials.

There were approximately 2,000 domestic and foreign newspapers, magazines, and journals in circulation during the year. The Government owned the official press agency, *Maghreb Arab Press (MAP)*, and the Arabic daily newspaper, *Al-Anbaa*. The Government also supported two semiofficial dailies, the French-language *Le Matin* and the Arabic-language *Assahra Al Maghribia*. In addition, the Government subsidized the press through price controls for newsprint and office space. The Government generally tolerated satirical and often stinging editorials in the opposition parties' dailies. The media continued to engage regularly in self-censorship to avoid possible sanctions.

The Government owned Moroccan Radio-Television (RTM). Another major broadcaster was the French-backed *Medi-1*, which operated from Tangier. While nominally private and independent, *Medi-1* practiced self-censorship, as do other media outlets. A government-appointed committee monitored broadcasts. The Government owned the only television stations whose broadcasts could be received in most parts of the nation without decoders or satellite dish antennas. Dish antennas were in wide use throughout the country. The Government did not impede the reception of foreign broadcasts during the year. In December, parliament passed an Audio Visual Law that is designed to encourage private investment in broadcast media.

During the year, the Government continued to block the publication of newspapers of the Islamist Justice and Charity Organization (JCO), *Al Addle Awl Insane* and *Rissalat Al Foutuwa*. The authorities blocked two of the JCO's websites at the same time and cut domestic access to them.

During 2001, the Government banned two publications: *Le Journal* and *Assahifa*. However, these publications continued to circulate with name changes from *le Journal* to *le Journal Hebdo* and *Assahifa* to *Assahifa Al Ousbiya*. Unlike in previous years, there were no libel awards to government figures during the year.

The press also published unflattering and critical articles that would have been censored previously. The press openly reported on topics such as government corruption and financial scandals, sensitive human rights cases, harsh prison conditions, torture, poverty, prostitution, violence against women, exploitation of child maids, and sexual abuse of children. There were also articles critical of Morocco's diplomatic efforts on the Western Sahara issue.

Books that openly criticized the country's past sold freely except for five related to disappearances and the regime of King Hassan II.

The Government did not block Internet access generally, apart from JCO's websites.

The Government restricted academic freedom. There was no open debate on the monarchy, the Western Sahara, and Islam. Government informers monitored campus activities, mostly Islamist, and the Ministry of Interior approved the appointments of rectors (see Section 1.f.).

b. Freedom of Peaceful Assembly and Association.—The Constitution provides for freedom of assembly, and during the year, most meetings and marches took place peacefully without government interference; however, the law also permits the Government to suppress peaceful demonstrations and mass gatherings, and at times during the year police forcibly prevented and disrupted gatherings. Most conferences and demonstrations required the prior authorization of the Ministry of Interior, ostensibly for security reasons. However, local observers generally agreed that the authorities required a declaration of a public meeting and their own authorization in order for public-venue meetings or peaceful sit-in to proceed, and the authorities only allowed such events to take place if they were considered non-threatening to government policy.

In March, authorities arrested five students of the Faculty of Letters in Beni Mellal following a sit-in at which the students protested their expulsion from the Faculty, ostensibly on grounds that they were members of the JCO.

Also in March, police in Rabat detained the President of the AMDH, Amine Abdelhamid after he made inquiries into the whereabouts of arrested AMDH member Faouzi Lachhab. Police reportedly arrested Abdelhamid and Lachhab for their participation in a demonstration of solidarity with the people of Iraq.

In October, police forcibly broke up a sit-in at the Mohammedia University Faculty of Law. The students were protesting the earlier conviction and sentencing to 8 months imprisonment by a Mohammedia Magistrates Court of four Islamist law students who allegedly disrupted university reforms.

The Constitution provides for freedom of association; however, the Government limited this right in practice. Under a decree, restricting civil society organizations, persons who wish to create an organization are required to obtain the approval of the Ministry of Interior before holding meetings. In practice, the Ministry generally only used this requirement to prevent persons suspected of advocating causes opposed by the Government from forming legal organizations. Historically, extreme Islamist and leftist groups encountered the greatest difficulty in obtaining official approval. Although there were over 20 active Islamist groups, the Government prohibited membership only in the JCO due to its anti-Monarchist orientation. However, the Government tolerated some JCO activities, such as meetings and conferences. The Ministry of Interior, which has used this power to control participation in the political process, also must approve political parties. However, individual Islamists were not barred from participating in recognized political parties.

Prior to the September 2002 parliamentary elections, the Government decreed that any existing political party that had not participated in at least two elections would be dissolved and that public aid would not be granted to any party that did not hold a congress every four years. To create a new party, a declaration must be submitted to the Interior Ministry, and signed by at least 1,000 co-founding members from all regions of the country. Twenty-seven parties participated in the September 12 local elections. The PJD was the only Islamist party that participated in the elections, and its participation was somewhat restricted; it ran candidates in only 18 percent of the municipalities.

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. The Constitution provides that Islam is the official state religion; however, non-Muslim communities openly practiced their faith. The Constitution characterizes the country as an Islamic state, and designates the King as Commander of the Faithful.

Jewish and Christian communities openly practiced their faiths; however, the Government placed certain restrictions on Christian religious materials, proselytizing, and several small religious minorities were tolerated with varying degrees of official restrictions.

The Government did not license or approve religions or religious organizations. The Government provided tax benefits, land, and building grants, subsidies, and customs exemptions for imports necessary for the observance of the major religions.

The Government monitored the activities of mosques and placed other restrictions on Muslims and Islamic organizations whose activities were deemed to have exceeded the bounds of religious practice and become political in nature. The Ministry of Islamic Affairs monitored Friday mosque sermons and the Koranic schools to ensure the teaching of approved doctrine. At times the authorities suppressed the activities of Islamists, but generally tolerated activities limited to the propagation of Islam, education, and charity. Security forces sometimes closed mosques to the public shortly after Friday services to prevent the use of the premises for unauthorized political activity. The Government strictly controlled the construction of new mosques. Most mosques were constructed using private funds.

The Government barred the Islamic JCO as a political party and subjected prominent members to constant surveillance and at times refused to issue passports to them. The Government continued to block JCO web sites and publication of newspapers (see Sections 1.f., 2.a., 2.b., and 3).

The Government provided funds for the teaching of Islam in public schools. The annual budget also provided funds for religious instruction to the small parallel system of Jewish public schools.

The small foreign Christian community operated churches, orphanages, hospitals, and schools without any restriction or licensing requirement. Missionaries who conducted themselves in accordance with cultural norms were largely left unhindered. However, those who proselytized publicly faced expulsion. Islamic law and tradition called for strict punishment for any Muslim who converted to another faith. Any attempt to induce a Muslim to convert was illegal.

The Government permitted the display and sale of Bibles in French, English, and Spanish, but confiscated Arabic-language Bibles and refused licenses for their importation and sale, despite the absence of any law banning such books. Nevertheless, Arabic Bibles have been sold in local bookstores. During the year, there were reports of police questioning foreign missionaries because they were carrying Christian materials.

There are two sets of laws and courts—one for Muslims and one for Jews—pertaining to marriage, inheritance, and family matters. The family law courts are administered, depending on the law that applies, by rabbinical or Islamic authorities who are also court officials. Under the new Family Law Code for Muslims, judges will be retrained and new civil judges will be recruited. Rabbinical authorities will continue to administer family courts for Jews. The Government continued to encourage tolerance and respect among religions. In August, the King received the chief Sephardic Rabbi of Israel on a private visit to the country. In May 2002, the Shiite organization Al Ghadir asked for official status, the first time for a Shiite association. No response was received from the authorities by year's end.

Beginning in June, several preachers and religious counselors were accused of exploiting mosques for political purposes, such as promoting Islamist parties. The Ministry of Islamic Affairs and Endowments continued to call for permanent control and monitoring of mosques to avoid their exploitation for political propaganda, such as disturbing pamphlets and raising funds.

There were expressions of solidarity from Muslim citizens toward members of the Jewish community during the year. In September, Muslim religious leaders and government officials attended the funeral of a Jewish businessman killed in Casablanca.

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

d. Freedom of Movement within the Country, Foreign Travel, Emigration, and Repatriation.—The Constitution provides for freedom of movement; however, the Government restricted this right in certain areas. In the Moroccan-administered Western Sahara, authorities restricted movement in areas regarded as militarily sensitive.

The Ministry of Interior restricted freedom to travel outside the country in certain circumstances. In addition, all civil servants and military personnel must obtain written permission from their ministries to leave the country. The OMDH and AMDH compiled lists of individuals who reportedly were denied passports or who had passports but were denied permission to travel. The OMDH contended that the Government, in resorting to arbitrary administrative delays, continued to harass former political prisoners who sought to resume normal lives.

In March, the authorities confiscated passports belonging to relatives of disappeared persons from the Western Sahara and prevented them from boarding an airline flight to Geneva to participate in a U.N. Commission on Human Rights conference.

The Government welcomed voluntary repatriation of Jews who had emigrated. Jewish emigres, including those with Israeli citizenship, freely visited the country. The Government also encouraged the return of Sahrawis who departed the country due to the conflict in the Western Sahara, provided that they recognized the Government's claim to the territory. The Government did not permit Western Saharan nationalists who have been released from prison to live in the disputed territory.

In November, the Government adopted the Law on Emigration and Immigration that provided for the rights of asylum seekers and the temporary residency of persons who do not qualify for refugee status or asylum. In practice, the Government provides protection against refoulement and has provided refugee status and asylum; however, there were reports that persons with possible claims to refugee status were turned away at the country's borders. The Government 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 for periodic, free elections on the basis of universal suffrage; however, citizens did not have the full right to change their government. The King, as head of state, appoints the Prime Minister, who is the titular head of government. Constitutional changes in 1992, retained in the Constitution of 1996, authorize the Prime Minister to nominate all government ministers, but the King may nominate ministers himself and has the power to replace any minister at will. The parliament has the theoretical ability to change the system of government; however, the Constitution may not be changed without the King's approval. The Ministry of Interior appoints the provincial governors (walis) and local district administrative officials (caids). However, the King may nominate provincial governors. Municipal and regional councils are elected. The Government consists of 39 cabinet-level posts, including 5 sovereign ministerial posts traditionally appointed by the King himself (Interior, Foreign Affairs, Justice, Islamic Affairs, and Defense).

On September 12, there were elections in which approximately 122,000 candidates competed for posts on approximately 25,000 municipal councils. For the first time, 18-year olds voted due to lowering of the voting age in December 2002. Official turnout was listed at 54 percent. By most accounts the balloting was well organized; however, there were reports that the government limited the participation of the PJD. Women candidates won only 1.7 percent of municipal council seats while fielding 5 percent of the candidates. Following the elections, council members elected new mayors in all cities. There were allegations of corruption and vote buying in some of the races.

In September 2002, the first free and fair parliamentary elections in the country's history were held. According to observers, the absence of fraud and manipulation enhanced the credibility of reform efforts generally.

In preparing for the elections, parliament re-wrote the Electoral Code in its entirety. The new Code included a proportional list system, plus a national list of 30 seats reserved for women. By the time of elections, approximately 37 parties representing mainstream views were in existence, and 26 of them ran candidates. The Government conducted a massive voter education campaign. However, 61 percent of the electorate was illiterate, requiring the ballots to use symbols for all 26 parties. According to government statistics, fifty-two percent of those eligible voted.

The resulting parliament included the thirty women who gained seats reserved for women on the National List, plus 5 who won seats in their local districts. There were two women members of the lower chamber of the previous parliament. Several proposed parties were not allowed to form during the year. The JCO never has been granted legal status as a political party (see Section 2.b.).

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

The Government cooperated and was generally responsive to local human rights monitors operating within the accepted boundaries of political discourse in the country. Nationally organized and government-recognized nongovernmental human rights groups cooperating with the Government included: the OMDH, the Moroccan League for the Defense of Human Rights (LMDDH), and the Moroccan Association for Human Rights (AMDH). The AMDH did not cooperate officially with the Government, but usually shared information. The Government, at times, harassed and restricted the activities of the AMDH and OMDH; however, during the year, some former OMDH leaders occupied high-level posts in the Government. Since 2000, OMDH and LMDDH have had government subsidies in recognition of their serving the public interest.

Former AMDH members formed a fourth group, the Committee for the Defense of Human Rights (CDDH) in 1992. There were also numerous regional human rights organizations

Two additional prominent national human rights NGOs, the Forum for Truth and Justice (FVJ) and the Moroccan Prison Observatory (OPM), were formed in 1999. Created by victims of forced disappearance and surviving family members, the FVJ's principal goal was to encourage the Government to address openly the issue of past forced disappearances and arbitrary detention. The OPM's main purpose was improving the treatment and living conditions of prisoners. These groups maintained fairly regular contact with government authorities throughout the year. On June 18, a judicial decision in Laayoune dissolved the Sahara branch of the FVJ on the charge that the organization had undertaken illegal activities that were likely to disturb public order and undermine the territorial integrity of the country. AI suggested that the activities in question were the peaceful expression of views on the issue of self-determination and dissemination of views on human rights issues to international human rights organizations

The Government's attitude toward international human rights organizations depended on the sensitivity of the areas of the NGO's concern. The Government generally was cooperative on disappearances and abuses by security forces. Although government officials met in June 2002 with the International Council for the Rehabilitation of Victims of Torture (a Danish NGO), the Government did not agree to their recommendation that it permit the U.N. Committee Against Torture to make confidential investigations in the country and to consider individual complaints.

Human rights training based on an agreement between AI and the Government for a 10-year human rights education program continued. The Ministry of Human Rights and the Ministry of Education provided human rights education for teachers. Increased human rights training was provided to prison officials, including medical personnel. The CCDH counseled the Palace on human rights issues, and was charged by the King to resolve cases related to persons who had disappeared. December 2002 changes in its composition and activities increased the influence of the

CCDH. For example, the CCDH was mandated to produce an annual report on the human rights situation in the country and to furnish an annual account of its findings. In December 2002, the King also established a nonjudicial Ombudsman (Diwan Al Madhalim) whose aim is to consider citizen allegations of governmental injustices and thereby ensure respect for the rule of law and justice. Its annual report will be reviewed by the CCDH.

In October, the CCDH recommended that the King establish a Justice and Reconciliation Committee that would definitively settle serious violations of human rights that occurred prior to his accession to the throne in 1999. The CCDH recommended that the Committee make a final accounting of the fate of the abducted, hand over to victims' families the remains of the dead, pay compensation, and issue an official acknowledgment and apology for past violations of human rights. The King nominated Committee members in November.

In December, the Government signed an agreement with the International Commission of the Red Cross (ICRC) to integrate principles of international human rights law into school curricula.

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

The Constitution provides for the equality of all citizens; however, law and in traditional practice discriminated against women. Parliament had before it at year's end a new draft legislation governing personal status, after the Cabinet approved it without amendment on December 12. The draft law aims at making the country a more egalitarian society.

Women.—The law does not specifically prohibit domestic violence against women, but the general prohibitions of the Criminal Code address such violence. Spousal abuse was common, but there were no reliable statistics regarding its extent. Spousal abuse was more frequent in rural than urban areas and among less-educated persons. Although a battered wife had the right to file a complaint with the police, as a practical matter she would do so only if prepared to bring criminal charges. While physical abuse legally was grounds for divorce, a court would grant a divorce only if the woman were able to provide two witnesses to the abuse. Medical certificates were not sufficient. If the court found against the woman, she was returned to her husband's home. Thus, few women reported abuses to the authorities. However, there was substantial progress in making the public aware of problems concerning women, children, the handicapped and minorities.

The Criminal Code provides for severe punishment for men convicted of rape or sexual assault. The defendants in such cases bear the burden of proving their innocence. However, sexual assaults often go unreported because of the stigma attached to the loss of virginity. While not provided for by law, victim's families may offer rapists the opportunity to marry their victims in order to preserve the honor of the family. Spousal rape was not a crime.

The law is more lenient toward men with respect to crimes committed against their wives. Honor crimes, a euphemism that refers to violent assaults with intent to commit murder against a female for her perceived immodest or defiant behavior remained extremely rare.

The law prohibits prostitution and it was prevalent, especially in urban centers. The Government did not prosecute women who were coerced into providing sexual services. Trafficking in persons was a problem (see Section 6.c. and 6.f.).

In October, the King announced recommendations for the reform during his inaugural address to parliament. The legislation was before parliament at year's end, after the Cabinet approved it without amendment on December 12. The draft law would improve the rights of women in regard to marriage, divorce, property and inheritance, and guardianship of children; increase the marriage age from 15 to 18; and impose limitations on the practice of polygamy. According to the reforms, women will have more equal standing with their husbands on family issues. The reforms are predicated on the establishment of family courts and the creation of a family aid fund and rely much more heavily on the court system than the previous law.

Women were subjected to various forms of legal and cultural discrimination. The civil law status of women was governed by the Code of Personal Status (known as the Moudawana), based on the Malikite School of Islamic law, revised in 1993. Women's groups called attention to unequal treatment under the 1993 Code, particularly to the laws governing marriage, divorce, and inheritance. However, the courts generally rule in favor of the parent who did not file for the divorce. Citizenship passes through the father.

Under the Criminal Code, women generally are accorded the same treatment as men; however the Code of Personal Status governs family and estate law. Even, in cases in which the law provides for equal status, cultural norms often prevented a

woman from exercising those rights. For example, when a woman inherits property, male relatives may pressure her to relinquish her interest.

While many well-educated women pursue careers, few rise to the top echelons of their professions. Women constitute approximately 35 percent of the work force, with the majority in the industrial, service, and teaching sectors. In 1998 (the most recent available official data) the Government reported that the illiteracy rate for women was 67 percent (83 percent in rural areas), compared with 41 percent for men (50 percent in rural areas). Women in rural areas were most affected by inequality. Women who earned secondary school diplomas had equal access to university education.

Many NGOs worked to advance women's rights and to promote women's issues. Among these were the Democratic Association of Moroccan Women, the Union for Women's Action, and the Moroccan Association for Women's Rights, all of which advocated enhanced political and civil rights, as well as numerous NGOs that provided shelters for battered women, taught women basic hygiene, family planning, and child care, and promoted literacy.

In February 2002, an NGO released the results of a study in Casablanca. According to the study of 300 single mothers, 31 percent were child maids under the age of 15; 28 percent were factory workers; 18 percent were unemployed; and 13 percent were adult housekeepers.

Children.—The Government remained committed to the protection of children's welfare and attempted to do so within the limits of its budgetary resources. The law provides for compulsory education for children between the ages of 7 and 13; however, in practice, the Government did not enforce the law. A current government study reported that 800,000 school-age children under the age of 14 did not attend school.

Many children worked in the informal sector, due to economic difficulties with their families or elsewhere. The Government had difficulty addressing the problem of child labor, except in organized labor markets (see Section 6.c. and 6.d.). Families employed in agriculture 81 percent of the 600,000 underage (7 to 14 years old) workers. Despite legislation, young girls were exploited as domestic servants on a large scale (see Section 6.f.). NGO activists estimated that the numbers of teenage prostitutes in urban centers were in the thousands. The clientele consisted of both foreign tourists and citizens.

The practice of adoptive servitude, in which urban families employ young rural girls and use them as domestic servants in their homes, was widespread. Credible reports of physical and psychological abuse in such circumstances were widespread. Some orphanages have been charged as complicit in the practice. More often parents of rural girls contracted their daughters to wealthy urban families and collected the salaries for their work as maids. Adoptive servitude was accepted socially, was unregulated by the Government, and has only in recent years begun to attract public criticism. Since 2000, the National Observatory of Children's Rights (ONDE) has conducted a human rights awareness campaign regarding the plight of child maids, although the problem remained prevalent.

The number of children working illegally as domestic servants was high: 45 percent of household employees under the age of 18 were between the ages of 10 and 12, and 26 percent were under the age of 10, according to a 2001 joint study by the Moroccan League for the Protection of Children and UNICEF. The legal minimum age of employment is 15 years. The report denounced the poor treatment a number of the children received, such as being forced to work all day with no breaks. Many children worked either as domestic servants, artisan apprentices, or in some other capacity that kept them from attending school.

A problem that has drawn recent attention was the situation of unaccompanied repatriated children. Upon their return, generally from Spain, they were subject to material difficulties and abuse on the streets as well as by border officials. The Government had limited capacity to deal with this problem (see Section 6.f.). On December 28, the Government signed an accord with Spain to repatriate unaccompanied minors. As part of the accord, Spain committed itself to help the Government reunify children with their families or in halfway houses and to provide remedial education for the repatriated children.

Another problem facing abandoned children of both sexes was their lack of civil status. Civil status is necessary to obtain a birth certificate, passport, or marriage license. If a father did not register his child, the child was without civil status and the benefits of citizenship. It is possible for an individual to self-register, but the process is long and cumbersome. While any child, regardless of parentage, may be registered within a month of birth, a court order is required if registration does not take place in that time.

The new law provides that children born out of wedlock can carry the father's name; Islamists criticized the 2002 law. Single mothers were heavily stigmatized.

Persons with Disabilities.—There are no laws to assist persons with disabilities. A high incidence of disabling disease, especially polio, has resulted in a correspondingly high number of persons with disabilities. The latest statistics from the Government estimated the number of persons with disabilities at 2.2 million, or 7 percent of the population. However, other estimates were as high as 3 million. While the Ministry of Social Affairs attempted to integrate persons with disabilities into society, in practice, integration largely was left to private charities. The annual budget for the ministerial department in charge of affairs concerning persons with disabilities was only .01 percent of the overall annual budget. Nonprofit special-education programs were priced beyond the reach of most families. Typically, their families supported persons with disabilities; some survived by begging.

National/Racial/Ethnic Minorities.—The official language is Arabic; however, both French and Arabic were used in the news media and educational institutions. Science and technical courses were taught in French, thereby preventing the large, monolingual-Arabic-speaking population from participation in such programs. Educational reforms in the past decade have emphasized the use of Arabic in secondary schools. However, failure to transform the university system similarly has led to the disqualification of many students from higher education in lucrative fields. The poor lacked the means to provide additional instruction in French to supplement the few hours per week taught in public schools.

Approximately 60 percent of the population claim Berber heritage, including the Royal Family. Berber cultural groups contended that their traditions and language were being lost rapidly. A number of Berber associations claimed that the Government refused to register births for children with traditional Berber names, discouraged the public display of their language, limited the activities of their associations, and continued to Arabize the names of towns, villages, and geographic landmarks. Nevertheless, a full page of a major national newspaper was devoted on a monthly basis to articles and poems on Berber culture, which were printed in the Berber language. Official media broadcast in the Berber language for limited periods each day. In September, teaching of the Berber language began in 317 primary and secondary schools and plans call for the addition of other schools in the future.

Section 6. Worker Rights

a. The Right of Association.—The law permits workers to establish and join trade unions of their own, although the laws reportedly have not been implemented in some areas, and the unions were not completely free from government interference. Approximately 600,000 of the country's 10 million workers were organized in 19 trade union federations. Five federations dominated the labor scene: The Union Marocaine du Travail (UMT), the Confederation Democratique du Travail (CDT); the Union Generale des Travailleurs du Maroc (UGTM); the Islamist-oriented Union Nationale du Travail au Maroc (UNTM); and a breakaway wing of the CDT, the Federation Democratique du Travail (FDT). Most were linked to political parties. The UMT dominates the private sector; the CDT and FDT, the public sector.

During the year the Government revived a dormant tripartite process and guided business and labor towards an April 30 accord which reaffirmed the unions' right to collective bargaining and, in a concession to management, an employee's right to work. Most major labor confederations chose to join with Government and business in drafting a new Labor Code, unanimously adopted by both houses of parliament on July 3, and a bill regulating the right to strike. The Code was published in the Official Bulletin on December 8 and will be effective 6 months after publication. The new statute prohibits sit-ins. Unions may not prevent non-strikers from going to work nor may they hold sit-ins and engage in sabotage. Any striking employee who prevents someone from getting to his job is subject to a 7-day suspension. A second offense within 1 year is punishable by a 15-day suspension.

Union officers were sometimes subject to government pressure. Union leadership did not always uphold the rights of members to select their own leaders. There was no case of the rank and file voting out its current leadership and replacing it with another; however, disaffected members of the CDT broke away in April to form their own labor federation, the FDT.

The new July 3 Code specifically prohibits antiunion discrimination and incorporates ILO Convention 87. In the past, under the ostensible justification of separation for cause, employers had dismissed workers for union activities that were regarded as threatening to employer interests. The new law expressly prohibits companies from dismissing workers for participating in legitimate union organizing activities. The new law also prescribes the Government's authority, under Section 288 of the Penal Code, to intervene in strikes. In a significant concession to labor, under

the new Code, employers are no longer able to initiate criminal prosecutions of workers for stopping work if they strike.

The courts have the authority to reinstate arbitrarily dismissed workers and are able to enforce rulings that compel employers to pay damages and back pay. Unions may sue to have labor laws enforced, and employers may sue unions when they believe that unions have overstepped their authority. The new Code forbids any form of industrial action, such as sit-ins, which interferes with a non-striking employee's right to work. Sabotage and other acts of destruction are also forbidden. Employers may not attempt to circumvent a work stoppage by hiring new temporary workers after a strike has begun.

Unions belonged to regional labor organizations and maintained ties with international trade union secretariats. The UMT was a member of the International Confederation of Free Trade Unions.

b. The Right to Organize and Bargain Collectively.—Constitutional provisions imply the right to organize and bargain collectively; however, with the passage of the new Code these rights are now statutorily mandated. Trade union federations competed among themselves to organize workers. Any group of eight workers may organize a union and a worker may change union affiliation easily. A work site may contain several independent locals or locals affiliated with more than one labor federation. However, only unions able to show that they have as members at least 35 percent of the workforce must be recognized as negotiating partners.

Collective bargaining has been a longstanding tradition in some parts of the economy, such as the industrial sector, and is becoming more prevalent in the service sector, including banking, health and the civil service. The wages and conditions of employment of unionized workers generally were set in discussions between employer and worker representatives. However, employers set wages for the vast majority of workers unilaterally. Labor disputes have arisen in some cases as the result of employers failing to implement collective bargaining agreements and withholding wages.

Article 14 of the Constitution guarantees the right to strike, but also prescribes that the conditions and ways of exercising such a right will be defined by subsequent law which, in fact, requires compulsory arbitration of disputes. Work stoppages normally were intended to advertise grievances and lasted 24 to 72 hours or less. Most strikes during the year were of short duration, usually 24 to 48 hours, involving the teachers' unions, Royal Air Maroc employees, bank officers, longshoremen, bus drivers, cabbies, and health care professionals. There was only one extended strike, carried out by independent truck drivers, lasting from June 26 to July 8. These self-employed operators of small (8-ton) trucks objected to government efforts to register and tax them. They blockaded numerous thoroughfares and threatened other truck drivers with physical violence if they failed to heed the strike.

The new Code also prescribes the government's authority, under Section 288 of the Penal Code, to intervene in strikes. Should strikers conduct a sit-in, damage property, and/or prevent non-striking employees from getting to their jobs, employers may seek criminal prosecution of workers under the Penal Code. The Government has the authority to break up demonstrations in public areas that do not have government authorization, and to prevent the unauthorized occupancy of private space such as a factory.

Employers wishing to dismiss workers are required by law to notify the provincial governor through the labor inspector's office. In cases in which the employer plans to replace dismissed workers, a government labor inspector provides replacements and mediates the cases of workers who protest their dismissal. Any worker who is dismissed for committing a serious infraction of work rules is entitled by law to a court hearing. This judicial hearing is a strictly enforced fundamental right.

According to figures released by the Labor Department, in the first half of the year, inspectors helped resolve labor disputes affecting 350 businesses and, by so doing, precluded 418 potential strikes. Labor Department officials maintain that they seek to protect workers' jobs while encouraging workers to stay on the job.

Rather than pursue a confrontational approach with jobseekers and the unions, the Government generally opted to promote social dialogue as the means to resolve industrial conflicts. End of the year government figures showed 149 strikes involving 13,911 employees with the number of workdays lost at 70,287. Ministry negotiators helped avert 721 potential strikes.

In general, the Government ensured the observance of labor laws in larger companies and in the public sector. In the informal economy, such as in the family workshops that dominated the handicrafts sector, employers routinely ignored labor laws and regulations, and government inspectors lacked the resources to monitor violations effectively.

Unions resorted increasingly to litigation to resolve labor disputes. The Ministry of Labor's 496 inspectors served as investigators and conciliators in labor disputes. According to the Ministry of Labor, its inspectors were able to help resolve some 713 potential strikes affecting 573 businesses during the first nine months of the year. It claimed that its staff, over the same period, helped to reinstate 3,039 employees.

Unresolved issues in the social dialogue remained concerning reforms to pension and retirement systems, regulating the right to strike, providing ample notice to management before a walkout, easing rules on dismissing or laying-off workers, and reducing management use of temporary workers to circumvent provisions of Code that apply only to permanent employees.

In the Tangier Free Trade Zone an export processing zone, the country's labor laws and practices fully apply to the 10,000 employees. The proportion of unionized workers in the export zone was comparable to the rest of the economy, approximately 6 percent.

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.). In practice the Government lacked the resources to inspect the many small workshops and private homes where the vast majority of such employment would occur. Forced labor persisted in the practice of adoptive servitude in households.

d. Status of Child Labor Practices and Minimum Age for Employment.—In January 2002, the minimum employment age was increased from 12 to 15. The July 3 Labor Code amended the existing law on minimum age of employment to correspond to ILO Conventions 138 on the Minimum Age and 182 on the Worst Forms of Child Labor. The minimum age applies to all sectors and includes apprenticed children and those in family businesses. Various laws provide protective measures for children under 18 at work. The law prohibits children under 18 from being employed more than 10 hours per day, including a minimum of a 1-hour break or in hazardous work or night work. Under the new statute all employees are limited to a maximum 44-hour regularly scheduled workweek.

Noncompliance with child labor laws was common, particularly in agriculture where, according to a current Ministry of Labor survey, 81 percent of the country's 600,000 underage workers work on family farms. In practice, children often were apprenticed before age 12, particularly in small family-run workshops in the handicraft industry. Children, particularly rural girls, also were employed informally as domestic servants in urban areas and usually received little or no payment. Children work also in the informal sector in the textile, carpet and light manufacturing activities. Safety and health conditions, as well as wages in businesses that employ children often were substandard.

Ministry of Labor inspectors were responsible for enforcing child labor regulations, which generally were observed in the industrialized, unionized sector of the economy. However, before the passage of the new Code the inspectors were not authorized to monitor the conditions of domestic servants. Under both the new Code and amendments added to existing labor law in December, it is illegal for children under age 15 to be employed. The amendments empower labor inspectors and the police to bring charges against employers of under aged children and specify penalties. The Government maintained that the informal handicrafts sector was difficult to monitor.

The Government did not commit sufficient resources to enforce laws against child labor. There was also widespread acceptance of the desirability of contributing to family income, as well as the presumption that it was necessary to start working at a young age to properly learn traditional handicraft skills.

Along with UNICEF and several domestic NGOs, the ILO-IPEC had several small, ongoing programs to provide child maids and other working children, particularly young ostensibly apprentice artisans, rudimentary education, health care, and leisure activities.

e. Acceptable Conditions of Work.—Neither the minimum wage for the industrialized sector nor the wage for agricultural workers provided a decent standard of living for a worker and family, even with government subsidies for food, diesel fuel, and public transportation. In many cases, several family members combined their income to support the family. Most workers in the industrial sector earned more than the minimum wage. They generally were paid between 13 and 16 months' salary, including bonuses, each year.

In the April 30 accord, the Government agreed to raise the minimum wage for nonagricultural employees in the private sector by 5 percent increments in July and January 2004, although analogous increases will be delayed until January 2004 and

January 2005 for workers in the textile, tourism, leather and agro-food processing industries. With these two increments, minimum wage will be approximately \$225 (2,250 DH) per month in the industrialized sector. It is approximately \$9 (90 DH) per day for agricultural workers; however, businesses in the informal sector which accounts for 60 percent of the labor force often ignored the minimum wage requirements.

The minimum wage was not enforced effectively in the informal and handicraft sectors. However, the government pay scale exceeded the minimum wage for workers at the lowest civil service grades. To increase employment opportunities, the Government allowed firms to hire recent graduates for a limited period through a subsidized internship program at less than the minimum wage. However, due to economic conditions, most were not offered full-time employment at the conclusion of their internships. According to the Government, the overall unemployment rate during the year was 12 percent, but some union leaders contend that a more accurate figure, including underemployment, would be approximately 35 percent.

The new law provides for a 44-hour maximum workweek, with no more than 10 hours worked in any single day, premium pay for overtime, paid public and annual holidays, and minimum conditions for health and safety, including a prohibition on night work for women and minors. As with other labor regulations and laws, these were not observed universally and were not enforced effectively by the Government in all sectors.

Occupational health and safety standards were rudimentary, except for a prohibition on the employment of women in certain dangerous occupations. The labor inspectors attempted to monitor working conditions and investigate accidents, but lacked sufficient resources. While workers in principle had the right to remove themselves from work situations that endangered health and safety without jeopardizing their continued employment, there were no reports of workers attempting to exercise this right.

f. Trafficking in Persons.—The law does not specifically prohibit trafficking in persons; under the Penal Code perpetrators were prosecuted either for fraud, kidnapping, corruption of minors, or as persons who forced others into prostitution. Trafficking in persons was a problem, but the Government fully complied with the minimum standards for the elimination of trafficking. The Immigration And Emigration Act became effective on November 20. Title II, Articles 50–56, of this act specifically prohibit trafficking in persons and levy stiff fines and prison terms against those, including government officials, involved in or failing to prevent trafficking in persons.

In March in response to concerns about the welfare of young migrant citizens, officers in embassies and consulates were instructed to provide increased services to young citizens outside the country. In September, the Government initiated public awareness campaigns designed to discourage parents from offering their children to traffickers. In December, the Government also concluded an agreement with Spain to repatriate minors.

Prostitution was prevalent, particularly in cities with large numbers of tourists, as well as near towns with large military installations (see Section 5). NGO activists estimated that there were thousands of teenage prostitutes in urban centers. Women and girls were sometimes forced into prostitution. Prostitution of minors was a problem in the village of El Hajeb near Meknes which attracted sex tourists from Europe and the Gulf.

Women also were trafficked abroad. Internal trafficking was also a problem, particularly of women for sexual exploitation or of young girls for domestic service.

The Government did not provide direct funding to NGOs offering services to victims of trafficking. However, the Government did provide in-kind support. The Government supported programs aimed at keeping children in school, improving education opportunities for rural girls, and expanding economic opportunities in high-risk areas.

The country was also a transit point for trafficking and alien smuggling to Europe. Hundreds of citizens and foreigners, most from sub-Saharan Africa, drown annually attempting to cross the Strait of Gibraltar.

WESTERN SAHARA

Morocco claims the Western Sahara and administers Moroccan law and regulation in the approximately 85 percent of the territory which it controls; however, sovereignty remains disputed between the Government of Morocco and the Polisario Front (Popular Front for the Liberation of the Saguia el Hamra and Rio de Oro), an organization seeking independence for the region. The Moroccan Government sent troops and settlers into the northern two-thirds of the Western Sahara after

Spain withdrew in 1975, and extended its administration over the southern province of Oued Ed-Dahab after Mauritania renounced its claim in 1979. Since 1973, the Polisario has challenged the claims of Spain, Mauritania, and Morocco to the territory. Moroccan and Polisario forces fought intermittently from 1975 until the 1991 ceasefire and deployment to the area of a U.N. peacekeeping contingent, known by its French initials, MINURSO.

In 1975, the International Court of Justice advised that while some of the region's tribes had historical ties to Morocco, the ties were insufficient to establish "any tie of territorial sovereignty" between the Western Sahara and Morocco. The Court added that it had not found "legal ties" that might affect the applicable U.N. General Assembly resolution regarding the de-colonization of the territory, and, in particular, the principle of self-determination for its people. Sahrawis (as the persons native to the territory are called) live in the area controlled by Morocco, as refugees in Algeria near the border with Morocco, and to a lesser extent, in Mauritania. A Moroccan-constructed sand wall encloses most of the territory.

In 1988, Morocco and the Polisario accepted the U.N. plan for a referendum allowing the Sahrawis to decide between integration with Morocco or independence for the territory. However, disagreements over voter eligibility were not resolved, and a referendum has not yet taken place. In 1997, U.N. Secretary General Kofi Annan appointed former U.S. Secretary of State James Baker as his personal envoy to examine approaches for a peaceful settlement.

During the following years, former Secretary Baker has visited the region, consulted with the parties, and offered proposals to resolve the problem. In January, he presented a peace plan that called for a 4 to 5 year period of limited autonomy for an interim administration composed of elected members of a Western Sahara Authority, to be followed by a referendum to determine the status of the territory. Morocco rejected the plan, while the Polisario accepted it. Subsequently, an adjusted text to the Baker Plan added an additional ballot option in the referendum to include self-government or autonomy, in addition to the two previous options of independence or integration into Morocco. In July, the Security Council called on the parties to work towards its acceptance and implementation. Morocco voiced objections to that resolution, while the Polisario expressed support. The Security Council voted in October to extend the MINURSO mandate until January 31, 2004 to give the parties more time to work out their differences.

A sizeable Moroccan economic program subsidizes migration and development as part of its efforts to strengthen Moroccan claims to the territory. The population of the territory was an estimated 260,000. Incomes and standards of living in the market-based economy remained substantially below Moroccan levels, although fuel, power, water, and commodities such as flour, cooking oil, and sugar were subsidized.

Since 1977 the Saharan provinces of Laayoune, Smara, Awsard, and Boujdour (and Oued Ed-Dahab since 1983) have participated in elections organized and controlled by the Moroccan Government. In the September 2002 parliamentary elections, Sahrawis whose political views were aligned with the Moroccan Government filled all the seats allotted to the Western Sahara. On September 12, Moroccan municipal elections took place, including in the Western Sahara. No Sahrawis opposed to Moroccan sovereignty were candidates in the election. According to Moroccan government statistics, the national turnout was 54 percent, including 68 percent in the Western Sahara. There was no progress during the year on local elections to choose members to the proposed new Royal Advisory Council on the Western Sahara that the King had announced in 1999.

In July, three prisoners were convicted for the November 2002 death in custody of Mohamed Boucetta, imprisoned in Laayoune for drug charges. A prison guard was acquitted in the case.

As in past years, there were no new cases of disappearance in that part of the Western Sahara under Moroccan administration. The forced disappearance of individuals who opposed the Government of Morocco and its policies occurred over several decades; however, the Government in 1998 pledged to ensure that such activities would not recur, and to disclose as much information as possible on past cases. Those who disappeared were Sahrawis or Moroccans who challenged the Moroccan Government's claim to the Western Sahara or other government policies. Many of those who disappeared were held in secret detention camps. Although in 1991 the Moroccan Government released more than 300 such detainees, hundreds of Sahrawi and Moroccan families did not have any information at year's end regarding their missing relatives, many of whom disappeared over 20 years ago.

International human rights organizations continued to claim that disappearances of Sahrawis in the Western Sahara could number between 1,000 and 1,500, although conditions in the territory prevented confirmation of this figure.

Through the Arbitration Commission of the Royal Advisory Council on Human Rights (CCDH), the Government in 2000 began distributing preliminary compensation payments to affected Sahrawis, and announced that more compensation could be distributed pending the results of a review of petitions by Sahrawi claimants. However, many still viewed the process as biased, slow, and flawed administratively.

On November 6, following a recommendation of the CCDH, the King approved the creation of the Justice and Reconciliation Committee, a nonjudicial body, to pursue out-of-court settlements of human rights abuses related to forced disappearances and arbitrary detention prior to his assumption of the throne in 1999 and to complete a fair and equitable rehabilitation of victims. Eight members of the Committee were members of the CCDH, and the eight others were well-known judicial, university and human rights figures. According to press reports, the Committee was expected to consider thousands of cases, a number of them dealing with the Western Sahara.

The 1998 U.N. settlement plan called for the release of all prisoners of war (POWs) after the voter identification process was completed. In 1999, MINURSO completed the voter identification process. The Moroccan Government continued to hold or withhold information on 150 Polisario combatants and supporters, according to Polisario claims. The Government of Morocco formally denied that any Sahrawi former combatants remained in detention.

The Polisario released 100 Moroccan POWs in February, 243 in September, and 300 in November. At year's end, the Polisario held 614 POWs, of whom more than half had been prisoners for over 20 years. There continued to be credible reports from international organizations, Moroccan NGOs, and the French NGO France Liberte that Moroccan POWs suffered serious physical and psychological health problems due to their prolonged detention, abuse and forced labor.

The Government of Morocco claims that the Polisario detained 48,000 Sahrawi refugees against their will in camps near Tindouf, in southwestern Algeria. The Polisario denies this charge. The UNHCR and the World Food Program in December appealed to donors for food aid for a population of 165,000 in the refugee camps. The UNHCR office in Laayoune temporarily suspended its operations at the end of the year due to lack of movement on confidence-building measures between the Moroccan Government and the Polisario, such as family visits between the camps and the communities from which the refugees originated, mail exchanges, and telephone communication.

Police arrested and detained Sahrawis who supported Saharan independence. In March, Salek Bazid, a member of the Moroccan human rights NGO Forum for Truth and Justice (FVJ), was tried and sentenced to 10 years in prison for participating in violent conflicts with police in Smara in November 2001. According to Amnesty International (AI), his conviction was based solely on confessions that he later withdrew in court alleging that they were extracted under duress. Dkhil Moussaoui, another FVJ member, was sentenced in June to 1 year in prison for allegedly participating in a demonstration that burned down a police station. In November 2002, the four-times postponed trial of Ahmed Nassiri, also a member of the FVJ, resulted in a sentence of 18 months for instigating violence in Smara in 2001. According to AI, police abused him while in detention for refusing to sign police statements that were the sole basis for his conviction. Moroccan human rights NGOs considered these cases to be ordinary criminal cases involving assault and property damage.

Ali Salem Tamek, an official of the Moroccan Democratic Confederation of Workers and an FVJ member, undertook several hunger strikes during the year to protest conditions of his detention and his transfer to Ait Melloul prison in Agadir.

Political rights for the residents of Western Sahara remained circumscribed. Freedom of expression and freedom of peaceful assembly and association remained very restricted in the Western Sahara. A demonstration of the FVJ was disrupted in Laayoune in February. Sahrawi activists claimed that they were unable to form political associations or politically oriented NGOs. In 2002, five unemployed Sahrawi university graduates received prison sentences for participation in a peaceful demonstration in Laayoune.

Due to continuing Moroccan control of the territory of Western Sahara, the laws and restrictions regarding religious organizations and religious freedom are the same as those found in the Kingdom of Morocco.

Freedom of movement within the Western Sahara was limited in militarily sensitive areas, both within the area controlled by the Government of Morocco and the area controlled by the Polisario. Both Moroccan and Polisario security forces at times subjected travelers to arbitrary questioning. The Polisario reportedly restricted freedom of expression, peaceful assembly, association, and movement in its camps near Tindouf.

2003

The civilian population living in the Western Sahara under Moroccan administration was subject to Moroccan law. Sahrawis had difficulty obtaining Moroccan passports. U.N. observers and foreign human rights groups maintained that the Moroccan Government monitored the political views of Sahrawis more closely than those of other groups, and that the police and paramilitary authorities reacted especially harshly against those suspected of supporting independence and the Polisario.

In March, former political prisoner Mohamed Daddach and 12 other human rights activists and relatives of disappeared persons had their passports taken away and were prevented by Moroccan authorities from leaving the country to attend a reunion of families of missing Sahrawis in Geneva. In April, Ministry of Interior officials detained Daddach and two colleagues 6 hours after they met with MINURSO representatives in Laayoune.

Moroccan authorities banned the Laayoune chapter of the FVJ in April. Moroccan authorities claimed that the Laayoune chapter was actively lobbying for the independence of the Western Sahara. Some members of the FVJ were forced to leave the Western Sahara, reportedly because of their support for Saharan independence.

The Moroccan Government limited access to and within the territory. An official from a foreign NGO concerned with refugees who visited the territory during the year claimed Moroccan authorities did not allow him to meet with returning refugees or others whom he wished to see.

Women were subjected to various forms of legal and cultural discrimination. Female illiteracy was very high, especially in rural areas.

There was little organized labor activity in the Western Sahara. The same labor laws that apply in Morocco were applied in the Moroccan-controlled areas of the Western Sahara. A new Moroccan Code of Labor will be effective in June 2004. Moroccan unions were present in the areas of Western Sahara controlled by Morocco, but were not active. The Polisario-sponsored labor union, the Sario Federation of Labor, was also not active in the Western Sahara, where the 15 percent of the territory outside Moroccan control did not contain any major population centers or economic activity apart from nomadic herding.

There were no strikes, other job actions, or collective bargaining agreements during the year. Most union members were employees of the Moroccan Government or state-owned organizations. They were paid 85 percent more than their counterparts in Morocco as an inducement to Moroccan citizens to relocate to the Western Sahara. Workers in the Western Sahara were exempt from income and value-added taxes.

Moroccan law prohibited forced or bonded labor, including by children and there were no reports that such practices occurred.

Regulations on the minimum age of employment were the same as in Morocco. Child labor did not appear to be a problem.

The minimum wage and maximum hours of work were identical to those in Morocco. However, in practice during peak periods, workers in some fish processing plants worked as many as 12 hours per day, 6 days per week, well beyond the 10-hour day, 44-hour week maximum stipulated in the Moroccan Code of Labor as revised in July. Occupational health and safety standards were the same as those enforced in Morocco. They were rudimentary, except for a prohibition on the employment of women in dangerous occupations.

Morocco adopted a new law in November to be effective in May 2004 that will impose stiff fines and prison terms against those, including government officials, involved in or failing to prevent penalties on trafficking in persons. Although Morocco was a country of origin and transit for trafficked persons, there were no reports that persons were specifically trafficked to, from, or within the Western Sahara.

OMAN

The Sultanate of Oman is a monarchy ruled by Sultan Qaboos Al Bu Sa'id, who acceded to the throne in 1970. It has no political parties; however, the Consultative Council (Majlis Al-Shura) is a representative institution whose members are elected directly by voters. Unlike in previous years in which the Government selected voters, members are elected directly by voters; however, the Consultative Council, which may recommend changes to new laws, has no binding legislative powers. The Sultan, along with various tribal leaders, retains firm control over all important policy issues and retains final authority over the election process. The October elections were generally free and fair and approximately 74 percent of registered voters (194,000 persons) voted to elect the 83 seats in the Consultative Council. The Sultan also appointed 57 members for the State Council (Majlis al Dawla), which, with the

Consultative Council, forms the bicameral body known as the Majlis Oman (Council of Oman). The Basic Charter provides for an independent judiciary; however, the Sultan had the right to overturn judicial decisions on appeal.

The Royal Office controls internal and external security and coordinates all intelligence and security policies. The Internal Security Service investigates all matters related to internal security. The Royal Oman Police (ROP), whose head also has cabinet status, performs regular police duties, provides security at airports, serves as the country's immigration agency, and maintains a small coast guard. The Government maintained effective control of the security forces. There were no reports that security forces committed human rights abuses.

The country had a population of approximately 2.3 million, including approximately 550,000 foreigners. Based on this year's national census, the rate of population growth was 1.9 percent. Oil revenues were used to improve public access to health care, education, and social services for citizens. The economy was mixed, with significant government participation in industry, transportation, and communications. The country's Basic Charter (or the Basic Law) provides for many basic human rights; however, while implementing legislation has not been enacted, the responsibilities delineated in the Charter became effective when it was enacted in 1996. In cases where there is no implementing legislation, judges render judgment according to the principles of the Basic Charter.

Although many problems remained, the Government's respect for human rights improved in a few areas. Citizens did not have the right to change their government. Police did not always follow procedures regarding arrest and detention, and in some instances police handling of arrest and detention constituted incommunicado detention. In the past, there were instances in which due process was denied to persons tried in state security courts. Citizens were required to obtain permission from the Government to marry foreigners from outside the countries of the Gulf Cooperation Council. The Government restricted freedom of expression and association. The Government must approve the establishment of all associations and prohibited human rights organizations. Despite legislated equality, gender discrimination remained a problem, largely due to social and cultural factors. A new labor law eased restrictions on worker rights. Foreign workers in private firms at times were placed in situations amounting to forced labor, and abuse of foreign domestic servants 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 Basic Charter prohibits such practices, and there were no reports of torture during the year.

Judges have the right to order investigations of allegations of mistreatment. The Basic Charter prohibits "physical or mental torture" and stipulates that all confessions obtained by such methods are to be considered null and void.

During the year, the police used physical force to control demonstrations, and detained some persons. In March, police used a flash-bang grenade to help disperse demonstrators protesting the war in Iraq; however there were no reports of excessive use of force (see Section 2.b.). Prison conditions generally appeared to meet international standards. The Government permitted the independent monitoring of prison conditions; however, there were no such visits during the year. The Government (or other group) continued to severely restrict access to some prisoners. There were some reports of occasional overcrowding in special facilities for deportees. There were separate facilities for men and women as well as separate facilities for juveniles and adults. There is no information whether conditions vary for women from those of men. Security prisoners were held separately and in different conditions from regular prisoners. Pretrial detainees also were held separately.

d. Arbitrary Arrest, Detention, or Exile.—The law prohibits arbitrary arrest and detention; however, the police are not required to obtain warrants prior to making an arrest. There were no reports of arbitrary detention. Within 24 hours of arrest, the authorities must obtain court orders to hold suspects in pretrial detention, and the police are required to file charges or request a magistrate judge to order continued detention; however, in practice the police did not always follow these procedures. Judges may order detentions for 14 days to allow investigation and may grant extensions if necessary. There was a functioning system of bail.

Police handling of arrests and detentions constituted incommunicado detention in some instances. The police did not always notify a detainee's family or, in the case of a foreign worker, the worker's sponsor of the detention. At times notification was made just prior to the detainee's release. The authorities posted the previous week's trial results (including the date of the trial, the name of the accused, the claim, and the sentence) near the magistrate court building. The police did not always permit attorneys and family members to visit detainees. Judges occasionally interceded to ensure that security officials allowed such visits.

The Basic Charter prohibits exile, and there were no reported cases during the year.

e. Denial of Fair Public Trial.—The Basic Charter provides for an independent judiciary; however, the various courts were subordinate to the Sultan and subject to his influence in practice. The Sultan appoints all judges, who serve at his discretion through Royal Decree. The Sultan can act as a court of final appeal and interceded in cases, such as those concerning national security. However, there were no reported instances in which the Sultan overturned a decision of the magistrate courts.

The court system is comprised of the Supreme Court, an appeals court, primary courts (one located in each region), and, within the primary courts, divisional courts. Within each of the courts, there are divisions to consider commercial, civil, penal, labor, taxation, general, and personal status cases (the latter under Shari'a). The General Prosecutor's Office operates independently within the Ministry of Justice. An Administrative Court under the authority of the Diwan or Royal Court reviews complaints against the misuse of governmental authority. During the year, the court ruled against the Government in several cases brought by private parties and was increasingly used as a check against governmental violations of the law.

The Ministry of Justice administered all courts. The judiciary comprised the magistrate courts, which adjudicated misdemeanors and criminal matters, and the Shari'a (Islamic law) courts, which adjudicated personal status cases such as divorce and inheritance. The Labor Welfare Board attempted to mediate disputes between employers and employees. If a settlement cannot be reached, the parties may seek recourse in the appropriate courts. The courts of general jurisdiction may hear cases involving rent disputes.

Criminal cases are heard by primary courts, appeals courts, and the Supreme Court. Regional courts of first instance handled misdemeanor cases, which were heard by individual judges. All felonies were adjudicated at the Central Magistrate Court by a panel made up of the President of the Magistrate Court and two judges. All rulings of the felony panel were final except for those in which the defendant was sentenced to death. The death penalty rarely was used, except in serious felonies such as murder, and the Sultan must approve death sentences. There were no reported executions during the year.

The Criminal Appeals Panel also was presided over by the President of the Magistrate Court and included the court's vice president and two judges. This panel heard appeals of rulings made by all courts of first instance. In the past, specially trained prosecutors from the Royal Oman Police (ROP), all of whom were trained as police officers as well as prosecutors, carried out the role of public prosecutor in criminal cases; however, prosecutors operate independently of the ROP.

A Royal Decree established criminal rules of procedure for criminal cases before the court, providing rules of evidence, procedures for entering cases into the criminal system, and detailing provisions for a public trial. In criminal cases, the police provided defendants with the written charges against them; defendants were presumed innocent and have the right to present evidence and confront witnesses. The prosecution and the defense direct questions to witnesses through the judge, who was usually the only person to question witnesses in court. The Basic Charter provides for the presumption of innocence and the right to counsel, ensuring for those financially unable the means to legal defense. Judges often pronounced the verdict and sentence within 1 day of the completion of a trial. Those convicted may appeal jail sentences longer than 3 months and fines over the equivalent of \$1,250 (480 rials) to a three-judge panel.

The State Security Court tries cases involving national security and criminal matters that the Government decides require expeditious or especially sensitive handling. While an institution such as the Security Court has functioned on an ad hoc basis in past years, two royal decrees during the year formalized the Court in law, providing details on its jurisdiction, composition, and procedures. The newly announced procedures mirror closely those applicable elsewhere in the criminal system. No case has yet been referred to the State Security Court, nor had its informal predecessor institution been used in recent years. The Sultan has exercised his powers of extending leniency, including in political cases.

The Ministry of Justice administers Shari'a courts and applies Shari'a law as interpreted under the Ibadhi school of Islamic jurisprudence. Courts of first instance were located in each of the 59 wilayats, or governorates, and a single judge presided over them. Appeals of the rulings of the courts of first instance involving prison sentences of 2 weeks or more or fines greater than \$260 (100 rials) must be brought within 1 month before the Shari'a Court of Appeals. Panels of three judges heard appeals cases. Court of Appeals rulings themselves may be appealed, within a 1-month period, to the Supreme Committee for Complaints, which was composed of four members, including the Minister of Justice and the Grand Mufti of the Sultanate. Shari'a courts handle all family law cases.

There were no reports of political prisoners.

f. Arbitrary Interference with Privacy, Family, Home or Correspondence.—The law prohibits such actions; however, the law does not require police to obtain search warrants. Police reportedly do obtain warrants; however, warrants are issued by a public prosecutor and not the court. In some cases, search and arrest warrants may be issued verbally, but must be followed up with a paper copy. There was a widely held view that the Government eavesdropped on both oral and written communications. Citizens were required to obtain permission from the Ministry of Interior to marry foreigners, except nationals of the GCC countries; however, permission was not granted automatically. Delays or denial of permission resulted in secret marriages within the country. Marriages in foreign countries may lead to denial of entry of the foreign spouse into the country and prevent a legitimate child from claiming citizenship rights.

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Speech and Press.—The Basic Charter provides for freedom of speech and of the press; however, the Government generally restricted these rights in practice. The law prohibits criticism of the Sultan in any form or medium. The authorities tolerated criticism of government officials and agencies, particularly on the Internet, but such criticism rarely received media coverage. In practice, during the period covered by this report, there appeared to be an increasing level of tolerance in the media. Journalists and writers generally exercised self-censorship to avoid government harassment.

The Press and Publication Law authorizes the Government to censor all domestic and imported publications. Ministry of Information censors may act against any material regarded as politically, culturally, or sexually offensive. Editorials generally were consistent with the Government's views, although the authorities tolerated some criticism regarding foreign affairs issues. The Government discouraged in-depth reporting on controversial domestic issues and sought to influence privately owned dailies and periodicals by subsidizing their operating costs. There were five daily newspapers, three in Arabic and two in English. Arabic language dailies "Al-Watan" and "Shabiba" as well as English daily "Times of Oman" were privately owned. There are 32 magazines published in the Sultanate, according to the Omani News Agency.

In October, journalists announced the creation of the "Gulf Press Freedom Organization" (GPFO) which attempts to promote and defend a free press and human rights, and aid journalistic professional development in the Gulf and Yemen.

Customs officials confiscated videocassette tapes and erased offensive material, despite the lack of published guidelines regarding what was considered offensive. Such tapes may or may not be returned to their owners. Government censorship decisions were changed periodically without stated reason. There was a general perception that the confiscation of books and tapes at the border from private individuals and restrictions on popular novels eased somewhat; however, it reportedly has become more difficult to obtain permission to distribute books in the local market that censors decide have factual errors regarding the country (including outdated maps).

The Government owned four local radio stations and two local television stations. In general, they did not air any politically controversial material, although twice during the period covered by this report state television was allowed to broadcast public question and answer sessions between ministers and the Majlis Al-Shura. The Government did not allow the establishment of privately owned radio and television companies. The availability of satellite dishes has made foreign broadcast information accessible to those with the financial resources to obtain access to the dishes.

The appropriate government authority, the police, or a relevant ministry must approve public cultural events, including plays, concerts, lectures, and seminars. Most organizations avoided controversial issues because of fears that the authorities may cancel their events.

The Government, through its national telecommunications company, made Internet access available for a charge to citizens and foreign residents. However, it blocked certain web sites that it considered pornographic or politically sensitive. As use of the Internet to express views normally not permitted in other media grew, the Government took additional measures to monitor and censor it. The Government placed warnings on web sites that criticism of the Sultan or personal criticism of government officials was likely to be censored and could lead to police questioning, which ultimately caused some to practice self-censorship.

The Government restricted academic freedom, particularly regarding publishing or discussing controversial matters, such as politics. Professors may be dismissed for going beyond acceptable boundaries.

b. Freedom of Peaceful Assembly and Association.—The Basic Charter provides for freedom of assembly; however, all public gatherings require government approval. The authorities, with rare exceptions, enforced this requirement. In March, public demonstrations against U.S. policies in the Middle East took place in Muscat. Most demonstrators were young men, and most demonstrations were peaceful. In at least one instance, police used a non-lethal flash-bang grenade and physical force to control demonstrations and detained some persons.

The Basic Charter provides for freedom of association; however, the Government limited it in practice. The law states that the Ministry of Social Development must approve the establishment of all organizations and their by-laws; however, some groups, such as certain social groups, were allowed to function without formal registration. The Government used licensing to control the political environment and did not license groups regarded as a threat to the predominant social and political views or the interests of the Sultanate. Formal registration of foreign associations was limited to a maximum of one association for any nationality.

The Basic Charter allows for the formation of nongovernmental organizations (NGOs) providing services to women, children, and the elderly. There are 10 NGOs currently registered (see Section 4). There are 38 government-approved women's associations, some of which received limited government funding or in-kind support, while others were self-funded through membership fees, tuition fees for pre-schools, donations, and product sales.

c. Freedom of Religion.—The Basic Law protects the freedom to practice religious rites, in accordance with tradition, provided that their practices do not breach public order, and the Government generally respected this right in practice; however, there were some restrictions. The Basic Charter also provides that Islam is the State religion and that Shari'a is the source of all legislation. The Government permits worship by non-Muslim residents; however, non-Muslim religious organizations must be registered with the Government, and the Government restricts some of their activities.

The Basic Charter prohibits discrimination against individuals on the basis of religion or religious group. During the period covered by this report, the Ministry of Religious Affairs and Awqaf launched a new periodical entitled "Tolerance." There were no laws prohibiting discrimination against religious minorities. Some Shi'a occupied prominent positions in both the private and public sectors, although much less so in the public sector. For example, the Ministers of National Economy (also de facto Minister of Finance), Commerce and Industry, and Health are Shi'a.

Most citizens are Ibadhi or Sunni Muslims, but there is also a minority of Shi'a Muslims. Non-Muslims were free to worship at churches and temples built on land donated by the Sultan. There were many Christian denominations, which utilized two plots of donated land, on which two Catholic and two Protestant churches were built. Hindu temples also existed on government-provided land. Land was made available to Catholic and Protestant missions to provide places of worship and ministry to resident Christians in Sohar and Salalah.

The Government prohibited non-Muslims from proselytizing. It also prohibited non-Muslim groups from publishing religious material, although religious material printed abroad could be brought into the country. Certain medical and educational activity by missionaries was permitted as long as missionaries did not proselytize. Members of all religions and religious groups were free to maintain links with coreligionists abroad and undertake foreign travel for religious purposes.

The Government expects all imams to preach sermons within the parameters of standardized texts distributed monthly by the Ministry of Awqaf and Religious Affairs. The Government monitors mosque sermons to ensure that imams did not discuss political topics or instigate religious hatreds or divisions and stay within the state approved orthodoxy of Islam. The Government also monitored sermons of non-Muslim clergy.

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

d. Freedom of Movement within the Country, Foreign Travel, Emigration, and Repatriation.—The law does not provide for these rights, and the Government partially restricted these rights in practice. The Government did not restrict travel by citizens within the country except to military areas. The law does not restrict women from foreign travel.

The Basic Charter prohibits the extradition of political refugees, and there were no reports of the forced return of persons to a country where they feared persecution. The issue of the provision of temporary protection did not arise during the year. Tight control over the entry of foreigners into the country effectively limited refugees and prospective asylum seekers from entering. Illegal immigrants numbering in the hundreds or thousands, primarily from Iran, Pakistan and Afghanistan, are apprehended annually by the Royal Omani Police. The detainees are held in special detention centers until their deportation can be arranged. The Government seeks advice from U.N. High Commissioner for Refugees (UNHCR). The law provides for the granting of refugee status or asylum to persons who meet the definition in the 1951 U.N. Convention Relating to the Status of Refugees and its 1967 Protocol. In practice, the Government provides protection against refoulement, but does not routinely grant refugee or asylum status.

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

Citizens do not have the right to change their government. The Sultan retains ultimate authority on all foreign and domestic issues.

The country's Basic Charter (or the Basic Law) provides for many basic human rights. Although it is considered to have immediate force of law, laws and regulations to implement some provisions have not been enacted. While family, judicial, administrative, and financial implementing legislation were enacted, others have yet to be promulgated. In cases where there is no implementing legislation, judges render judgment according to the principles of the Basic Charter. The responsibilities delineated in the Charter became effective when it was enacted in 1996.

The law does not provide for political parties or direct elections, except to the Consultative Council. Citizens had indirect access to senior officials through the traditional practice of petitioning their patrons, usually the local governor, for redress of grievances. The Sultan appointed the governors. Successful redress depended on the effectiveness of a patron's access to appropriate decision makers. The Sultan and his ministers made an annual 3-week tour of the country, to listen directly to his subjects' concerns.

Citizens 21 years or older may vote; however, government employees in the military and security services are not permitted to vote. During the year, over 800,000 citizens were eligible to register to vote, of which approximately 226,000 did so. A total of 506 candidates, including 15 women, competed for the 83 Council seats. In October Majlis al-Shura elections, approximately 74 percent of registered voters, or roughly 194,000 persons turned out. Of the 15 women candidates competing, two were elected. A royal decree October 19 also reappointed the incumbent President of the Majlis al-Shura, although the Majlis elected from within its membership two Vice Presidents. In 2000, the number of eligible female voters increased from 5,000 to 52,000. In August 2000, a royal decree abolished the prior procedure under which voters (or electors) had volunteered as candidates for Consultative Council seats, had their police records checked by the Government, and relied on government approval of their decision to run. Candidates were not subject to government scrutiny, and the Sultan no longer ratified winning candidates; however, the Sultan controlled the process.

The Consultative Council has no formal legislative powers, which remain concentrated in the Sultan's hands; however, it served as a conduit of information between the citizens and the government ministries. No serving government official was eligible to be a Consultative Council member. The Consultative Council may question government ministers in public or in private, review all draft laws on social and economic policy, and recommend legislative changes to the Sultan, who makes the final decision. The Consultative Council can recommend new laws or changes to existing ones, and has the authority to study the Five-year Development Plan and monitor its implementation. During the year, the membership of the Majlis Al-Dawla, or State Council, increased from 53 to 57 members, including 8 female members. The precise responsibilities of the State Council and its relationship to the existing Consultative Council have yet to be clarified. The State Council and the Consultative Council together form the Majlis Oman, or Council of Oman. On October

19, a Royal Decree extended the term of office for Members of the Council to four years.

Eight women serve in the 57-seat State Council. In March, a woman was appointed to a ministerial rank for the first time and on October 4 elections, two women were elected to the Majlis al-Shura or Consultative Council. Women held other senior government positions, including four undersecretaries and one ambassador. Three women serve on the 12-member Main Election Committee of the Consultative Council.

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

The Government prohibited the establishment of human rights NGOs, and there were no government-controlled or autonomous human rights entities in the country.

There were no visits to the country by U.N. or international human rights organizations.

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

The Basic Charter prohibits discrimination on the basis of sex, ethnic origin, race, language, sect, place of residence, and social class. Effective government enforcement was insufficient in some areas, and societal and cultural discrimination based on gender, race, social class, and disability existed.

While there were no reports of official discrimination against persons with HIV/AIDS, societal attitudes in Oman remained conservative and fearful towards persons with the disease. The Ministry of Health has declared AIDS awareness to be a top priority. A "Peer Education" pilot project was initiated in the Muscat area in 2002 to improve awareness and education on the disease among secondary and post-secondary students and other youth, and was expanded to three other regions during the year. The Ministry employs 72 male and female counselors throughout the country to educate the public and help ease the social stigma surrounding HIV/AIDS.

Women.—The law does not specifically address domestic violence against women; however, Shari'a prohibits all forms of physical abuse. There was no evidence of a pattern of spousal abuse, although observers claimed that allegations of such abuse in the Shari'a courts were not uncommon and conversations with local observers indicated that domestic violence was a real concern. Doctors did not have a legal responsibility to report either spousal or child abuse to the courts, but they can and do summon police in instances where they deem a crime likely to have been perpetrated. Battered women may file a complaint with the police but often sought family intervention to protect them from violent domestic situations. Likewise, families sought to intervene to keep such problems from public view. There were reports of employers and co-workers physically and sexually abusing domestic servants and harassing hospital nurses without being held accountable for such actions (see Section 6.d.). There were no government programs for abused women.

The law prohibits rape. Shari'a provides no punishment for spousal rape.

Prostitution was illegal, and due to strict cultural norms and immigration controls, was rare.

A few communities still practice female genital mutilation (FGM); however, experts believed that the number of such cases was small and declining annually. There is no law prohibiting FGM.

While progress has been made in changing laws and attitudes, women continued to face many forms of social discrimination. Illiteracy among older women hampered their ability to own property, participate in the modern sector of the economy, or inform themselves of their rights. Government officials frequently denied women land grants or housing loans and preferred to conduct business with a woman's husband or other male relative. Women may own property.

Some aspects of Islamic law and tradition as interpreted in the country also discriminated against women. Shari'a favors male heirs in adjudicating inheritance claims. Many women were reluctant to take an inheritance dispute to court for fear of alienating the family.

Women have equal opportunities for education. The UN reported that in 2000–2001, the ratio of female to male enrollment was equal in primary education, and at the tertiary level, female enrollment exceeded that of males. The Government spent approximately 13 percent of its total budget on education in 2002. According to Government statistics, as of March 2002, 48.5 percent of the total number of students attending public primary and secondary schools were girls. Women constituted 54 percent of entering students at Sultan Qaboos University in 2002. In 2002, 613 women and 581 men received bachelor's degrees as members of the 12th graduating class, while 47 women and 64 men received master's degrees. The uni-

versity had a quota system with the apparent goal of increasing the number of men studying certain specialties. For example, women reportedly were being limited to 50 percent of the seats in the medical department, and there were no female engineering graduates from Sultan Qaboos University in 2002. The quota system was expected to allow women to constitute a majority in some other departments.

Educated women have attained positions of authority in government, business, and the media. In 2002, approximately 33 percent of all citizen civil servants were women. In both the public and private sectors, women were entitled to maternity leave and equal pay for equal work. The Government, the country's largest employer of women, observed such regulations, as did many private sector employers. However, many educated women still faced job discrimination because prospective employers feared that they might resign to marry or raise families. Female employees have sought administrative redress for alleged denial of promotion in favor of less capable men. According to recently published statistics approximately 24 percent of students who study abroad under the sponsorship of the Ministry of Higher Education were women.

The Ministry of Social Development handles women's affairs. The Ministry provided support for women's affairs through funding of the Oman Women's Association (OWA) and local community development centers (LCDCs). The OWA consisted of 38 chapters, with an active membership of more than 3,000 women. Typical OWA activities included sponsoring health or sociological lectures, kindergarten services, and handicraft-training programs. The OWA also provided an informal counseling and support role for women with divorce-related difficulties, girls forced to marry against their will, and women and girls suffering from domestic abuse. The main purpose of the 50 LCDCs located throughout the country was to encourage women to improve the quality of life for their families and to improve their contributions to the community.

Children.—The Government has made the education, health, and general welfare of children a budgetary priority. Primary school education for children, including noncitizen children, was free and universal, but not compulsory. Most children attended school through secondary school, until age 18. The infant mortality rate continued to decline, and comprehensive immunization rates rose. The Government provided free health care for children to age six. There was no pattern of familial or other child abuse, but government officials have publicly called for greater awareness and prevention of child abuse. The Government formed a National Committee on the Rights of the Child to monitor the country's compliance with the U.N. Convention on the Rights of the Child, to which it acceded in 2002.

Child prostitution was not known to occur.

FGM was rare; it was performed mainly on young girls (see Section 5, women).

Persons with Disabilities.—There is no legislated or otherwise mandated provision requiring access for persons with disabilities; however, the Government has mandated parking spaces and some ramps for wheelchair access in private and government office buildings and shopping centers. Compliance was voluntary, and is increasingly observed. Students in wheelchairs had easy access to Sultan Qaboos University. Persons with disabilities nevertheless suffered from lack of easy access to some facilities and transportation, hampering economic and social opportunities. The new labor law stipulates that enterprises employing more than 50 persons should have at least 2 percent of the jobs earmarked for disabled persons, however, this regulation was also not widely employed or enforced. There was one government-sponsored rehabilitation center in the capital area and 17 private rehabilitation centers throughout the country. Persons with disabilities, including blind persons, worked in government offices, though in low numbers. While the Government could charge a small fee to citizens seeking government health care, persons with disabilities generally were not charged for physical therapy and prosthetics.

National/Racial/Ethnic Minorities.—The Basic Charter prohibits discrimination based on racial or ethnic characteristics. Citizens of African origin claimed that they frequently faced job discrimination in both the public and private sectors, though these allegations have diminished in recent years. Royal Decree 87/2002 ratified the country's accession to the International Convention on the Elimination of All Forms of Racial Discrimination. In 2002, the Ministry of Social Development authorized the formation of social development committees at the local and regional level. UNICEF described the role of the committees, in part, as enhancing awareness of social issues such as disability.

Section 6. Worker Rights

a. The Right of Association.—Workers did not have the right to form or to join unions. On April 26, a long awaited Labor Law went into effect. According to the

ILO, the country is benefiting from a study for comparative analysis of national laws and practices in light of ILO core conventions currently being undertaken in GCC states. Provisions under the Labor Law permitted workers to form a representational committee that could take care of their interests, represent them in local and international conferences, and defend their rights under the law.

b. The Right to Organize and Bargain Collectively.—The Labor Law does not address strikes; however, the April decree details procedures for dispute resolution and removes a 1973 prohibition on strikes. Labor unrest was rare. The law does not provide for the right to collective bargaining; however, it required that employers of more than 50 workers form a joint labor-management committee as a communication forum between the two groups. The implementation of this provision was uneven, and the effectiveness of the committees was questionable. In general the committees discussed such matters as the living conditions at company-provided housing. They were not authorized to discuss wages, hours, or conditions of employment. Such issues were specified in the work contracts signed individually by workers and employers and had to be consistent with the guidelines of the Ministry of Manpower.

The law defines conditions of employment for some citizens and foreign workers. It does not cover domestic servants, temporary workers, or those with work contracts that expire within 3 months.

Work rules must be approved by the Ministry of Manpower and posted conspicuously in the workplace by employers of 15 or more workers; government inspectors occasionally perform random inspections to enforce implementation of these regulations. Similarly any employer with 50 or more workers must establish a grievance procedure. Employees, including foreign workers, may file a grievance with the Labor Welfare Board, which functions as a mediator between employee and employer. Should mediation fail, cases may be referred to court. In some cases, worker representatives filed collective grievances, but individual workers filed most grievances. Lower-paid workers used the procedure regularly. Legal counsel may represent plaintiffs and defendants in such cases.

There were no export processing zones.

c. Prohibition of Forced or Bonded Labor.—The law prohibits forced or bonded labor, including by children; however, there were reports that such practices occurred. The Government did not investigate or enforce the law effectively. Foreign workers at times were placed in situations amounting to forced labor. Employers have withheld documents that release workers from employment contracts and allow them to change employers. Without such a letter, a foreign worker must continue to work for his current employer or become technically unemployed, which was sufficient grounds for deportation. Many foreign workers were not aware of their right to take such disputes before the Labor Welfare Board. Others were reluctant to file complaints for fear of retribution from unscrupulous employers. In most cases brought before it, the Board released the worker from service without deportation and awarded compensation for time worked under compulsion; however, employers faced no penalty other than to reimburse the worker's back wages. Oman has ratified just two of the ILO's eight Fundamental Conventions on worker rights, No. 29 on Forced Labor and No. 182 on the Most Dangerous Forms of Child Labor; it has yet to ratify a second convention on Forced Labor, two on Freedom of Association, two on Discrimination, and another on Child Labor.

d. Status of Child Labor Practices and Minimum Age for Employment.—In April, the Government raised the minimum age for children to work from 13 to 15. Children between 15 and 18 years of age may be employed, but cannot work at night, on weekends or holidays. The Ministry of Manpower generally enforced the law; however, in practice, enforcement often did not extend to some small family businesses that employ underage children, particularly in the agricultural and fisheries sectors. Child labor did not exist in any industry.

The law specifically prohibits forced or bonded labor by children, and it was not known to occur.

e. Acceptable Conditions of Work.—The Ministry of Manpower issues minimum wage guidelines for various categories of workers. The minimum wage for most citizens is approximately \$260 (100 rials) per month, plus \$52 (20 rials) for transportation and housing. Minimum wage guidelines did not apply to a variety of occupational categories, including small businesses that employed fewer than five persons, the self-employed, domestic servants, dependent family members working for a family firm, and some categories of manual labor. Many foreigners worked in occupations that were exempt from the minimum wage law, and the Government was lax in enforcing minimum wage guidelines, where applicable, for foreign workers employed in menial jobs. However, highly skilled foreign workers were well paid.

The minimum wage was sufficient to provide a decent standard of living for a worker and family. The compensation for foreign manual laborers and clerks was sufficient to cover living expenses and to permit savings to be sent home. The country is setting mandatory targets for "Omanization" (i.e., nationalization of the workforce) in many sectors of the economy. In addition, programs such as the Sanad Fund offer low-interest loans for young Omani entrepreneurs to start their own businesses.

The private sector workweek was 40 to 45 hours and included a rest period from Thursday afternoon through Friday. Government workers have a 35-hour workweek. While the law does not designate the number of days in a workweek, it requires at least one 24-hour rest period per week and mandates overtime pay for hours in excess of 48 per week. Government regulations regarding hours of employment were not always enforced. Employees who worked extra hours without compensation could file a complaint before the Labor Welfare Board, but the Board's rulings were not binding.

Every worker has the right to 15 days of annual leave during the first year of continual employment and 30 days per year thereafter. Employers provide many foreign nationals, including domestic servants, with annual or biannual round-trip tickets to their countries of origin.

The law states that employers must not place their employees in situations involving dangerous work; however, the law does not specifically grant a worker the right to remove himself from dangerous work without jeopardy to his continued employment. All employers were required by law to provide first aid facilities. Work sites with more than 100 employees were required to have a nurse. Employees covered under the Labor Law could recover compensation for injury or illness sustained on the job through employer-provided medical insurance. Inspectors from the Department of Health and Safety of the Directorate of Labor enforced the health and safety standard codes. As required by law, they made regular onsite inspections.

Foreign workers constituted at least 50 percent of the work force and as much as 80 percent of the private sector work force. In the past, there were reports that employers or male coworkers sexually harassed and abused foreign females employed in such positions as domestic servants and hospital nurses. Foreign women employed as domestic servants and garment workers have claimed that their employers withheld their salaries and that government officials were unresponsive to their grievances, due to investigative procedures that disadvantaged the victim. There were reports of employers physically and sexually abusing foreign domestic servants, and employers were not always held accountable for such actions. Foreign women at times had to ask their Governments' embassies for shelter to escape abuse (see Section 5).

Foreign workers at times found themselves in situations amounting to forced labor (see Section 6.c.).

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.

QATAR

Qatar is a monarchy governed by the ruling Al Thani family through its head, the Amir Sheikh Hamad bin Khalifa Al Thani, who with the support of other leading families, took power from his father in 1995. The Amir holds power, the exercise of which is influenced by religious law, consultation with leading citizens, rule by consensus, and the right of any citizen to gain access to the Amir to appeal government decisions. The Amir generally legislates after consultation with leading citizens, an arrangement institutionalized in an appointed advisory council that assists the Amir in formulating policy. In April, approximately 96 percent of voters approved a draft Constitution by referendum. The Constitution provides for hereditary rule by the Amir's branch of the Al Thani family. The Constitution provides legislative authority to a new Advisory Council, consisting of 30 elected and 15 appointed members. In April, citizens participated in the country's second free and fair elections for the Central Municipal Council. The Constitution provides for an independent judiciary; however, approximately 50 percent of the judges are foreign nationals and all judges hold their positions at the Government's discretion.

The civilian security force, controlled by the Interior Ministry, consists of the police and the General Administration of Public Security. There is one civilian intelligence service, Qatari State Security, which was established in June through a merger of the former General Intelligence Service (mukhabarat) and the Investiga-

tion and State Security Service (mubahith). Like its predecessors, Qatari State Security reports directly to the Amiri Diwan and performs internal security investigations, gathers intelligence, and has primary responsibility for sedition and espionage cases. The civilian authorities maintained effective control of the security forces. There were no reports that security forces committed human rights abuses.

The country has a mixed economy. The population is approximately 600,000 of whom 150,000 are believed to be citizens. The Government owns most basic industries and services, but the retail and construction industries are privately owned. Oil is the principal natural resource exploited for revenue, but the country's extensive natural gas resources are increasingly important. Foreign workers, mostly South Asian and Arab, represent approximately 85 percent of the workforce. Many government jobs are offered generally only to citizens and private sector businesses are encouraged to recruit citizens as well.

Although there were problems in some areas, the Government's overall human rights records improved in some areas during the year. The country has taken significant steps toward democratic governance; however, citizens did not have the right to peacefully change their government. The Government severely limited the rights of assembly and association. The Government restricted freedom of religion, although it continued to take some steps to ease restrictions on the practice of non-Muslim religions. The law and social customs restricted women's rights. The Government severely restricted workers' rights. At times, some domestic servants were mistreated and abused. Noncitizens, who make up more than 75 percent of local residents, faced discrimination in the workplace. The country also was a destination for trafficked persons.

RESPECT FOR HUMAN RIGHTS

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

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

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

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.—The law prohibits torture, and there were no reports that government officials employed it. However, the Government administered most corporal punishment prescribed by Islamic law but did not allow amputation. Punishments were not administered publicly.

Prison conditions generally met international standards. Women were held separately from men, and juveniles were held separately from adults. Pretrial detainees were held separately from convicted prisoners. The Government permitted the independent monitoring of prison conditions; however, there were no such visits during the year.

d. Arbitrary Arrest, Detention, or Exile.—The law prohibits arbitrary arrest and detention and the Government generally observed these prohibitions. The authorities generally charged suspects within 48 hours, and had 4 days to present suspects before a judge, who may order the suspect released, remanded to custody to await trial, held in pretrial detention pending investigation, or released on bail. Lengthy pretrial detention was not known to occur. The accused is entitled to legal representation throughout the process. There were no provisions for state funded legal counsel for indigents. Suspects who were detained in security cases generally were afforded access to counsel; however, they may be detained indefinitely while under investigation. During the year, there were no cases of incommunicado detention.

The Ministry of the Interior controls the police forces which include the Coast Guard and Border Police, Fire Department, and Immigration Authorities. They generally were effective and corruption and abuse of power were minimal. During the year, the Ministry of the Interior established an Office of Human Rights in its Legal Department.

The Constitution prohibits forced exile of citizens, and there were no reported cases during the year.

e. Denial of Fair Public Trial.—Although the Constitution provides for an independent judiciary, most judges were foreign nationals holding residence permits granted by the civil authorities. All judges held their positions at the Government's discretion. Approximately 50 percent of the judges are citizens. The Amir appoints all judges for renewable 3-year terms.

During the year a new law united the Adlea (Civil Law) courts and Shari'a (Islamic law) courts under a Supreme Judiciary Council. Prosecutors remained under the authority of the Ministry of Interior.

The Adlea courts have jurisdiction in commercial, national security, trafficking, and criminal matters. The Shari'a courts have jurisdiction in family, inheritance, deportation, wrongful injury, and most other civil cases. The law provides for the establishment of ad hoc state security courts, although there have been no cases before these courts since the Amir assumed power. Defendants tried by all courts have the right to appeal. The Appeals Court is the highest in the country.

The Shari'a courts applied most principles contained in the draft Family Status Law, which covered marriage, inheritance, and juvenile matters, to cases under adjudication. Shari'a trials usually were brief. Shari'a family law trials often were held without counsel; however, an increasing number of litigants, especially women, used lawyers to present their cases.

Criminal cases normally were tried within 2 to 3 months after suspects were detained. Suspects were entitled to bail, except in cases of violent crime. Foreigners who were charged with minor crimes could be released to a citizen sponsor, although they were prohibited from departing the country until the case was resolved. Defendants in the civil courts had the right to be represented by defense attorneys.

Both Muslim and non-Muslim litigants may request the Shari'a courts to assume jurisdiction in family, commercial, and civil cases. Trials in both the Adlea and the Shari'a courts were public, but the presiding judge can close the courtroom to the public if the case is deemed sensitive. Lawyers prepare litigants and speak for them during the hearing. Non-Arabic speakers were provided with interpreters. Defendants were entitled to legal representation throughout the trial and pretrial process.

Foreign residents were disadvantaged in cases involving the performance of labor contracts.

Defendants appeared before a judge for a preliminary hearing within 4 days of their arrest. Judges may extend pretrial detention for 1 week at a time to allow the authorities to conduct investigations. Lengthy pretrial detention was not known to occur.

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. Traditional attitudes of respect for the sanctity of the home and the privacy of women provided protection against arbitrary intrusion for both citizens and noncitizens. Judicial authorities must grant warrants before police may search a residence or business, except in cases involving national security or emergencies. There were no reports of unauthorized searches of homes during the year. The police and security forces were believed to monitor the telephone calls of suspected criminals, of those considered to be security risks, and of selected foreigners.

Citizens must obtain government permission to marry foreigners and to apply for residence permits or citizenship for their spouses; such permission generally was granted.

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 imposed some restrictions on these rights in practice. Journalists continued to practice self-censorship due to social and political pressures when reporting on government policies, the ruling family, and relations with neighboring states.

Citizens expressed many of their views freely and in public, though they avoided discussing sensitive political and religious issues. The larger noncitizen population did not express itself as freely or as publicly. The Government did not prosecute anyone for the expression of views considered offensive.

Three Arabic and two English daily newspapers are not state-owned; however, the owners or board members generally are either high-level government officials or have ties to government officials. Copies of foreign newspapers and magazines were censored for explicit sexual content.

Although personal criticism of government officials was rare, the performance of ministries was the subject of extensive reporting. During the year, the Ministry of Municipal Affairs and Agriculture was publicly criticized for its decision to make insurance mandatory for small business owners, and its failure to provide adequate facilities for slaughtering animals.

The Censorship Office in the Qatar Radio and Television Corporation reviewed materials for pornography and material deemed hostile to Islam. There were no reports of political censorship of foreign print or broadcast news media or foreign programs.

Customs officials screened imported print media, videocassettes, and similar items for pornography, but no longer blocked the personal importation of non-Islamic religious items (see Section 2.c.). The law provides for criminal penalties and jail sen-

tences for libel. All cases involving the media fall under the jurisdiction of the criminal courts.

State-owned television and radio reflected government views, but the private satellite television network, Al-Jazeera Satellite Channel (JSC), provided an internationally oriented perspective that JSC and the Government both claimed to be free of government influence. Although it is privately owned, since its inception, the Government has paid some of JSC's operating costs. JSC programs generally did not cover local news. Callers to a popular morning show on the state-owned radio frequently discussed topics such as government inefficiency and the lack of responsiveness by various ministries to citizens' needs, such as poor schools, failure to deliver adequate water and sewage services, and problems with the health care system.

More than 80,000 residents access the Internet, which was provided through the privatized telecommunications monopoly. The Government censored the Internet for political, religious, and pornographic content through a proxy server, which blocked websites containing certain key words and phrases. A user who believes that a site was censored mistakenly could submit the Web address to have the site reviewed for suitability.

The Constitution provides for freedom of opinion and scientific research; however, there was no tradition of academic freedom, and instructors at the University exercised self-censorship.

b. Freedom of Peaceful Assembly and Association.—The Constitution provides for freedom of assembly; however, the Government severely limited this right in practice. The Government generally did not allow political demonstrations.

The Constitution provides for freedom of association; however, the Government severely limited this right in practice. The Government did not allow political parties or international professional organizations critical of the Government or of any other Arab government. Private social, sport, trade, professional, and cultural societies must be registered with the Government and registration of such groups routinely was granted. Security forces monitored the activities of such groups.

c. Freedom of Religion.—The Constitution provides for freedom of worship, in accordance with the law and the requirements of protecting the public system and public behavior; however, the Government continued to prohibit proselytization of Muslims by non-Muslims and placed some restrictions on public worship.

The state religion is Islam, as interpreted by the conservative Wahhabi order of the Sunni branch. While Shi'a Muslims practiced most aspects of Islam freely, they did not organize traditional Shi'a ceremonies or perform rites such as self-flagellation in public.

The Government and ruling family are linked inextricably to Islam. The Ministry of Islamic Affairs administers the construction of mosques, clerical affairs, and Islamic education for adults and new converts. The Ministry of Education administers Islamic Education in the public schools. The Amir participated in public prayers during both Eid holiday periods, and personally financed the Hajj journeys of poor pilgrims.

Shi'a Muslims were well represented in the bureaucracy and business community, but there were no Shi'as employed in senior national security positions.

The Government has given legal status to Catholic, Anglican, Orthodox, Coptic, and many Asian Christian denominations; other Christian congregations may request recognition. However, the Government does not allow the building of new non-Muslim places of worship without permission. In May, it provided congregations with registration numbers that allows them to open bank accounts and sponsor clergy for visas. During the year, Christian officials continued to seek authorization to construct churches on government-reserved land; however, the Government had not issued building permits by year's end.

Non-Muslims may not proselytize, and the Government places some restrictions on public worship by non-Muslims. Converting from Islam is considered apostasy, and is technically a capital offense; however, since 1971, there have been no records of prosecution for such a crime.

The Government did not permit Hindus, Buddhists, Bahai's or members of other religions to operate as freely as Christian congregations. However, there was no official effort to prevent adherents of these faiths from practicing privately.

The Government formally prohibited the publication, importation, and distribution of non-Islamic religious literature; however, in practice individuals generally were not prevented from importing Bibles and other religious items for personal use. Religious materials for use at Christmas and Easter were available readily in local shops. However, Bibles were not available in Arabic.

Islamic instruction was compulsory in public schools. While there were no restrictions on non-Muslims providing private religious instruction for children, most foreign children attended secular private schools.

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

d. Freedom of Movement within the Country, Foreign Travel, Emigration, and Repatriation.—The law provides for these rights, and the Government generally respected them in practice; however, there were some notable exceptions. There were no restrictions on internal travel, except around sensitive military and oil installations. In general, women did not require permission from male guardians to travel; however, men may prevent female relatives and children from leaving the country by providing their names to immigration officers at ports of departure. Technically women employed by the Government must obtain official permission to travel abroad when requesting leave, but the extent to which this regulation was enforced was not known. The Government did not allow noncitizen parents, even if they have custody of their children, to take them out of the country without the permission of the citizen parent. Citizens critical of the Government sometimes faced restrictions on their right to travel abroad.

The Constitution provides that citizens have the right to return. Foreigners were subject to restrictions on entry and exit designed to control the size of the local labor force (see Sections 6.c. and 6.d.). Foreign women who are married to citizens were granted residence permits and may apply for citizenship; however, they were expected to relinquish their foreign citizenship.

The Government has not formulated a formal policy to provide 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. Those attempting to enter the country illegally, including persons seeking asylum from nearby countries, were refused entry. Asylum seekers who were able to obtain local sponsorship or employment were allowed to enter and may remain as long as they are employed.

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

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

The country has taken significant steps toward democratic governance; however, citizens do not have the right to peacefully change their government. The Constitution provides for a democratic political system and hereditary rule by the Amir's branch of the Al Thani family. Legislative authority is vested in an Advisory Council with a majority of elected members. The influence of Bedouin tribal traditions is still strong, and the Government did not permit political parties or organized opposition groups.

The Amir exercises most executive powers, including appointment of cabinet members. The Constitution provides for a new Advisory Council consisting of both elected and appointed officials to draft legislation; however, its members were not elected or appointed during the year. During the year, citizens elected new members for a 29-member Central Municipal Council. Both male and female citizens 18 and older voted and ran as candidates. The Council is a nonpartisan body that addressed local issues such as street repair, green space, trash collection, and public works projects. Its role is to advise the Minister of Municipal Affairs and Agriculture. The Council does not have the authority to change policy.

Lack of political experience and the influence of traditional attitudes and roles continued to limit women's participation in politics; however, in April, citizens elected 1 woman official to the 29-member Central Municipal Council. The Amir appointed 1 woman as Minister of Education in a 16-member Cabinet. The newly appointed President of the University of Qatar was also a woman. The Amir's sister is Vice President of the Supreme Council of Family Affairs and also has the title of Minister.

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

The Government does not permit independent human rights groups to exist and none were known to exist. No international human rights organizations were known to have requested to investigate conditions in the country during the year.

During the year, members of both government ministries and civil society comprised a new National Committee for Human Rights, which was charged with investigating and improving local human rights conditions.

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

The law prohibits discrimination in the workplace; however, institutional, cultural, and legal discrimination based on gender, race, and social status existed.

Women.—Shari'a prohibits all forms of physical abuse. According to a local quasi-governmental organization on family issues, domestic violence against women occurred, but was not widespread. During the year, there were no publicized arrests or convictions for domestic violence. The maximum penalty for rape is death. Shari'a provides no punishment for spousal rape.

Some employers mistreated foreign domestic servants, especially those from South Asia and the Philippines (see Section 6.e.). Foreign embassies provided shelter for maids who left their employers as a result of abuse or disputes. Abused domestic servants usually did not press charges for fear of losing their jobs.

The legal system allows leniency for a man found guilty of committing a "crime of honor," or a violent assault against a woman for perceived immodesty or defiant behavior; however, such honor killings are rare and never received public attention during the year.

Tradition and law restricted the activities of women. The Government adhered to locally practiced Shari'a in matters of inheritance and child custody. Muslims have the automatic right to inherit from their Muslim spouses; however non-Muslim spouses (invariably wives, since Muslim women cannot legally marry non-Muslims) do not inherit unless their spouse formally wills them a portion (up to one third of the total) of their estates. A Muslim husband does not automatically inherit the property of a non-Muslim wife. Muslim wives have the right to inherit from their husbands; however, they inherit only one-half as much as male relatives. In cases of divorce, young children usually remain with the mother, regardless of her religion.

Women may attend court proceedings but generally are represented by a male relative; however, women may represent themselves if they wish. The testimony of two women equals that of one man, but the courts routinely interpret this on a case-by-case basis. A non-Muslim woman is not required to convert to Islam upon marriage to a Muslim; however, many make a personal decision to do so. A noncitizen woman is not required to become a citizen upon marriage to a citizen. Children born to a Muslim father are considered to be Muslim.

Many women serve as senior professionals in government service, education, health, and private business. Women made up 14 percent of the overall workforce, and 26 percent of the local national workforce, including as university professors, public school teachers, and police. Women appeared to receive equal pay for equal work; however, they often did not receive equal allowances which generally covered transportation and housing costs.

Although women legally were able to travel abroad alone (see Section 2.d.), tradition and social pressures caused most to travel with male escorts.

The Government prohibits independent women's rights organizations; however, the Supreme Council for Family Affairs sought to improve the status of women and the family under both civil and Islamic law. The council established projects such as Early Childhood Education and Development Centers, The National Library for Children, Orphanages, and the Centers for Family Counseling. It has also prepared or contributed to a number of national and international conferences, studies and reports on the status of women in the country.

Children.—The Government is committed to the welfare of children. The Government provided for a well-funded, free public education system (elementary through university) and a complete medical protection program. Education was compulsory for citizens (both boys and girls) through the age of 18. Education through primary school (the equivalent of ninth grade) was compulsory and free for all noncitizen resident children. Medical coverage for noncitizen children was limited.

There was no societal pattern of abuse of children, apart from the trafficked, juvenile camel jockeys (see Section 6.f.).

The Supreme Council for Family Affairs maintained a children's hotline called the Friendly Line for use by children. The system allowed both citizen and noncitizen children to call in with questions and concerns ranging from school, health, and psychological problems to concerns about sexual harassment.

Persons with Disabilities.—The law does not address the question of discrimination against persons with disabilities, and the Government did mandate provision of accessibility for persons with disabilities, who also face societal discrimination. The Government maintained a hospital and schools that provide high-quality, free services to persons, including noncitizens, with mental and physical disabilities.

National/Racial/Ethnic Minorities.—The Government discriminated based on nationality in the areas of employment, education, housing, and health services. Non-

citizens did not receive the same benefits as citizens. They were required to pay for health care, electricity, water, and education (services that were provided free of charge to citizens) and are not permitted to own property. The largest nationality groups among noncitizens were Indian, Pakistani, and Iranian nationals, and Arab nationals of other countries. In the private sector, many citizens of Iranian origin occupied some of the highest positions.

Section 6. Worker Rights

a. The Right of Association.—The law prohibits all workers from forming labor unions. The law provides for the establishment of joint consultative committees composed of representatives of the employer and workers. The right of association was limited strictly. The committees did not discuss wages but considered issues such as organization, productivity, conditions of employment, training of workers, and safety measures and their implementation. The International Labor Organization (ILO) was represented at a Gulf Cooperation Council Labor Ministers' meeting in Doha in November. It signed a protocol with GCC countries on cooperation to assist with upgrading training facilities and developing methods to address employment related problems.

Since 1995 the country has been suspended from the U.S. Overseas Private Investment Corporation insurance programs because of the Government's lack of compliance with internationally recognized worker rights standards.

b. The Right to Organize and Bargain Collectively.—Collective bargaining was prohibited. Employers set wages unilaterally without government involvement. Local courts handled disputes between workers and employers; however, foreign workers avoided drawing attention to problems with their employers for fear of employer repatriation.

The law provides most workers with the right to strike, but only after their particular grievance has been ruled on by the Labor Department of the Ministry of Civil Service. Employers may close a place of work or dismiss employees once the Department has heard a complaint. The Department widely was perceived to be objective, within a narrow mandate dealing with the nonpayment of wages and poor living conditions. It did not consider wage levels in the absence of labor unions.

Although it was government policy to assist laborers seeking payment of late salaries due (usually through the Labor Department), small groups of laborers resorted to illegal work stoppages to force payment of arrears. Groups of as many as 1,500 workers struck after Labor Department intervention failed to produce payment of back wages. In June, 500 workers employed by 2 construction firms were arrested and later released for disrupting traffic on their way to stage a sit-in protesting unpaid salary arrears.

Government employees, domestic servants, or employee family members do not have the right to strike. No worker in a public utility, health, or security service may strike if it would harm the public or lead to property damage.

Strikes remained frequent during the year. In May, 350 technicians employed by an engineering firm struck over 5-months of unpaid wages. In July, they held 4 company officials hostage for over 12 hours because salaries had still not been paid. Also in July, 250 Asian workers for a company that was part of a troubled construction group staged a sit-in on company premises to protest repeated failures of management to fulfill its promises to settle back pay. The Labor Department claimed that it resolved the vast majority of worker complaints amicably, with a very small percentage referred to the courts for judgment.

There are no export processing zones.

c. Prohibition of Forced or Bonded Labor.—The law prohibits forced or bonded labor, including by children; however, foreign workers in some cases were employed under circumstances that constituted forced labor. Three-quarters of the workforce were foreign workers who, dependent on a single employer for residency rights, were vulnerable to abuse. For example, employers must give consent before exit permits are issued to any foreign employee seeking to leave the country. Some employers temporarily withheld this consent to force foreign employees to work for longer periods than they wished. Unskilled workers and domestic servants were particularly vulnerable to nonpayment or late payment of wages.

d. Status of Child Labor Practices and Minimum Age for Employment.—The law provides that minors between the ages of 15 and 18 may be employed with parental or guardian permission, and some children worked in small, family-owned businesses; however, child labor occurred. Minors may not work more than 6 hours a day or more than 36 hours a week. Employers must provide the Labor Department with the names and occupations of their minor employees and obtain permission from the Ministry of Education to hire a minor. The Department may prohibit the

employment of minors in jobs that are judged dangerous to the health, safety, or morals of minors. Very young children, usually of African or South Asian background, were employed as jockeys in camel races (see Section 6.f.).

The law prohibits forced and bonded labor by children, and the Government generally enforced this prohibition with respect to citizen, but not noncitizen, children (see Section 6.c.).

e. Acceptable Conditions of Work.—Although the law provides the Amir with authority to set one, there was no minimum wage. The average wage provided a decent standard of living for a worker and family. According to Planning Council statistics, the average monthly wage in 2001 was \$795 (2,902 riyals). The law prescribes a 48-hour workweek with a 24-hour rest period, although most government offices followed a 36-hour-per-week work schedule. Employees who worked more than 48-hours-per-week, or 36-hours-per-week during the Muslim month of Ramadan, were entitled to overtime pay. Government offices and major private sector companies adhered to this law; however, it was not observed with respect to unskilled laborers and domestic and personal employees, the majority of whom were foreigners. Many such workers frequently worked 7 days per week, and more than 12 hours per day with few or no holidays, no overtime pay, and no effective way to redress grievances.

The Government has enacted regulations regarding worker safety, but enforcement, which is the Ministry of Energy and Industry's responsibility, was lax due to insufficient training and lack of personnel. The Department of Public Safety oversaw safety training and conditions, and the state-run petroleum company had its own safety standards and procedures. The regulations listed partial and permanent disabilities for which compensation may be awarded, some connected with handling chemicals and petroleum products or construction injuries. The law does not specifically set rates of payment and compensation. The Government provided free medical treatment to workers who suffered work-related sickness or injuries. The law does not provide workers specifically the right to remove themselves from hazardous work conditions, and workers often hesitated to do so for fear of dismissal. The law provides any worker with the right to seek legal relief from onerous work conditions; however, domestic servants generally did not pursue such relief in order to avoid repatriation.

Foreign workers may enter the country on a visitor's visa, but a sponsor is needed to convert a visitor's visa to a work visa, and the worker must have a sponsor's permission to depart the country. The Government has also penalized citizen employers who severely violated residence and sponsorship laws by prohibiting them from importing labor until they rectified the situation. Employers mistreated some foreign domestic servants. Such mistreatment generally involved the nonpayment or late payment of wages; in some cases, it involved rape and physical abuse.

f. Trafficking in Persons.—The law prohibits prostitution and trafficking in persons; however, men and women have been trafficked into situations of coerced labor and children have been trafficked to the country to serve as jockeys in the camel races.

Children aged 4 to 15, mostly of African, Pakistani, and Bangladeshi origin, were used as jockeys in camel races. Guardians and handlers, who often claimed to be parents, brought the children into the country and supervised their training. They lived in difficult conditions and trained on a daily basis to become riders.

The country also was a destination for women and girls who traveled to the country to work as domestic servants. Some have reported being forced into domestic servitude and sexual exploitation.

The Government actively investigates and prosecutes traffickers. In 2002, 474 foreign laborers filed cases with the labor courts, generally for non-payment of wages; 197 were judged in favor of the plaintiffs; 141 adjourned; and 127 pending or transferred to other courts at year's end. During the year, 579 expatriate laborers filed similar cases with the labor courts. In April, the Government established an interministerial committee to fight trafficking in persons, and the Cabinet adopted an anti-trafficking plan in the Fall. It sponsored training for judges and their deputies on prosecution of trafficking-related offenses. It monitored immigration patterns for evidence of trafficking. The Government provides assistance to domestics who have suffered from abuse and provides shelter for them in deportation centers. It ran a 24-hour hotline to advise women and children in abusive situations.

In 2001, the Government introduced safety measures for camel jockeys including the use of helmets and safety belts, and opened a school and health center for the riders. In 2002, the Camel Racing Association established a minimum weight for jockeys.

2020

SAUDI ARABIA

Saudi Arabia is a monarchy without elected representative institutions or political parties. It is ruled by King Fahd bin Abd Al-Aziz Al Saud; however, Crown Prince Abdullah has been the de facto ruler since King Fahd suffered a stroke in 1995. The Basic Law sets out the system of government, rights of citizens, and powers and duties of the State. The Basic Law provides that the Islamic holy book the Koran and the Sunna (tradition) of the Prophet Muhammad are the country's Constitution. As custodian of Islam's two holiest sites in Mecca and Medina, the Government bases its legitimacy on governance according to Islamic law. Neither the Government nor the society in general accepts the concept of separation of religion and state. The Majlis al-Shura, an appointed consultative body, debates, rejects and amends government-proposed legislation, holds oversight hearings over government ministries, and has the power to initiate legislation. The Basic Law provides for an independent judiciary; however, high-ranking members of the royal family, who are not required to appear before the courts, and their associates occasionally influenced judges.

The Government maintained effective control of the various security forces. Police and border forces under the Ministry of Interior are responsible for internal security. Also subordinate to the Ministry of Interior are the Mabathith, or internal security force, and the elite special forces. The Committee to Prevent Vice and Promote Virtue, whose agents commonly are known as Mutawwa'in, or religious police, was a semiautonomous agency that enforced adherence to Sunni-Wahhabi Islamic norms by monitoring public behavior. The Crown Prince controls the National Guard. The Deputy Prime Minister and Minister of Defense and Aviation, Prince Sultan, is responsible for all the military forces. Members of the security forces committed human rights abuses.

The population was approximately 24 million. The oil industry was the basis of the transformation of the country from a pastoral, agricultural, and trading society to a rapidly urbanizing one, and the labor market had a large percentage of foreign workers. Oil and gas revenues accounted for approximately 35 to 40 percent of the gross domestic product (GDP) and 75 percent of government income. Agriculture accounted for approximately 6 percent of GDP. Government spending accounted for 37 percent of GDP. Approximately 40 percent of the economy was nominally private. As part of its Saudiization policy, since 1995 the Government has required employers to increase the number of citizens in the public and private work forces.

The Government's human rights record remained poor; although there were positive improvements in a few areas, serious problems remained. Citizens did not have the right to change their government. There were credible reports that security forces continued to torture and abuse detainees and prisoners, arbitrarily arrest and detain persons, and hold them in incommunicado detention. There were cases in which Mutawwa'in continued to intimidate, abuse, and detain citizens and foreigners. There was no evidence that violators were held accountable for abuses. Most trials were closed, and defendants usually appeared before judges without legal counsel. There were reports that the Government infringed on individuals' privacy rights. The Government continued to restrict freedom of speech and press, although there has been an increase in press freedom over a series of years. The Government restricted freedom of assembly, association, religion, and movement. Violence and discrimination against women, violence against children, discrimination against ethnic and religious minorities, and strict limitations on worker rights continued.

The Government announced in October that it would hold the first municipal elections within 1 year. The Government met with organized groups of reform advocates, and in public statements, committed to political, economic and social reforms. The Government established a National Dialogue Center to address differences between different Muslim traditions in the country. There was an increase in press freedom, with open discussion of previously taboo subjects such as women's rights, political reform, economic reform, Mutawwa'in abuses, government corruption and religious issues. Numerous foreign journalists were issued visas, and permitted to travel and report freely within the country. However, journalists were also sanctioned for criticizing the religious police and for questioning certain religious dogma. After the terrorist bombings in Riyadh on May 12, the Government instituted a program to train Mutawwa'in and there was a decline in reported instances of abuse after that date. During the year, the Government permitted the first visit of an international human rights organization, Human Rights Watch (HRW), and held its first human rights conference.

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, the Government executed persons for criminal offenses after closed trials making it impossible to assess whether legal protections were applied (see Section 1.e.). In cases involving stoning, amputation or death, sentences must be reviewed by the country's highest court, the Supreme Judicial Council, and can only be enforced pursuant to a Royal Decree issued by the King.

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

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.—The Criminal Procedure law prohibits torture and Shar'ia (Islamic law) prohibits any judge from accepting a confession obtained under duress; however, there were credible reports that the authorities abused detainees, both citizens and foreigners. Ministry of Interior officials were responsible for most incidents of abuse of prisoners, including beatings, whippings, and sleep deprivation. In addition, there were allegations of torture, including allegations of beatings with sticks and suspension from bars by handcuffs. There were reports that torture and abuse were used to obtain confessions from prisoners (see Section 1.e.). Canadian and British prisoners that were released during the year reported that they had been tortured during their detention.

The Government continued to refuse to recognize the mandate of the U.N. Committee Against Torture to investigate alleged abuses. A government committee established in 2000 to investigate allegations of torture still had not begun functioning at year's end.

During the year, there were cases in which Mutawwa'in harassed, abused, and detained citizens and foreigners of both sexes. They also brought citizens to police for detention. These incidents were most common in the central region, including the capital, Riyadh, and less frequent in the eastern and western regions of the country. During the year, Mutawwa'in abuses attracted greater public attention than in the past, including in the local press. After the May 12 terrorist attacks, reports of Mutawwa'in abuses declined considerably (see Sections 1.d. and 1.f.).

Unlike in previous years, the Government publicly acknowledged human rights abuses by security forces and began a training program for Mutawwa'in in personal relations. In January and May, the President of the Committee to Promote Virtue and Prevent Vice acknowledged publicly that mistakes had been made and that Mutawwa'in who overstep their authority would be held accountable; however, at year's end, the Government had not charged any security forces with alleged abuses.

The Government punished criminals according to its interpretation of Shari'a. Punishments included imprisonment, flogging, amputation, and execution by beheading. At year's end authorities acknowledged 32 executions, lower than the 43 in the previous year. Executions were for killings, narcotics-related offenses, rape, and armed robbery. The authorities punished repeated thievery and other repeated offenses by amputation of the right hand and left foot. Persons convicted of less serious offenses, such as alcohol-related offenses or being alone in the company of an unrelated person of the opposite sex, sometimes were punished by caning.

Following protests in October, the Government sentenced most of the hundreds of demonstrators arrested throughout the country to varying sentences, many of which included sentences of flogging; however, at year's end, there were no reports that floggings actually occurred (see Sections 1.d., 2.b., and 3.).

Prison and jail conditions varied. Prisons reportedly generally met internationally accepted standards and provided air conditioned cells, good nutrition, regular exercise, and careful patrolling by prison guards. The Government did not permit NGO human rights monitors to visit prisons or jails; however, in October, the Government received the U.N. Special Rapporteur on the independence of judges and lawyers and allowed him access to prisons. Some police stations, deportation centers, and jails, nonetheless, were overcrowded, unsanitary, and not air conditioned. Authorities generally allowed family members access to detainees, but in some cases only after holding detainees for a significant period of time. The Government maintained separate detention facilities for men, women and juveniles.

At year's end, the Committee for Collection of Donations for Impoverished Prisoners announced that 95 prisoners had been released due to the actions of the Committee. The Committee raised over \$1.44 million (5.4 million riyals) in order to pay fines resulting from traffic accidents and civil cases. The prisoners were to remain in custody until the fines were paid, regardless of length of sentence.

d. Arbitrary Arrest, Detention, or Exile.—The law prohibits arbitrary arrest and detention; however, the authorities at times arrested and detained persons without

following explicit legal guidelines. The Mutawwa'in intimidated and brought to police stations persons whom they accused of committing "crimes of vice" based on their own religious interpretations. There were few existing formal procedures to safeguard against abuse, although the Government claimed that it punished individual security officers who violate regulations. There have been few publicized cases of citizens successfully obtaining judicial redress for abuse of the Government's power of arrest and detention. In January, the President of the Committee to Promote Virtue and Prevent Vice said that individual Mutawwa'in were disciplined for infractions. However, the Government did not publicize any cases in which security officials were disciplined for abuses. In June, the press reported a case in which a citizen received a prison sentence and lashes for assaulting a Mutawwa, although he claimed to have been attacked first. On September 30, 2 men in Yanbu were sentenced to 3 years and 3,000 lashes for assaulting Mutawwa'in who allegedly were beating a woman they suspected of being in the presence of a male who was not her relative.

The law provides that authorities may not detain suspects for more than 3 days without charging them. However, in practice persons were held weeks or months and sometimes longer. The regulations also provides for bail for less serious crimes, although authorities at times released detainees on the recognizance of a patron or sponsoring employer without the payment of bail. If they were not released, authorities typically detained accused persons for an average of 2 months before sending the case to trial or, in the case of some foreigners, summarily deporting them. There were no established procedures providing detainees the right to inform their family of their arrest.

On March 24, the Government released Islamist dissident Shaykh Sa'eed bin Za'er after more than 8 years in prison. Shaykh Za'er was originally arrested in 1995 after publicly condemning former Grand Mufti Shakh Abd al-Aziz bin Baz's fatwa permitting peace with Israel. On October 28, the press reported that the Government released over 100 prisoners in honor of Ramadan, with approximately 100 juvenile delinquents and first time offenders also pardoned.

The Mutawwa'in have the authority to detain persons for no more than 24 hours for violations of the strict standards of proper dress and behavior. In the past, they sometimes exceeded this limit before delivering detainees to the police (see Section 1.f.). Procedures required a police officer to accompany the Mutawwa'in at the time of an arrest. Mutawwa'in generally complied with this requirement. During the year, in the more conservative Riyadh district, reports continued of Mutawwa'in accosting, abusing, arresting, and detaining persons alleged to have violated dress and behavior standards. Reported incidents of harassment by the Mutawwa'in declined following the May 12 terrorist bombings in Riyadh.

The Mutawwa'in reportedly detained young men for offenses that included eating in restaurants with young women, making lewd remarks to women in the shopping malls, or walking in groups through family-only sections of shopping centers. Women of many nationalities were detained for actions such as riding in a taxi with a man who was not their relative, appearing with their heads uncovered in shopping malls, and eating in restaurants with males who were not their relatives. Many such prisoners were held for days, sometimes weeks, without officials notifying their families or, in the case of foreigners, their embassies.

There were cases in which the Government arrested and detained Christians, at times for holding services and at times apparently arbitrarily (see Section 2.c.).

In 2002, the Government arrested six leaders of the Ismaili Shi'ite sect in Najran. They continued to be detained along with a reported 93 others held since the protests there.

Political detainees who are arrested by the General Directorate of Investigation (GDI), the Ministry of Interior's security service (Mabahith), have been held incommunicado in special prisons during the initial phase of an investigation, which may last weeks or months. The GDI allowed the detainees only limited contact with their families or lawyers.

The authorities may detain without charge persons who publicly criticize the Government, or may charge them with attempting to destabilize the Government (see Sections 2.a. and 3). In May, King Fahd ordered that a large number of prisoners, both citizens and foreigners, be released who had been convicted of minor crimes including intoxication, assault, and theft, but who had no previous criminal records. Following the October 14 and October 23 demonstrations in a number of cities, authorities arrested and detained hundreds of political protesters for weeks prior to charging them (see Sections 1.c., 2.a. and 3).

The Government continued to commit abuses against members of the Shi'a Muslim minority. Government security forces reportedly arrested Shi'a based on the smallest suspicion, held them in custody for lengthy periods, and then released

them without explanation. At year's end, an unknown number of Shi'a remained in prison.

The Public Security Department in Jeddah discourages abuse by security forces through hotlines (including telephone and fax numbers and an e-mail address) for use by the general public. These hotlines allowed the public to complain about any breach of law by security personnel and to report abuse by police officers. During the year, the department established a special task force to act on complaints and proposals from the public. There was no reliable information about the total number of political detainees.

The Government did not use forced exile; however, it previously revoked the citizenship of opponents of the Government who reside outside the country (see Section 3).

e. Denial of Fair Public Trial.—The independence of the judiciary is prescribed by law and was generally respected in practice; however, high-ranking members of the royal family who were not required to appear before the courts, and their associates, occasionally influenced judges. Judges are appointed by the Justice Ministry and confirmed by the Royal Diwan (Royal Court). The Ministry exercised judicial, financial, and administrative control of the courts. The Supreme Judicial Council, whose members appointed by the King, may discipline or remove judges.

The legal system is based on Shari'a. Shari'a courts exercise jurisdiction over common criminal cases and civil suits regarding marriage, divorce, child custody, and inheritance. Such jurisdiction extends to non-Muslims for crimes committed in the country. Shari'a courts base judgments largely on their interpretation of the Koran and the Sunna. Cases involving relatively small penalties were tried in Shari'a summary courts. More serious crimes were adjudicated in Shari'a courts of common pleas. Appeals from Shari'a courts were made to the courts of appeal.

Other civil proceedings, including those involving claims against the Government and enforcement of foreign judgments, were held before specialized administrative tribunals, such as the Commission for the Settlement of Labor Disputes and the Board of Grievances.

The Government permitted Shi'a Muslims to use their own legal tradition to adjudicate cases involving domestic issues, inheritance, and Islamic endowments. However, there were only two judges, which was insufficient to handle the large Shi'a population in the Eastern Province. There was no comparable right for non-Muslims or foreigners, whose cases were handled in regular Shari'a courts.

The military justice system has jurisdiction over uniformed personnel and civil servants that are charged with violations of military regulations. The Minister of Defense and Aviation and the King review the decisions of courts-martial.

The Supreme Judicial Council is not a court and may not reverse decisions made by a court of appeals. However, the Council may review lower court decisions and refer them back to the lower court for reconsideration.

The Council of Senior Religious Scholars is an autonomous body of 20 senior religious jurists, including the Minister of Justice. It establishes the legal principles to guide lower-court judges in deciding cases. In 2002, the Criminal Procedural Law went into effect. Reported by the press as a bill of rights, the 225-article law reportedly was part of a plan to restructure court procedures. The approval of the bill followed the Government's decision to allow persons under investigation the right to a lawyer and to permit lawyers to present arguments in criminal courts. In 2002, following the announcement of the new law's implementation, the Justice Minister issued a public statement announcing his instructions to courts and judges to inform convicts of their right to appeal rulings. It was not clear whether this law was being consistently implemented.

There were reports during the year that the authorities tortured detainees and pressured them to confess by isolation and blindfolding over a period of weeks (see Section 1.c.).

A woman's testimony does not carry the same weight as that of a man. In a Shari'a court, the testimony of one man equals that of two women. Under the Hanbali interpretation of Shari'a law, judges may discount the testimony of persons who are not practicing Muslims or who do not adhere to the correct doctrine. Legal sources reported that testimony by Shi'a is often ignored in courts of law or is deemed to have less weight than testimony by Sunnis. Sentencing under the legal system was not uniform. Laws and regulations state that defendants should be treated equally; however, under Shari'a as interpreted and applied in the country, crimes against Muslims may result in harsher penalties than those against non-Muslims.

Female parties to court proceedings such as divorce and family law cases generally must deputize male relatives to speak on their behalf. In the absence of two witnesses, or four witnesses in the case of adultery, confessions before a judge al-

most always were required for criminal conviction—a situation that has led prosecuting authorities to coerce confessions from suspects by threats and abuse (see Section 1.c.).

Laws and regulations state that defendants should be treated equally; however, crimes against Muslims received harsher penalties than those against non-Muslims. Sentencing was not uniform. In the case of wrongful death, the amount of indemnity or “blood money” (compensation) awarded to relatives varied with the nationality, religion, age, and sex of the victim. A sentence may be changed at any stage of review, except for punishments stipulated by the Koran. In November, six prisoners who had admitted to murder agreed to pay “blood money” to victims’ families in order to avoid the death penalty.

Hindus are considered polytheists by Islamic law, which is used as a justification for greater discrimination in calculating accidental death or injury compensation. According to the country’s “Hanbali” interpretation of Sharia (Islamic law), once fault is determined by a court, a Muslim male receives 100 percent of the amount of compensation determined, a male Jew or Christian received 50 percent, and all others (including Hindus) received 1/16 of the amount a male Muslim receives. Women receive 50 percent of what males receive in each of these categories.

Provincial governors (almost all of whom are members of the royal family) have the authority to exercise leniency and reduce a judge’s sentence. In general, members of the royal family and other powerful families were not subject to the same rule of law as ordinary citizens.

The King and his advisors reviewed cases involving capital punishment. The King has the authority to commute death sentences and grant pardons, except for capital crimes committed against individuals. In such cases, he may request the victim’s next of kin to pardon the killer—usually in return for compensation from the family or the King.

There was insufficient information to determine the number of political prisoners. The Government did not provide information regarding such persons or respond to inquiries about them. It did not allow access to political prisoners by international humanitarian organizations. Moreover, the Government conducted closed trials for persons who may have been political prisoners and in other cases has detained persons incommunicado for long periods while under investigation.

f. Arbitrary Interference with Privacy, Family, Home or Correspondence.—The Basic Law guarantees the inviolability of homes and the privacy of correspondence. The Criminal Procedure Law requires authorities to obtain a warrant prior to searching a residence, or a court order prior to perusing personal correspondence or documents. The Government generally respected this inviolability in practice; however, there were cases in which the Government infringed on these rights. Royal decrees include provisions calling for the Government to defend the home from unlawful intrusions, while laws and regulations prohibit officials from intercepting mail and electronic communication except when necessary during criminal investigations.

The police generally must demonstrate reasonable cause and obtain permission from the provincial governor before searching a private home; warrants are required by law in most cases.

Customs officials routinely opened mail and shipments to search for contraband, including material deemed pornographic and non-Sunni Muslim religious material. Customs officials confiscated or censored materials considered offensive, including Christian Bibles and religious videotapes (see Section 2.c.). The authorities also opened mail and used informants and wiretaps in internal security and criminal matters. Security forces used wiretaps against foreigners suspected of alcohol-related offenses. Informants and an informal system of ward bosses in some districts reported “seditious ideas,” antigovernment activity, or behavior contrary to Islam in their neighborhoods to the Ministry of the Interior.

The Government enforced most social and Islamic religious norms, the Government’s interpretations of which are matters of law (see Section 5). Women may not marry noncitizens without government permission; men must obtain government permission to marry noncitizen women outside the six states of the Gulf Cooperation Council. In accordance with Shari’a, women are prohibited from marrying non-Muslims; men may marry Christians and Jews, as well as Muslims. Marriages between Sunni and Shi’a citizens were discouraged, and any such marriages generally were made formal through ceremonies in Bahrain.

The Government imposes restrictions on the right of certain Government employees to marry foreigners. The Government bars top civil servants and security officials from marrying foreigners without permission from the King. The list of positions subject to this restriction included ministers, judges, employees in the Royal Court and Cabinet, Majlis al-Shura members, diplomats and administrative staff in the Foreign Ministry, civil servants posted overseas, chairmen of boards of private

companies, staff of the Defense Ministry, National Guard, internal security, intelligence service, public prosecution and customs. The marital restrictions also applied to citizens studying overseas on government scholarships. Violators risked disciplinary action; however, this policy was rarely violated and there were no reports of sanctions being imposed.

Mutawwa'in practices and incidents of abuse varied widely in different regions of the country, but they were most numerous in the central Nejd region. In certain areas, both the Mutawwa'in and religious vigilantes acting on their own harassed, abused, arrested, and detained citizens and foreigners (see Section 1.d.). The Government requires the Mutawwa'in to follow established procedures and to offer instruction in a polite manner; however, Mutawwa'in did not always comply with the requirements. During the year, the President of the Committee to Promote Virtue and Prevent Vice publicly acknowledged abuses by individual Mutawwa'in and said violators were subject to discipline. The Government began a training program for Mutawwa'in. Incidents of abuses by Mutawwa'in declined following the May 12 terrorist attacks.

Mutawwa'in enforcement of strict standards of social behavior included the closing of commercial establishments during the five daily prayer observances, insisting upon compliance with strict norms of public dress, and dispersing gatherings of women in public places designated for men, as well as preventing men from entering public places designated for families. Mutawwa'in frequently reproached citizen and foreign women for failure to observe strict dress codes and arrested men and women found together who were not married or closely related.

Incidents with Mutawwa'in usually increased during Ramadan because many feel they have added license to assert their authority during the holy month.

Some professors believed that informers monitor comments made in university classrooms and reported them to government authorities.

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Speech and Press.—The Basic Law states that the media's role is to educate the masses and boost national unity and that it can be banned if it gives rise to mischief and discord, compromises the security of the State and its public image, or offends man's dignity and rights and the Government continued to restrict freedom of speech and press although there has been an increase in press freedom over a series of years. The Government sanctioned several journalists for articles and commentaries critical of the religious authorities and conservative Muslim theology, particularly after the May 12 terrorist attacks. Journalists also practiced some self-censorship, refraining from direct criticism of Government officials. There were no reports of journalists being imprisoned.

Newspapers reported on previously taboo subjects including political, economic and educational reform, women's rights, corruption, and religion. Newspapers carried stories about elections in neighboring Gulf countries, and reported on reform discussions within the country.

The press has some freedom to criticize governmental bodies and social policies through editorial comments and cartoons. During the year, both Arabic and English newspapers reported on domestic problems, such as abuse of women, servants, and children, previously not addressed by the media (see Section 5).

During the year, the Grand Mutfi issued a fatwa (religious ruling) denouncing incitement to violence and disparagement of other religions and in some instances, the Government has banned imams from speaking on political issues (see Section 2.c.).

The print media were privately owned but publicly subsidized. A media policy statement and a national security law prohibit the dissemination of criticism of the Government. The media policy statement urged journalists to uphold Islam, oppose atheism, promote Arab interests, and preserve cultural heritage. The Ministry of Information appointed, and may remove, all editors in chief. During the year, the Government removed the editor of Al Watan newspaper following a series of articles and cartoons criticizing religious authorities and questioning elements of conservative Islam. This editor was provided another position and later allowed to resume writing for the newspaper. The Government also provided guidelines to newspapers regarding controversial issues. The Government owned the Saudi Press Agency (SPA), which expressed official government views.

In February, the Government granted a charter to a professional journalists' association. The association began registering members, opening membership to all journalists in the country or abroad who have worked in the profession for three years or longer. Both men and women are members, and non-citizen journalists working in the country are eligible to join as non voting members. The association's stated goal will be to organize the journalists, coordinate relations with employers, support the development of job-related skills, and encourage innovation.

In the past, newspapers typically published news on sensitive subjects only after the information was released by the SPA or when a senior government official had authorized it; however, this was less common during the year. Newspapers routinely investigated and published stories on crime and terrorism without senior government prior authorization. Two Saudi-owned, London-based dailies, *Al-Sharq Al-Awsat* and *Al-Hayat*, were distributed widely and read in the country. Both newspapers practiced some degree of self-censorship in order to comply with government guidelines on sensitive issues.

The Government owned and operated the television and radio companies. Government censors removed any reference to politics, religions other than Islam, pork or pigs, alcohol, and sex from foreign programs and songs. There were several million satellite-receiving dishes in the country, which provided citizens with foreign broadcasts.

The Government was more open to media coverage than in the past. In March, the *Majlis al-Shura* allowed partial television coverage of its proceedings and allowed journalists to attend sessions. There was frequent coverage in the press of *Majlis* proceedings and votes. The Ministry of Foreign Affairs began regular press conferences for journalists. In February, in an unprecedented development, the government-owned Saudi television station was the first news source to break the story of the terrorist shooting of a British expatriate by a citizen. And following the May 12 terrorist attacks, the Saudi press carried timely and accurate coverage of the attacks and the subsequent government campaign against terrorism in the country. In several cases, government security agencies permitted journalists to film anti-terrorist operations in progress, which were broadcast on Saudi television.

Unlike in previous years, the Government permitted domestic newspapers to release stories about the country that were based on stories in the foreign press. Access by citizens to outside sources of information, such as Arabic and Western satellite television channels and the Internet, was widespread.

In the past, the Government restricted the entry of foreign journalists. However, during the year, it granted visas to a large number of international media professionals. The Government allowed foreign journalists and photographers, both male and female, to travel freely and to interview. In one case, police detained and confiscated the film of a reporter photographer for the English-language newspaper *Arab News*, who was covering an incident in which a dozen pilgrims were killed during the Hajj. The newspaper subsequently published an article criticizing the actions of the police.

During the year, newspapers published stories, editorials, and letters on education reform, both in support and opposition. In October, the *Saudi Gazette* published an article in which schoolteachers were interviewed who criticized the Government for revisions to the new school textbooks, including the removal of passages on dealing with Muslims and non-Muslims.

The Government banned all books, magazines, and other materials that it considered sexual or pornographic in nature. The Ministry of Information compiled and updated a list of publications that were prohibited from being sold in the country.

The Government censored most forms of public artistic expression and prohibited cinemas and public musical or theatrical performances, except those that are considered folkloric.

Access to the Internet was available legally only through local servers, which the Government monitored closely. There were as many as one million Internet subscribers. Some citizens attempted to circumvent this control by accessing the Internet through servers in other countries. The Government attempted to block Web sites that it deemed sexual, pornographic, politically offensive, or "un-Islamic." However, such web sites were accessible from within the country.

There was a report that a university professor was banned from teaching and traveling for criticizing the Government's discriminatory policies against Shi'a.

Academic freedom was restricted. The Government prohibited the study of evolution, Freud, Marx, Western music, and Western philosophy. Informers monitored their classroom comments and reported to government and religious authorities.

b. Freedom of Peaceful Assembly and Association.—The Basic Law does not address freedom of association or assembly, and the Government strictly limited it in practice and prohibited public demonstrations as a means of political expression. In October, several hundred persons demonstrated in Riyadh and other cities in a protest organized by the London-based Movement for Islamic Reform. Police broke up the protest and arrested most of the demonstrators (see Sections 1.c., 1.d. and 3). In March, during the Shi'a Ashura observance in Qatif, the Government permitted approximately 10,000 people to gather for a sermon. Public meetings were segregated by sex. Unless sponsored by diplomatic missions or approved by the appropriate governor, foreign residents who seek to hold unsegregated meetings risked ar-

rest and deportation. The authorities monitored any large gatherings of persons, particularly women. The Mutawwa'in dispersed groups of women found in public places, such as restaurants. Government policy permits women to attend cultural and social events if accompanied by a father, brother or husband; however, the policy was not consistently enforced.

The Government prohibited the establishment of political parties or any type of opposition group (see Section 3). However, groups of reform supporters organized several petitions that they presented to the Government, and the group met with the Crown Prince. The Government licensed a journalists' association, approved the establishment of an independent non-governmental human rights organization, and announced plans to form a bar association (see Section 4). The Government licensed a large number of humanitarian organizations and tribal and professional societies, such as the Saudi Chemists Society and the Saudi Pharmacists Society.

c. Freedom of Religion.—The Government does not provide legal protection for freedom of religion and such protection did not exist in practice. Freedom of religion did not exist. Islam is the official religion, and the law provides that all citizens must be Muslims.

The Government prohibited non-Islamic public worship. The Government informally recognized the right of non-Muslims to worship in private; however, it did not always respect this right in practice. In general, non-Muslims were able to worship privately, but must exercise great discretion to avoid attracting attention. Conversion by a Muslim to another religion was considered apostasy. Public apostasy is a crime under Shari'a and, according to the Government's interpretation, is punishable by death. There were no executions for apostasy during the year, and no reports of any such executions for the past several years.

During the year, the Government initiated an effort to encourage moderation and greater respect for religious diversity. In addition to statements by the Crown Prince, Grand Mufti, and other leaders throughout the year, in June the Government initiated a National Dialogue that brought together leaders from different Muslim traditions in the country. The conference issued a statement acknowledging that theological diversity within Islam is "natural." Following the meeting, the Government established a permanent center for national dialogue.

Islamic practice generally was limited to strict adherence of the so-called "Wahhabi" interpretation of the Hanbali school of the Sunni branch of Islam as promulgated by Muhammad Ibn Al Wahab, a puritanical 18th century religious reformer. The spreading of Muslim teachings not in conformity with the officially accepted interpretation of Islam was prohibited. However, there were significant numbers of Sufis in the western province who engaged in technically illegal practices, such as celebrating the Mawlid, or Prophet's birthday without government interference. The practice of other schools of Sunni Islam was discouraged, and adherents of the Shi'a branch of Islam faced institutionalized discrimination, including restrictions on religious practice and on the building of mosques and community centers. The Ministry of Islamic Affairs directly supervised, and was a major source of funds for the construction and maintenance of most mosques in the country. The Ministry paid the salaries of imams (prayer leaders) and others who worked in the mosques. On occasion, the Government provided direction to mosque orators and imams regarding the content of their messages; in some instances, imams were banned from speaking. A governmental committee was responsible for defining the qualifications of imams. The Mutawwa'in received their funding from the Government and were government employees. The General President of the Mutawwa'in held the rank of cabinet minister.

Foreign imams were barred from leading worship during the most heavily attended prayer times and prohibited from delivering sermons during Friday congregational prayers. The Government stated that its actions were part of its "Saudiization" plan to replace foreign workers with citizens. Writers and other individuals who publicly criticized this interpretation, including both those who advocated a stricter interpretation and those who favored a more moderate interpretation than the Government's, risked sanctions. Several journalists who wrote critically about the religious leadership or who questioned theological dogma were temporarily banned from writing or traveling abroad.

The Shi'a Muslim minority (approximately 2 million of approximately 17 million citizens) lived mostly in the Eastern Province, although a significant number also resided in Medina in the western province. Its members were the objects of officially sanctioned political, social, and economic discrimination (see Section 5).

The authorities permitted the celebration of the Shi'a holiday of Ashura in the eastern province city of Qatif, including a public sermon by a leading Shi'ite cleric before 10,000 worshipers. The police monitored the celebrations. No other public Ashura celebrations were permitted in the country, and many Shi'a traveled to Qatif

or to Bahrain to participate in Ashura celebrations. The Government continued to enforce other restrictions on the Shi'a community, such as banning Shi'a books.

Unlike in previous years, the Government issued permits to construct Shia mosques and a new mosque was constructed in Qatif. The Shi'a have declined government offers to build state-supported mosques because the Government would prohibit the incorporation and display of Shi'a motifs in any such mosques.

Magic was widely believed in and sometimes practiced; however, under the Government's interpretation of Shari'a the practice of magic was regarded as the worst form of polytheism, an offense for which no repentance was accepted, and which was punishable by death. There were an unknown number of detainees held in prison on the charge of "sorcery," or the practice of "black magic" or "witchcraft." The press reported several cases in which police arrested persons accused of sorcery. There was no information available on prison time or punishment.

The Government prohibited public non-Muslim religious activities. Non-Muslim worshippers risked arrest, lashing, and deportation for engaging in overt religious activity that attracts official attention. The Government has stated publicly, including before the U.N. Commission on Human Rights, that its policy is to protect the right of non-Muslims to worship privately. During the year, senior officials in the Government publicly re-affirmed this right, while also asserting that no church would be allowed to be built in the country. However, the Government did not provide explicit guidelines—such as the number of persons permitted to attend and acceptable locations—for determining what constitutes private worship, which made distinctions between public and private worship unclear. Such lack of clarity, as well as instances of arbitrary enforcement by the authorities, forced most non-Muslims to worship in such a manner as to avoid discovery by the Government or others. Authorities deported those detained for non-Muslim worship almost always after sometimes-lengthy periods of arrest.

At year's end, there were no reports that Christians detained for practicing their religion remained in prisons. During the year, there were a few raids, arrests, and detentions of Christians throughout the country, although fewer than in the past. The Mutawwa'in arrested four expatriate Protestants and imprisoned them without charge for three weeks prior to turning them over to the Ministry of the Interior. All were subsequently released and deported. In September, the Mutawwa'in arrested 16 expatriate workers in al-Jouf for practicing Sufism. On October 25, two Egyptian Christians were arrested and jailed. Both were released on November 13. Several other expatriate Protestants were arrested in Riyadh in October by regular police and released the same day without charge.

The Government did not permit non-Muslim clergy to enter the country for the purpose of conducting religious services, although some came under other auspices. Such restrictions made it very difficult for most non-Muslims to maintain contact with clergymen and attend services. Catholics and Orthodox Christians, who require a priest on a regular basis to receive the sacraments required by their faith, particularly were affected. However, since May, there have been few reports of non-Muslim worshippers being harassed by the Mutawwa'in.

Proselytizing by non-Muslims, including the distribution of non-Muslim religious materials such as Bibles, was illegal. There were no reports during the year of arrests for proselytizing. Muslims or non-Muslims wearing religious symbols of any kind in public risked confrontation with the Mutawwa'in. Under the auspices of the Ministry of Islamic Affairs, approximately 50 so-called "Call and Guidance" centers employing approximately 500 citizens to convert foreigners to Islam. Some non-Muslim foreigners converted to Islam during their stay in the country. The press often carried articles about such conversions, including testimonials.

Under the Hanbali interpretation of Shari'a law, judges may discount the testimony of persons who are not practicing Muslims or who do not adhere to the correct doctrine.

Islamic religious education was mandatory in public schools at all levels. All children received religious instruction, which generally was limited to that of the Hanbali school of Islam. In accordance with the religious establishment's interpretation of Shari'a, women were prohibited from marrying non-Muslims, but men were permitted to marry Christians and Jews, as well as Muslims.

The Government required noncitizens to carry Iqamas, or legal resident identity cards, which contained a religious designation for "Muslim" or "non-Muslim." There were reports that individual Mutawwa'in pressured Saudi sponsors not to renew Iqamas, which had been issued for employment, of individuals for religious reasons.

Shi'a citizens were discriminated against in government and employment, especially in national security jobs. Shi'a were subjected to employment restrictions in the oil and petrochemical industries and some Shi'a who were suspected of subver-

sion have been subjected periodically to surveillance and limitations on travel abroad.

Unlike in previous years, there were no new cases reported in which children of citizen fathers were coerced to conform to their father's interpretation of Islam. The press reported in December that the Committee for the Promotion of Virtue and the Prevention of Vice warned shopkeepers in the Eastern Province not to sell New Year's or Christmas gifts or decorations. The warning also reminded employers not to allow their staff to celebrate either holiday openly.

In December, the press reported on a trial of a citizen schoolteacher charged with apostasy.

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

d. Freedom of Movement within the Country, Foreign Travel, Emigration, and Repatriation.—Citizen men have the freedom to travel within the country and abroad; however, the Government restricted these rights for women based on its interpretation of Islamic Law. All women in the country were prohibited from driving and were dependent upon males for any transportation. Likewise, they must obtain written permission from a male relative or guardian before the authorities allowed them to travel abroad (see Section 5). The requirement to obtain permission from a male relative or guardian applied also to foreign women married to citizens or to the minor and single adult daughters of Saudi fathers. Since 2001, women have been able to obtain their own identity cards; however, the Government requires that they obtain permission to receive a card from a male relative or guardian (see Section 5). The restrictions on travel also applied to American citizen children of citizen fathers. In cases where there were custody disputes between American women and their citizen husbands, the husband was able to prevent the travel of the children to the United States even when there was a valid U.S. custody order. These restrictions on travel can continue even after female children reach adulthood, although the Government has worked with U.S. consular officials to overcome a father or husband's refusal to permit the travel of adult American citizen female relatives. During the year, senior officials considered, on a case-by-case basis, allowing adult American citizen women to travel despite objections by their husband, father, or other male relative or guardian. Foreigners typically were allowed to reside or work in the country only under the sponsorship of a citizen or business. By law, the sponsors or employers of foreign residents must hold their passports until they are prepared to depart the country. The Government required foreign residents to carry identification cards. It did not permit foreigners to change their workplace without their sponsor's permission.

Over 100,000 native residents live in the country without possessing citizenship of any nation. They are collectively known as "bidoons," ("without" in Arabic). These are native born residents who lack citizenship due to an ancestor's failure to obtain Saudi nationality, including descendants of nomadic tribes such as the Anaiza and Shammar, whose ancestors were not counted among the native tribes during the reign of King Abd al Aziz; descendants of foreign-born fathers who emigrated to the country before citizenship was institutionalized; and rural migrants whose parents failed to register their births. Because of their lack of citizenship, they are denied employment and educational opportunities, and have a limited ability to travel. Bidoons are among the poorest residents of the country, and reside at the margins of society.

The Law prohibits employers from retaining foreign workers' passports. However, some sponsors often retained possession of foreign workers' passports, although some classes of foreign workers were allowed to keep their passports. Foreign workers must obtain permission from their sponsors to travel abroad. If sponsors were involved in a commercial or labor dispute with foreign employees, they may ask the authorities to prohibit the employees from departing the country until the dispute is resolved. Some sponsors used this as a pressure tactic to resolve disputes in their favor or to have foreign employees deported. There were reports of the Government prohibiting foreign employees involved in labor disputes from departing the country until the dispute was resolved (see Sections 5 and 6.c.).

The Government seized the passports of all potential suspects and witnesses in criminal cases and suspended the issuance of exit visas to them until the case was concluded. As a result, some foreign nationals were forced to remain in the country for lengthy periods against their will. The authorities sometimes confiscated the passports of suspected oppositionists and their families.

Citizens may emigrate. The Government prohibited dual citizenship; however, children who hold other citizenship by virtue of birth abroad increasingly were permitted to leave the country using non-Saudi passports. Apart from marriage to a citizen, there were no provisions for foreign residents to acquire citizenship. Chil-

dren born to a citizen father acquired Saudi citizenship. However, a citizen mother may not convey citizenship to her children. Foreigners were granted citizenship in rare cases, generally through the advocacy of an influential patron.

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, the Basic Law provides that "the state will grant political asylum, if so required by the public interest."

Of the 33,000 Iraqi civilians and former prisoners of war allowed refuge in the country at the end of the Gulf War, none were granted permanent asylum. The Government has underwritten the entire cost of providing safe haven to the Iraqi refugees and continued to provide logistical and administrative support to the UNHCR and other resettlement agencies. At the beginning of the year, approximately 5,200 remaining refugees were restricted to the Rafha Refugee Camp. The UNHCR has monitored more than 3,000 persons voluntarily returning to Iraq from Rafha since December 1991 and found no evidence of forcible repatriation (see Section 1.c.).

Following the Coalition-led war with Iraq, the Government, in cooperation with the U.N. High Commissioner for Refugees (UNHCR), the U.S. Embassy, and the Coalition Provisional Authority in Iraq, began to repatriate Iraqi refugees from the Rafha refugee camp, which housed former Iraqi prisoners of war and civilians who fled Iraq following the Gulf War. Prior to the repatriation, UNHCR officials reported that there was no systematic abuse of refugees by camp guards. When isolated instances of abuse surfaced in the past, the authorities were responsive and willing to investigate allegations and reprimand or remove offending guards. The camp received a high level of material assistance and was generally comfortable and well run. At year's end, 4,562 refugees had been returned to Iraq. Virtually all refugees have registered with UNHCR for repatriation.

The Government has allowed some foreigners to remain temporarily in the country in cases in which their safety would be jeopardized if they were deported to their home countries.

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

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

Citizens do not have the right to change their Government. The Basic Law states that the Government is established on the principal of "Shura" or consultation, and requires the King and Crown Prince to hold open Majlises. The Basic Law states that all individuals have the right to communicate with public authorities on any issue. There were no formal democratic institutions, and only a few members of the ruling family had a voice in the choice of leaders or in changing the political system. The King ruled on civil and religious matters within limitations established by the Basic Law, religious law, tradition, and the need to maintain consensus among the ruling family and religious leaders.

The King is also the Prime Minister, and the Crown Prince served as Deputy Prime Minister. The King appointed all other ministers, who in turn appointed subordinate officials with cabinet concurrence.

During the year, the Government announced a restructuring of the country into 14 municipal regions, and that the council seats will be 50 percent elected and 50 percent appointed. In January, Crown Prince Abdullah called for political, economic and social reform in the Arab world, including increased participation by citizens in government. In January, April, and September, organized groups of citizens submitted petitions to the Government calling for detailed reforms, including democratic elections. The Government met with these groups, and in May, a speech was delivered on behalf of the King to the Majlis al-Shura committing the Government to a program of reforms, including citizen participation in government and expanded rights for women.

The Majlis al-Shura, or consultative council, consists of 120 appointed members and is divided into 11 committees. It was created in 1992 by King Fahd, and in the past year has taken on an increasing important political role. The Majlis reviews and votes on legislation, and often suggest amendments to the Government. The Government generally accepts amendments made by the Majlis. In January, the Majlis voted to reject a Government proposed income tax on foreigners; and this decision was not overturned by the Government. The Majlis held hearings with Government officials to review the performance of their ministries, and has the power to subpoena documents. In April, the Majlis was admitted as a member of the International Parliamentary Union (IPU), upon a unanimous vote by the IPU. In October, newspapers reported that the Government would conduct elections for one-third the seats on the Majlis al-Shura within 3 years.

The Council of Senior Islamic Scholars (ulema) is another advisory body to the King and the Cabinet. It reviews the Government's public policies for compliance with Shari'a. The Government viewed the Council as an important source of religious legitimacy and takes the Council's opinions into account when promulgating legislation.

Communication between citizens and the Government traditionally has been expressed through client-patron relationships and by affinity groups such as tribes, families, and professional hierarchies. In theory, any male citizen or foreign national may express an opinion or a grievance at a majlis, an open-door meeting held by the King, a prince, or an important national or local official. During the year, Crown Prince Abdullah held a variety of meetings with citizens throughout the country. Ministers and district governors can be approached for discussion at a majlis.

In April, a group of Shi'a submitted a petition to the Crown Prince calling for similar reforms, and drawing attention to the discrimination against the country's Shi'a minority. In December, a group of citizen intellectuals and citizen women sent two separate petitions to the Crown Prince in response to the pace of reform efforts. One petition called for a constitutional monarchy, and the petition submitted by over 300 women called for greater rights for women in the country, and greater recognition of their contributions to society.

The extremist Committee for the Defense of Legitimate Rights (CDLR), established in 1993, and its rival faction, the Movement for Islamic Reform, established in 1996, continued to criticize the Government, using computers and fax transmissions to send newsletters from London to the country. Both were repressed by the Government and have no officially recognized existence. Following an October 14 demonstration in Riyadh, hundreds of citizens gathered October 23 in Riyadh, Jeddah, Dammam and Ha'il. The Government arrested most of the demonstrators, detained many of them for a period of time without sentencing, then sentenced most to varying sentences ranging from imprisonment to flogging (see Sections 1.c., 1.d. and 2.b.).

Women played no formal role in government and politics. Participation by women in a majlis was restricted, although some women sought redress through female members of the royal family. On several occasions, women have been called to advise members of the Majlis al-Shura in private, closed-door sessions. During the year, in several governorates, womens' councils have been formed to advise local governors on issues concerning women. There were no women or religious minorities in the Cabinet, and there were only 2 Shi'a in the Majlis al-Shura out of 120 members.

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

The Government disagreed with internationally accepted definitions of human rights and viewed its interpretation of Islamic law as the only necessary guide to protect human rights. In January, a team from HRW visited the country, the first ever visit by an independent human rights group. The visit received wide publicity in the national press, and the team met with senior Government officials.

In January, a citizen formerly imprisoned for his political views announced at a press conference in Riyadh the establishment of a human rights NGO called Human Rights First—the Society for Protecting and Defending Human Rights in the Kingdom of Saudi Arabia. The citizen did this in spite of his failure to receive a response from the Government to his request for recognition as an NGO.

In May, the Government announced that it had approved the creation of the first independent human rights monitoring organization.

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

There was legal and systemic discrimination based on gender. The law prohibits discrimination based on race, but not nationality, although such discrimination occurs. The Government and private organizations cooperated in providing services for persons with disabilities; however, there is no legislation mandating public access. The Shi'a minority suffered social, legal, economic, and political discrimination (see Section 2.c.). Unlike in previous years, there were no reports that religious police arrested or punished men for engaging in homosexual activity.

The press reported that approximately 1,500 citizens are infected with HIV/AIDS (approximately 23 percent are women). The press reported that the most common form of contracting the disease is through sexual intercourse; however, the article mentions the transfer through needle sharing and the treatment of "Hijwah." "Hijwah" is a superstitious medical practice in society that withdraws "bad blood" that may contain illnesses. The article also focused on the social stigma surrounding AIDS and the lack of public education on the issue. At year's end, the Ministry of

Health began producing brochures on the illness and started group therapy and awareness programs.

Women.—In May, the King's speech to the Majlis al-Shura called for expanding the role of women in society, and in June, the National Dialogue conference endorsed the principle that there should be an expansion of women's role, in addition to reexamining restrictions imposed by custom or tradition rather than Islam. In December, the National Dialogue held its second session and 10 women participated for the first time.

There were several developments related to women's participation in business, including the opening by the Saudi Arabian General Investment Authority (SAGIA) of an all-female investment center in Riyadh to facilitate investment in local businesses by citizen and foreign women. For the first time, the Jeddah Economic Forum devoted an entire day to discussing the role of women in domestic and international business.

During the year, there was increased attention in the press to women's issues, including questions such as gender discrimination health, rising divorce rates, employment, driving, and legal problems women face doing business. With the Government's announcement that they plan to hold municipal elections, there has been intense speculation over the extent to which women would be allowed to participate. Following terrorist attacks in November, a female citizen drove a number of injured males to a nearby hospital for emergency medical treatment, prompting a national debate on the rights of women to drive.

Shari'a prohibits abuse and violence against all innocent persons, including women; although the Government did not keep statistics on spousal abuse or other forms of violence against women, based on the information available regarding physical spousal abuse and violence against women, such violence and abuse appeared to be common problems. Hospital workers reported that many women were admitted for treatment of injuries that apparently resulted from spousal violence; hospitals now are required to report any suspicious injuries to authorities. A citizen may prevent his wife and any child or unmarried adult daughter from obtaining an exit visa to depart the country, regardless of nationality (see Section 2.d.).

Foreign embassies continued to receive many reports that employers abused foreign women working as domestic servants. Some embassies of countries with large domestic servant populations maintained safehouses to which their citizens may flee to escape work situations that included forced confinement, withholding of food, beating and other physical abuse, and rape. Often the reported abuse is at the hands of female citizens. During the year, the media reported more frequently on cases involving domestic abuse of women, servants, and children. However, in general the Government considered such cases to be family matters and did not intervene unless charges of abuse were brought to its attention. It was almost impossible for foreign women to obtain redress in the courts due to the courts' strict evidentiary rules and the women and servants' own fears of reprisals. During the year, there were increasing reports of employers being punished for abuse of domestic servants.

By religious law and social custom, women have the right to own property and are entitled to financial support from their husbands or male relatives. However, women have few political or social rights and are not treated as equal members of society. There were no active women's rights groups. Women may not legally drive motor vehicles and are restricted in their use of public facilities when men are present. Women must enter city buses by separate rear entrances and sit in specially designated sections. Women risked arrest by the Mutawwa'in for riding in a vehicle driven by a male who was not an employee or a close male relative. The law provides that women may not be admitted to a hospital for medical treatment without the consent of a male relative; however this was not generally enforced. By law and custom, women may not undertake domestic or foreign travel alone (see Section 2.d.). During the year, the Government began again to issue national identity cards to females, despite a national campaign by some religious conservatives against it. In public, a woman was expected to wear an abaya (a black garment that covers the entire body) and also to cover her head and hair. The Mutawwa'in generally expected Muslim women to cover their faces, and women from other countries in Asia and Africa to comply more fully with local customs of dress than they do non-Muslim Western women; nonetheless, in recent years they have instructed Western women to wear the abaya and cover their hair. During the year, Mutawwa'in continued to admonish and harass women to wear their abayas and cover their hair. In one case, a Mutawwa sexually assaulted a female expatriate, and there was no evidence that he received any punishment.

There were some restrictions placed on accredited female diplomats that did not apply to their male counterparts. For example, single females must receive excep-

tion letters from their respective embassies in order to stay at a hotel, and some social functions were restricted to male or female participants only.

Women also were subject to discrimination under Shari'a as interpreted in the country, which stipulates that daughters receive half the inheritance awarded to their brothers. While Shari'a provides women with a basis to own and dispose of property independently, women often are constrained from asserting such rights because of various legal and societal barriers, especially regarding employment and freedom of movement. In a Shari'a court, the testimony of one man equals that of two women (see Section 1.e.). Although Islamic law permits polygyny, with up to four wives, it is becoming less common due to demographic and economic changes. Islamic law enjoins a man to treat each wife equally. In practice such equality is left to the discretion of the husband. Some women participated in Al-Mesyar (or "short daytime visit") marriages, or what are described as "weekend marriages," in which the women relinquished their legal rights to financial support and nighttime cohabitation. Additionally, the husband was not required to inform his other wives of the marriage, and any children resulting from such a marriage have no inheritance rights. The Government placed greater restrictions on women than on men regarding marriage to noncitizens and non-Muslims (see Section 1.f.).

Women must demonstrate legally specified grounds for divorce, but men may divorce without giving cause. In doing so, men were required to pay immediately an amount of money agreed upon at the time of the marriage, which serves as a one-time alimony payment. Women who demonstrate legal grounds for divorce still were entitled to this alimony. If divorced or widowed, a Muslim woman normally may keep her children until they attain a specified age: 7 years for boys; and 9 years for girls. Children over these ages are awarded to the divorced husband or the deceased husband's family. Numerous divorced foreign women continued to be prevented by their former husbands from visiting their children after divorce.

Women had access to free but segregated education through the university level. They constituted more than 58 percent of all university students, but were excluded from studying such subjects as engineering, journalism, and architecture. Men may study overseas; the law provides that women may do so only if accompanied by a spouse or an immediate male relative. However, this restriction was not enforced in practice.

Women made up approximately 14.6 percent of the formal citizen work force. Unemployment among women was approximately 15.8 percent. Citizen women reportedly owned approximately 20 percent of the businesses, although they must deputize a male relative to represent them in financial transactions. Most employment opportunities for women were in education and health care. Despite limited educational opportunities in many professional fields, some female citizens were able to study abroad and return to work in professions such as architecture, law and journalism. Many foreign women worked as domestic servants and nurses.

Women who wished to enter nontraditional fields were subject to discrimination. Women may not accept jobs in rural areas if there are no adult male kin present with whom they may reside and who agree to take responsibility for them. Most workplaces in which women were present are segregated by gender. Frequently, contact with male supervisors or clients was allowed only by telephone or fax machine. However, the degree of segregation varies by region, with the central region having the most restrictions, and the eastern and western regions being more relaxed. According to the Ministry of Commerce, women were not eligible to be issued business licenses for work in fields that might require them to supervise foreign workers, interact with male clients, or deal on a regular basis with government officials. However, in hospital settings and in the energy industry, women and men worked together, and, in some instances, women supervised male employees. Some women and men continued to seek opportunities for women and to break down gender segregation.

Prostitution is illegal. Some women were trafficked to Saudi Arabia for the purpose of prostitution; however, the problem is not widespread.

Children.—The Ministry of Education has implemented a program to teach children their rights under the UN Convention on the Rights of Children. They have given teachers large posters describing the rights that have been placed in classes, and have begun to distribute booklets to the students on the Convention.

The Government provided all children with free education and medical care. Children were not subject to the strict social segregation faced by women although they were segregated by sex in schools, beginning at the age of 7; however, schools were integrated through the fourth grade in some areas. By age 9, most children were segregated by sex in school. In more general social situations, boys were segregated at the age of 12 and girls at the onset of puberty. According to the United Nations

Development Programme (UNDP), in 2000–01, net primary enrollment was 58 percent and in 1999–2000, 94 percent of enrolled children reached grade 5.

Abuse of children was a problem, although it was difficult to gauge the prevalence of child abuse, since the Government keeps no national statistics on such cases. Although in general the culture greatly prizes children, studies by citizen female doctors indicated that severe abuse and neglect of children appeared to be more widespread than previously reported. The press has also played an important role in beginning to raise national consciousness about the widespread problem.

In December, the Ministry of Interior's Center for Crime Prevention and Research reported that 21 percent of male children suffered from some form of abuse in the county. The report stated that of the abused, 33.6 percent suffered from some sort of psychological abuse and 25.3 percent suffered physical abuse. The figures excluded female children and accusations of sexual abuse, as the Ministry stated that the issues were too sensitive for public discussion.

Trafficking in children for forced begging persisted (see Sections 6.c. and 6.f.).

Persons with Disabilities.—The law provides hiring quotas for persons with disabilities. There is no legislation that mandates public accessibility; however, newer commercial buildings often include such access, as do some newer government buildings. The provision of government social services increasingly has brought persons with disabilities into the public mainstream. The Government and private charitable organizations cooperated in education, employment, and other services for persons with disabilities.

During the year the Government took a variety of steps promoting more rights and elimination of discrimination against persons with disabilities. A 2002 study found that there were 493,605 persons with disabilities in the country. Of that number, representing 4 percent of the population, 34 percent have some form of body disabilities and 30 percent have sight disabilities. The Government established an endowment committee for children with disabilities, and a supreme council to deal with the affairs of the disabled with the Crown Prince as chairman. Foreign criminal rings reportedly bought and imported children with disabilities for the purpose of forced begging (see Sections 6.c. and 6.f.).

Police generally transported persons with mental disabilities found wandering alone in public to their families or a hospital. Police claimed that according to Islam, family members should be taking care of such individuals.

On December 13, the Crown Prince inaugurated a Festival for the Handicapped. The Government stated that the 86,000 disabled citizens in the country receive a total of \$80 million (300 million Riyals) from the Government.

National/Racial/Ethnic Minorities.—Although racial discrimination is illegal, there was substantial societal prejudice based on ethnic or national origin. Foreign workers from Africa and Asia were subject to various forms of formal and informal discrimination and have the most difficulty in obtaining justice for their grievances. For example, pay scales for identical or similar labor or professional services were set by nationality such that two similarly qualified and experienced foreign nationals performing the same employment duties receive varied compensation based on their nationalities.

In late 2002, Crown Prince Abdullah called for a national strategy to eliminate poverty, and the Ministry of Labor and Social Affairs established an Anti-Poverty Fund. The Press continued to highlight this problem, including the publication of a Government study showing that it will take 30 years to reduce poverty to 2.5 percent in the country if the Government spends a little over \$53 million (200 million Riyal) on human services.

Section 6. Worker Rights

a. The Right of Association.—The law does not address freedom of association. The Government prohibited the establishment of labor unions; however, since 2001 the Government has permitted the establishment of labor committees for citizens in local companies, including factories, having more than 100 employees. The aim is to facilitate communication between employees and employers and the improvement of work standards in the workplace. The labor committees consist of 3 to 9 members who would serve 3-year terms. The committee members are chosen by the workers and approved by the Ministry. The committee may make recommendations to company management to improve work conditions, increase productivity, improve health and safety, and recommend training programs. The Ministry of Labor and Social Affairs may send a representative to attend committee meetings. A committee must provide a written report of its meetings to company management, which also will be transmitted to the Ministry. The Ministry may dissolve a labor committee if it violates regulations or threatens public security. No committees existed by year's

end. Foreign workers may not serve on the committee; however, committee regulations provide that the committee should represent their views.

b. The Right to Organize and Bargain Collectively.—The Law does not provide for collective bargaining. Collective bargaining was prohibited. Foreign workers comprised approximately two-thirds of the work force. There was no minimum wage; wages were set by employers and varied according to the type of work performed and the nationality of the worker (see Section 5).

Strikes were prohibited; however, there were several cases in which factory workers in Jeddah staged strikes to protest unpaid wages. The press reported in September that over 500 foreign workers had not been paid for 18 months, nor had they had their residents permits renewed. In 1995, the U.S. Overseas Private Investment Corporation suspended coverage because of the Government's lack of compliance with internationally recognized worker rights standards.

There are no export processing zones.

c. Prohibition of Forced or Bonded Labor.—The law prohibits forced or bonded labor. Ratification of the International Labor Organization (ILO) Conventions 29 and 105, which prohibit forced labor, gives them the force of law. However, employers had significant control over the movements of foreign employees, which gave rise to situations that sometimes involved forced labor, especially in remote areas where workers were unable to leave their place of work.

The law does not prohibit specifically forced or bonded labor by children, but it was not a problem, with the rare exception of forced child begging rings, and possibly family businesses.

In 2002 the Ministry of Interior reported that the government system of sponsorship of expatriate workers has come under national scrutiny. However, the Minister said the Government is not yet ready to abrogate the current system of sponsorship until it has been fully studied and a better system for controlling the expatriate labor force had been presented and accepted.

Some sponsors prevented foreign workers from obtaining exit visas to pressure them to sign a new work contract or to drop claims against their employers for unpaid salary (see Section 2.d.). Additionally, some sponsors refused to provide foreign workers with a "letter of no objection" that would allow them to be employed by another sponsor.

There were many reports of workers whose employers refused to pay several months, or even years, of accumulated salary or other promised benefits. More foreign workers than in the past are going to labor courts, which regularly rule in favor of the workers. However, this is a long and difficult process and it is difficult to enforce judgments. The labor system was conducive to the exploitation of foreign workers because enforcement of work contracts was difficult and generally favors employers. Labor courts, while generally fair, may take many months to reach a final appellate ruling, during which time the employer may prevent the foreign laborer from leaving the country. An employer also may delay a case until a worker's funds are exhausted, and the worker is forced to return to his home country.

d. Status of Child Labor Practices and Minimum Age for Employment.—The minimum age for employment is 13 years, which may be waived by the Ministry of Labor with the consent of the juvenile's guardian. There is no minimum age for workers employed in family-oriented businesses or in other areas that are construed as extensions of the household, such as farming, herding, and domestic service.

Children under the age of 18 may not be employed in hazardous or harmful industries, such as mining or industries employing power-operated machinery. While there is no formal government entity responsible for enforcing the minimum age for employment of children, the Ministry of Justice has jurisdiction and has acted as plaintiff in the few cases that have arisen against alleged violators. However, in general children played a minimal role in the work force.

The majority of child beggars are citizens, many of them girls with disabilities, according to an ILO study reported in 2002. The Ministry has maintains special offices in both Mecca and Medina to combat the growing problem of child beggars.

The law does not prohibit specifically forced or bonded labor by children, but it was not a problem, with the rare exception of forced child begging rings, and possibly family businesses (see Section 6.c.). The Government implemented a regulation requiring that all camel jockeys be at least 18 years of age, and there are indications that this is in force.

e. Acceptable Conditions of Work.—There is no legal minimum wage. Labor regulations establish a 48-hour workweek at regular pay and allow employers to require up to 12 additional hours of overtime at time-and-a-half pay. Labor law provides for a 24-hour rest period, normally on Fridays, although the employer may grant it on another day. The average wage generally provides a decent standard of living for

a worker and family. Official unemployment numbers vary; however, the Riyadh Chamber of Commerce and Industry announced that as of October, unemployment among 15–29 year olds was 17 percent of men and 30 percent of women. They also stated that unemployment within the citizen population is expected to reach 30 percent within 3 years if current trends hold.

The ILO has stated that the Government did not formulate legislation implementing the ILO Convention 100 on Equal Remuneration and that regulations that segregated work places by sex or limit vocational programs for women violated ILO Convention 111 on Discrimination in Employment and Occupation.

In 2002, the Government passed a law prohibiting employers from holding their employees' passports without the employee's consent. However, this law is not widely known throughout the country.

Workers risked losing employment if they remove themselves from hazardous work conditions.

Labor regulations require employers to protect most workers from job-related hazards and disease. However, foreign nationals reported frequent failures to enforce health and safety standards. Farmers, herdsman, domestic servants, and workers in family-operated businesses were not covered by these regulations.

Some foreign nationals who have been recruited abroad have claimed that after their arrival in the country, they were presented with work contracts that specified lower wages and fewer benefits than originally promised. Other foreign workers reportedly have signed contracts in their home countries and later were pressured to sign less favorable contracts upon arrival. Some employees reported that at the end of their contract service, their employers refused to grant permission to allow them to return home. Foreign employees involved in disputes with their employers may find their freedom of movement restricted (see Section 2.d.). The labor laws, including those designed to limit working hours and regulate working conditions, do not apply to foreign domestic servants, and such domestic servants may not seek the protection of the labor courts. There were credible reports that female domestic servants sometimes were forced to work 16 to 20 hours per day, 7 days per week. There were numerous confirmed reports of maids fleeing employers and seeking refuge in their embassies or consulates (see Section 5). Foreign embassies continued to receive reports of employers abusing domestic servants. Such abuse included withholding of food, beatings and other physical abuse, and rape (see Section 5). During the year, the media continued to report stories of maids who had fled their place of employment.

The Government has instituted welfare shelters to house female domestic servants who flee their place of work. The Government offers arbitration between the worker and employer and investigates allegations of abuse. If no agreement can be reached, the maid is deported to her home country. In at least two publicized cases during the year, citizen employers were jailed for extreme abuse of domestic servants. During the year, the Grand Mufti warned citizens that Islam does not permit the oppression of workers regardless of their religion.

The ongoing campaign to remove illegal immigrants from the country has done little to Saudiize the economy because illegal immigrants largely worked in low-income positions, which most citizens considered unsuitable. The Government carried out the campaign by widely publicizing its enforcement of existing laws against illegal immigrants and citizens employing or sponsoring illegal immigrants.

The effect of the expeditious repatriation during the year of some illegal immigrants and the legalization of others has been to improve overall working conditions for legally employed foreigners. Illegal immigrants generally were willing to accept lower salaries and fewer benefits than legally employed immigrants. The departure or legalization of illegal workers reduced the competition for certain jobs and thereby reduced the incentive for legal immigrants to accept lower wages and fewer benefits as a means of competing with illegal immigrants. Furthermore, their departure or legalization removed a large portion of the class of workers most vulnerable to abuse and exploitation because of their illegal status.

f. Trafficking in Persons.—The law does not prohibit specifically trafficking in persons; however, the law prohibits slavery and the smuggling of persons into the country and there were unconfirmed reports that women were trafficked into the country to work as prostitutes. In 2002, the Government approved two international protocols on trafficking in persons, one that combats the smuggling of immigrants by land, sea, or air and the other that seeks to prevent trade in persons, especially women and children.

Among the millions of foreign workers in the country, some persons, particularly domestic workers, were defrauded by employment agencies or exploited by employers; some workers overstay their contracts and are exploited as they have few legal protections. Many foreign domestic servants fled work situations that included

forced confinement, beating and other physical abuse, withholding of food, and rape. Police academies have a course for new officers on how to handle labor issues as part of their standard curriculum.

During the year, the Government acknowledged trafficking problems in terms of abuse of domestic servants, especially female expatriate workers. The press carried a number of stories on the abuse of maids and other domestic workers, including the prosecution and punishment of citizen employers who abused domestic employees. The media campaign appeared to be an effort to begin raising national awareness about the problem. During the year, the Ministry of Labor formed an internal committee that was preparing an educational program to advise foreign domestic workers of their rights for recourse to authorities if they experience abuse or non-payment of wages.

In 2002, the Government ordered that all private recruitment offices must adopt a standard commitment contract in their private dealings with foreign recruiters sending labor to the country. The purpose of the contract, which was implemented during the year, is to prevent false promises and abuses by recruitment offices. It was not yet clear whether this contract is achieving its intended results. During the year, the Government granted the Ministry of Labor and Social Affairs full responsibility for the issuance of work visas to expatriates in an effort to eliminate abuse of visa procedures by sponsors.

SYRIA

Syria is a republic under a military regime with virtually absolute authority in the hands of the President. The President, with counsel from his ministers, senior members of the ruling Ba'th Party, and a small circle of security advisers, makes key decisions regarding foreign policy, national security, internal politics, and the economy. Ba'th Party leaders, whose primacy in state institutions and the Parliament is mandated by the Constitution, influence all three branches of government. The Parliament, elected in March, may not initiate laws but only assess and, at times, modify those proposed by the executive branch. The Constitution provides for an independent judiciary; however, security courts were subject to political influence. Political connections and bribery sometimes influenced verdicts in regular courts.

The powerful role of the security services, which extends beyond strictly security matters, is due to the state of emergency, which has been in place since 1963. The Government justifies ongoing martial law because of its state of war with Israel and past threats against the state from terrorist groups. Syrian Military Intelligence and Air Force Intelligence are military agencies; the Ministry of Interior controls general security, state security, and political security. The branches of the security services operated independently of each other and outside the legal system. The Government maintained effective control of the security forces. Members of the security forces committed numerous, serious human rights abuses.

The population of the country was approximately 17 million. The economy was based on commerce, agriculture, oil production, and government services. The dominant state role in the economy, a complex bureaucracy, security concerns, corruption, currency restrictions, a lack of modern financial services and communications, and a weak legal system hampered economic growth, which was last estimated at 2 percent in 2001.

The Government's human rights record remained poor, and it continued to commit serious abuses. Citizens did not have the right to change their government. The Government prevented any organized political opposition, and there have been very few anti-government manifestations. Continuing serious abuses included the use of torture in detention; poor prison conditions; arbitrary arrest and detention; prolonged detention without trial; fundamentally unfair trials in the security courts; and infringement on privacy rights. The Government significantly restricted freedom of speech and of the press. Freedom of assembly does not exist under the law, and the Government restricted freedom of association. The Government did not officially allow independent domestic human rights groups to exist; however, it permitted periodic meetings of unlicensed civil society forums throughout the year. The Government placed some limits on freedom of religion and freedom of movement. Proselytizing by groups it considered Zionist was not tolerated. Violence and societal discrimination against women were problems. The Government discriminated against the stateless Kurdish minority, suppressed worker rights, and tolerated child labor in some instances.

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, the London-based Syrian Human Rights Committee (SHRC) reported that, on August 10, a Syrian Kurd died after being tortured while in the custody of Syrian Military Intelligence. The Government had not investigated previous deaths in detention.

b. Disappearance.—There were no confirmed reports of politically motivated disappearances. Many persons who disappeared in past years were believed to be in long-term detention or to have died in detention.

The Government continued to withhold new information on the welfare and whereabouts of persons who have been held incommunicado for years or about whom little is known other than the approximate date of their detention. Despite the Government's claim that it has released all Palestinians and Jordanian and Lebanese citizens reportedly abducted from Lebanon during and after its civil war, various nongovernmental organizations (NGOs) and family members of those who allegedly remain in prison continued to dispute the Government's claim (see Section 1.d.).

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.—The Constitution prohibits torture, and the Penal Code provides punishment for abusers; however, there was credible evidence that security forces continued to use torture.

During the year, the SHRC reported numerous cases of torture in custody, including the case of two Kurdish leaders, Marwan Uthman and Hasan Saleh, who were arrested in December 2002 for organizing a demonstration (see Section 2.b.). Former prisoners and detainees, as well as the SHRC, reported that torture methods included administering electrical shocks; pulling out fingernails; forcing objects into the rectum; beating, sometimes while the victim is suspended from the ceiling; hyperextending the spine; bending the detainees into the frame of a wheel and whipping exposed body parts; and using a chair that bends backwards to asphyxiate the victim or fracture the victim's spine. Torture was most likely to occur while detainees were being held at one of the many detention centers run by the various security services throughout the country, particularly while the authorities were attempting to extract a confession or information.

A foreign citizen (with dual Syrian nationality) detained in February reported that he was tortured while in prison. Diplomatic representatives reported seeing bruises on the prisoner's body after his release from prison. During the year, at least nine Kurds were jailed and reportedly tortured in prison.

Past victims of torture have identified the officials who tortured them, up to the level of brigadier general. If allegations of excessive force or physical abuse were to be made in court, the plaintiff was required to initiate his own civil suit against the alleged abuser. However, no action was taken against the accused. There were no examples of such allegations during the year. Courts did not order medical examinations for defendants who claimed that they were tortured (see Section 1.e.).

At year's end, Raed Hijazi remained in custody while awaiting an appeals decision for the death sentence handed down by Jordanian authorities in 2002.

Prison conditions generally were poor and did not meet international standards for health and sanitation. At some prisons, security officials demanded bribes from family members. Overcrowding and the denial of food remained problems at several prisons. According to Human Rights Watch (HRW), prisoners and detainees were held without adequate medical care, and some prisoners with significant health problems reportedly were denied medical treatment. Some former detainees reported that the Government prohibited reading materials, even the Koran, for political prisoners.

There were separate facilities for men, women, and children. Pretrial detainees, particularly those held for political or security reasons, were usually held separately from convicted prisoners. Facilities for political or national security prisoners generally were worse than those for common criminals.

There were reports of death in prison due to torture (see Section 1.a.).

The Government did not permit independent monitoring of prison or detention center conditions; however, diplomatic or consular officials were granted access in some cases.

d. Arbitrary Arrest, Detention, or Exile.—The Constitution prohibits arbitrary arrest and detention; however, these remained significant problems. The Ministry of Interior controlled the police force, which many observers considered corrupt. The 1963 Emergency Law authorizes the Government to conduct preventive arrests and

overrides Constitutional and Penal Code provisions against arbitrary arrest and detention, including the need to obtain warrants. In cases involving political or national security offenses, arrests often were carried out in secret. Suspects could be detained incommunicado for prolonged periods without charge or trial and denied the right to a judicial determination regarding pretrial detention. Additionally, those suspected of political or national security offenses could be arrested and prosecuted under ambiguous and broad articles of the Penal Code and subsequently tried in either the criminal or security courts.

Defendants in civil and criminal trials have the right to bail hearings and possible release from detention on their own recognizance. Bail was not allowed for those accused of state security offenses. Unlike defendants in regular criminal and civil cases, security detainees did not have access to lawyers prior to or during questioning.

Detainees have no legal redress for false arrest. Many persons who have disappeared in past years were believed to be in long-term detention without charge or possibly to have died in detention. Many detainees brought to trial have been held incommunicado for years, and their trials often were unfair (see Section 1.e.). There were reliable reports that the Government did not notify foreign governments when their citizens were arrested or detained or did so only after the prisoner was released. Many criminal suspects were held in pretrial detention for months and may have had their trials extended for additional months. Lengthy pretrial detention and drawn-out court proceedings were caused by a shortage of available courts and the absence of legal provisions for a speedy trial or plea-bargaining (see Section 1.e.).

During the year, the security forces conducted mass arrests of suspected Islamists: 24 persons in Zabdani; 35 in Aleppo; and 20 in Damascus. The suspects remained in detention at year's end.

The Government continued threatening or detaining the relatives of detainees or of fugitives to obtain confessions, minimize outside interference, or prompt the fugitive's surrender (see Section 1.f.). There were reports that security personnel forced prisoners to watch relatives being tortured in order to extract confessions. According to Amnesty International (AI) and the SHRC, security forces also detained family members of suspected oppositionists (see Section 1.f.).

The Government, through its security services, also threatened families or friends of detainees to ensure their silence, to force them to disavow publicly their relatives, or to force detainees into compliance. For example, the family of a human rights activist received calls from security service personnel alleging misconduct and inappropriate social behavior by the activist.

The number of remaining political detainees was unknown. AI's 2003 report states that 800 political detainees were held in Sednaya prison and that hundreds of others were held in other prisons. There also were Jordanian, Lebanese, and Palestinian political detainees. Estimates of detainees were difficult to confirm because the Government did not verify publicly the number of detentions without charge, the release of detainees or amnestied prisoners, or whether detainees subsequently are sentenced to prison (see Section 1.e.).

Former prisoners were subject to a so-called "rights ban," which begins from the day of sentencing and lasts until 7 years after the expiration of the sentence, in the case of felony convictions. Persons subject to this ban were not allowed to vote, run for office, or work in the public sector; they often also were denied passports. In practice, restrictions may continue beyond that period.

The Constitution prohibits forced exile, and, unlike in previous years, there were no reports of forced exile during the year.

e. Denial of Fair Public Trial.—The Constitution provides for an independent judiciary; however, the two courts dealing with cases of alleged national security violations were not independent of executive branch control. Political connections and bribery sometimes influenced verdicts in regular courts.

The judicial system is composed of the civil and criminal courts, military courts, security courts, and religious courts, which adjudicate matters of personal status such as divorce and inheritance (see Section 5). The Court of Cassation is the highest court of appeal. The Supreme Constitutional Court rules on the constitutionality of laws and decrees; however, it does not hear appeals.

Civil and criminal courts are organized under the Ministry of Justice. Defendants before these courts were entitled to the legal representation of their choice; the courts appoint lawyers for indigents. Defendants were presumed innocent; they were allowed to present evidence and to confront their accusers. Trials were public, except for those involving juveniles or sex offenses. Defendants could appeal their verdicts to a provincial appeals court and ultimately to the Court of Cassation. Such appeals were often difficult to win because the courts do not provide verbatim tran-

scripts of cases—only summaries prepared by the presiding judges. There are no juries.

Military courts have the authority to try civilians as well as military personnel. A military prosecutor decides the venue for a civilian defendant. There have been reports that the Government operated military field courts in locations outside established courtrooms. Such courts reportedly observed fewer of the formal procedures of regular military courts. During the year, there were no reports of military field courts being used.

On July 15, a military court dropped all charges against lawyer and SHRC Chairman Haytham al-Maleh, who had been charged with spreading false news, belonging to an international political association, and publishing material which caused sectarian friction. The court accepted that a July 9 presidential amnesty for misdemeanors and nonviolent crimes covered al-Maleh's charges.

The two security courts are the Supreme State Security Court (SSSC), which tried political and national security cases, and the Economic Security Court (ESC), which tried cases involving financial crimes. Both courts operated under the state of emergency and did not observe constitutional provisions safeguarding defendants' rights.

Charges against defendants in the SSSC were vague. Defendants appeared to be tried for exercising normal political rights, such as free speech. For example, the Emergency Law authorizes the prosecution of anyone "opposing the goals of the revolution," "shaking the confidence of the masses in the aims of the revolution," or attempting to "change the economic or social structure of the State." The Government stated that the SSSC tries only persons who have sought to use violence against the State.

Under SSSC procedures, defendants were not present during the preliminary or investigative phase of the trial, during which the prosecutor presents evidence. Trials usually were closed to the public. Lawyers were not ensured access to their clients before the trial and were excluded from the court during their client's initial interrogation by the prosecutor. Lawyers submitted written defense pleas rather than oral presentations.

During the year, there were several cases in which lawyers representing defendants in national security cases had their licenses to practice law suspended. The State's case often was based on confessions, and defendants were not allowed to argue in court that their confessions were coerced. The SSSC has reportedly acquitted some defendants, but the Government did not provide any statistics regarding the conviction rate. Defendants did not have the right to appeal verdicts, but the Minister of Interior, who may ratify, nullify, or alter them, reviews sentences. The President also may intervene in the review process.

Accurate information regarding the number of cases heard by the SSSC was difficult to obtain, although hundreds of cases were believed to pass through the court annually. Many reportedly involved charges relating to membership in various banned political groups, including the Party of Communist Action and the pro-Iraqi wing of the Ba'th Party. Sentences as long as 15 years have been imposed in the past. Human rights NGOs were not permitted to visit the SSSC (see Section 4).

The ESC tried persons for alleged violations of foreign exchange laws and other economic crimes. The prosecution of economic crimes was not applied uniformly. Like the SSSC, the ESC did not ensure due process for defendants. Defendants were not provided adequate access to lawyers to prepare their defenses, and the State's case usually was based on confessions. High-ranking government officials may influence verdicts. Those convicted of the most serious economic crimes did not have the right of appeal, but those convicted of lesser crimes could appeal to the Court of Cassation. The Economic Penal Code allowed defendants in economic courts to be released on bail; however, bail is not allowed for those accused of forgery, counterfeiting, or auto theft.

At least two persons arrested when the late President Asad took power in 1970 may remain in prison, despite the expiration of one of the prisoners' sentences.

The Emergency Law and the Penal Code are so broad and vague, and the Government's power so sweeping, that many persons were convicted and may remain in prison for the mere expression of political opposition to the Government.

The exact number of political prisoners was unknown. In 2001, a domestic human rights organization estimated the number to be nearly 800, including approximately 130 belonging to the Islamic Liberation Party, 250 members and activists associated with the Muslim Brotherhood, 150 members of the pro-Iraq wing of the Ba'th Party, and 14 Communists. In 2002, the SHRC estimated that there were approximately 4,000 political prisoners still in detention. The Government did not permit regular access to political prisoners by international humanitarian organizations.

f. Arbitrary Interference with Privacy, Family, Home or Correspondence.—The law prohibits such actions; however, the Emergency Law authorizes the security services

to enter homes and conduct searches without warrants if broadly defined security matters are involved. The security services selectively monitored telephone conversations and fax transmissions. The Government opened mail destined for both citizens and foreign residents. It also prevented the delivery of human rights materials (see Section 2.a.). The Government routinely monitored Internet communications, including e-mail, and blocked access to some Internet sites.

The Government detained relatives of detainees or of fugitives to obtain confessions or the fugitive's surrender (see Section 1.d.).

In the past, the Government and the Ba'ath Party monitored and attempted to restrict some citizens' visits to foreign embassies and cultural centers.

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Speech and Press.—The Constitution provides for freedom of speech and the press; however, the Government significantly restricted these rights in practice. The Government strictly controlled the dissemination of information and prohibited written or oral criticism of the Government. The Government also prohibited sectarian issues to be raised. Detention and beatings for individual expressions of opinion that violated these unwritten rules occurred. The Government also threatened activists in an attempt to control behavior. Journalists and writers practiced self-censorship.

The National Progressive Front's (NPF) Communist Party newspaper, *The People's Voice*; the NPF's Union Socialist Party's private newspaper, *The Unionist*; a private satirical weekly newspaper, *The Lamplighter*, which criticized politically nonsensitive instances of government waste and corruption; and *The Economist*, which was critical of government performance, were published during the year. In August, the Ministry of Information revoked *The Lamplighter's* license, claiming that it had failed to comply with the Publications Law. *The Lamplighter* believed it was closed because its editor, Ali Ferzat, published cartoons critical of Saddam Hussein in a Kuwaiti newspaper in February.

The print and electronic media at times were critical of the Ba'ath Party and government performance and reported openly on a range of social and economic issues. Some Damascus-based correspondents for regional Arab media were able to file reports on internal political issues, such as rumored governmental changes, new political discussion groups, and the possible introduction of new parties to the NPF.

The media continued to broaden their reporting on regional developments, including the Middle East peace process. The media covered some peace process events factually, but others were reported selectively to support official views. The government-controlled press increased its coverage of official corruption and governmental inefficiency. A few privately-owned newspapers published during the year; foreign-owned, foreign-published newspapers continued to circulate relatively freely.

The Government or the Ba'ath Party owned and operated the radio and television companies and most of the newspaper publishing houses. The Ministry of Information closely monitored radio and television news programs to ensure adherence to the government policies. The Government did not interfere with broadcasts from abroad. Satellite dishes were widely used and available.

The Emergency Law and Penal Code articles dealing with crimes against state security allowed the Government broad discretion in determining what constitutes illegal expression. The Emergency Law prohibits the publication of "false information" which opposes "the goals of the revolution" (see Section 1.e.). Penal Code articles prohibit acts or speech inciting confessionism.

The 2001 Publications Law permits the reestablishment of publications that were circulated prior to 1963 and establishes a framework in which the National Front Parties, as well as other approved private individuals and organizations, would be permitted to publish their own newspapers. However, the law also stipulates imprisonment and stiff financial penalties as part of broad, vague provisions prohibiting the publication of "inaccurate" information, particularly if it "causes public unrest, disturbs international relations, violates the dignity of the state or national unity, affects the morale of the armed forces, or inflicts harm on the national economy and the safety of the monetary system." Persons found guilty of publishing such information were subject to prison terms ranging from 1 to 3 years and fines ranging from \$10,000 to \$20,000 (500,000 to 1 million pounds). The amendments also impose strict punishments on reporters who do not reveal their government sources in response to government requests.

The Government imprisoned journalists for failing to observe press restrictions. Official media reported that in December 2002, the Government arrested journalist Ibrahim Hamidi on charges of "publishing unfounded news" in violation of the Publications Law. It was believed to be an article in the London-based *al-Hayat* discussing the Government's contingency planning for possible hostilities in Iraq.

Hamidi was released on bail on May 25 and the charges against him were pending at year's end.

In May 2002, the Government arrested Aziza Sbanni, Damascus Bureau Chief for the Lebanese newspaper *The Editor*, and her sister Shairen. The sisters were imprisoned until May when they were released without trial.

The Ministry of Information and the Ministry of Culture and National Guidance censored domestic and imported foreign press. Publication or distribution of any material deemed threatening or embarrassing by the security services to high levels of the Government was prohibited. Censorship usually was stricter for materials in Arabic. Commonly censored subjects included: The Government's human rights record; Islamic fundamentalism; allegations of official involvement in drug trafficking; aspects of the Government's role in Lebanon; graphic descriptions of sexual activity; material critical of Arab parties in the Middle East conflict; and material offensive to any of the country's religious groups.

The Ministry of Culture and National Guidance censored fiction and nonfiction works, including films. It also approved which films could or could not be shown at the cultural centers operated by foreign embassies. The Government prohibited the publication of books and other materials in Kurdish; however, there were credible reports that Kurdish language materials were available in the country (see Section 5).

Internet access and access to e-mail was limited but growing. The Government blocked access to selected Internet sites that contained information deemed politically sensitive or pornographic in nature and consistently blocked citizens' access to servers that provided free e-mail services. The Government has disrupted telephone services to the offices and residences of several foreign diplomats, allegedly because the lines were used to access Internet providers outside the country.

The Government restricted academic freedom. Public school teachers were not permitted to express ideas contrary to government policy; however, authorities permitted somewhat greater freedom of expression at the university level.

b. Freedom of Peaceful Assembly and Association.—The Constitution provides for the right of assembly; however, the Government generally did not respect this right in practice. Citizens could hold demonstrations if the Ministry of Interior granted permission; however, the Government or the Ba'th Party organized most public demonstrations. The Government selectively permitted some demonstrations, usually for political reasons. The Government applied the restrictions on public assembly in Palestinian refugee camps, where controlled demonstrations were allowed.

The Government required political forums and discussion groups to obtain prior approval to hold lectures and seminars and to submit lists of all attendees. Despite these restrictions several domestic human rights and civil society groups held meetings without registering with the Government or obtaining prior approval for the meetings. However, in August, the Government arrested and later released 21 persons in Aleppo for attempting to attend an unapproved lecture marking the 40th anniversary of the declaration of the Emergency Law. Fourteen were subsequently charged with belonging to a clandestine organization and undertaking acts of incitement. They were scheduled to be tried by a military court in January 2004.

There were numerous demonstrations during the year, most of which were permitted or organized by the Government.

In June, the security forces forcibly broke up a demonstration by Syrian Kurdish school children and arrested eight of the adults accompanying them. In December 2002, the Government permitted a demonstration by a Kurdish political party, but 2 days later it arrested two of the organizers of the demonstration. At year's end, all remained in prison, and reportedly were tortured (see Section 1. c.). All were scheduled to be tried in the SSSC in January 2004.

The Constitution permits private associations but also grants the Government the right to limit their activities. In practice, the Government restricted freedom of association. Private associations were required to register with authorities. In the past, requests for registration have been denied, presumably on political grounds. The Government usually granted registration to groups not engaged in political or other activities deemed sensitive.

The Government did not permit the establishment of independent political parties (see Section 3).

In 2002, the Government sentenced 10 human rights activists, who had called for the expansion of civil liberties and organized public dialogue, to lengthy prison stays for committing crimes against state security (see Sections 1.d. and 2.a.).

The executive boards of professional associations were not independent. Members of the Ba'th Party generally led the associations; however, nonparty members could serve on their executive boards.

c. Freedom of Religion.—The Constitution provides for freedom of religion, and the Government generally respected this right in practice; however, it imposed restrictions in some areas. The Constitution requires that the President be a Muslim. There is no official state religion; Sunni Muslims constituted the majority of the population.

All religions and religious orders must register with the Government, which monitored fund raising and required permits for all meetings by religious groups, except for worship. There was a strict separation of religious institutions and the State. Religious groups tended to avoid any involvement in internal political affairs. The Government, in turn, generally refrained from involvement in strictly religious issues. The Government approves all textbooks, which present religion as a way to foster national unity and tolerance.

The Government considered militant Islam a threat and followed closely the practice of its adherents. The Government allowed many new mosques to be built; however, sermons were monitored and controlled, and mosques were closed between prayers.

The SHRC reported three large-scale arrests of suspected Islamists during the year (see Section 1.d.).

All schools are government-run and nonsectarian; however, Christian and Druze minorities run some schools. There was mandatory religious instruction in schools, with government-approved teachers and curriculums. Religion courses were divided into separate classes for Muslim, Druze, and Christian students. Although Arabic is the official language in public schools, the Government permitted the teaching of Armenian, Hebrew, Syriac (Aramaic), and Chaldean in some schools on the basis that these are “liturgical languages.”

Muslims and Christians are subject to their respective religious laws on marriage, divorce, child custody, and inheritance (see Section 5).

Although the law does not prohibit proselytizing, in practice, the Government discouraged such activity, particularly when it was deemed a threat to the relations among religious groups. Foreign missionaries were present, but operated discreetly.

In 1964, the Government banned Jehovah’s Witnesses as a “politically motivated Zionist organization;” however, members of Jehovah’s Witnesses have continued to practice their faith privately despite the official ban.

The Constitution prohibits sectarianism although it does specify that the President be a Muslim; however, in the case of Alawis, religious affiliation facilitated access to influential and sensitive posts. For example, members of the President’s Alawi sect, estimated at 12 percent, held a predominant position in the security services and military, well out of proportion to their percentage of the population (see Section 3).

For primarily political rather than religious reasons, the fewer than 100 Jews remaining in the country generally remained barred from government employment and had no military service obligations. Jews remained the only religious minority group whose passports and identity cards note their religion.

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 the right of free movement “within the territories of the state unless restricted by a judicial decision or by the implementation of laws;” however, in practice, the Government limited freedom of movement. The Government restricted travel near the Golan Heights and travel to Israel is illegal. Individuals such as human rights activists and leaders of opposition groups were denied permission to travel abroad on presumably political grounds, although government officials continued to deny that this practice occurred. The authorities could prosecute any person found attempting to emigrate or to travel abroad illegally, or who was deported from another country, or who was suspected of having visited Israel. Women over the age of 18 have the legal right to travel without the permission of male relatives; however, a husband or a father could file a request with the Ministry of Interior to prohibit his wife or daughter’s departure from the country (see Section 5). The Government maintained security checkpoints, primarily in military and other restricted areas. There were few police checkpoints on main roads or in populated areas. The security services used checkpoints to search, without warrants, for smuggled goods, weapons, narcotics, and subversive literature.

The Government has refused to recognize the citizenship of or to grant identity documents to some persons of Kurdish descent. Their lack of citizenship or identity documents restricted their travel to and from the country (see Section 5). Emigres who did not complete mandatory military service could pay a fee to avoid being conscripted while visiting the country. During the year, some persons were imprisoned for refusing to pay the fee.

Citizens of Arab League countries, other than Iraq, were able to enter the country without a visa for a stay of up to 3 months, a period that is renewable on application to government authorities. Residency permits required proof of employment and a fixed address in the country.

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. The Government cooperated on a case-by-case basis with the office of the U. N. High Commissioner for Refugees (UNHCR). The Government continued to provide temporary permission to stay to asylum seekers/refugees under UNHCR protection but remained selective about extending protection to refugees. During the year, 1,705 persons sought asylum. In September, there were 2,666 non-Palestinian refugees in the country, all of whom were receiving assistance from the UNHCR, including 1,527 refugees of Iraqi origin. Although the Government denied that it forcibly repatriated persons with a valid claim to refugee status, it apparently did so in the past, and the UNHCR reported that some Iraqis were deported from UNHCR camps during the year.

As of June, 409,662 Palestinian refugees were registered with the U.N. Relief and Works Agency (UNRWA) in the country. Unlike in previous years, in general, Palestinian refugees with Syria travel documents no longer reported unusual difficulties traveling in and out of the country. The Government restricted entry by Palestinians who were not resident in the country.

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

The Constitution requires that the President be elected by referendum; however, the Parliament selects candidates at the discretion of the regional Ba'th party leadership. Although citizens vote for the President and Members of Parliament (M.P.s), they did not have the right to change their government. In 2000, President Bashar Al-Asad was confirmed by an unopposed referendum. The Government is headed by a Cabinet, which the President has the discretion to change. Political opposition to the President was vigorously suppressed. The President and his senior aides, particularly those in the military and security services, made most political and economic decisions, with a very limited degree of public accountability. The Constitution provides that the Ba'th Party is the ruling party and is ensured a majority in all government and popular associations, such as workers' and women's groups. The Ba'th Party and seven small political parties comprise the NPF. The NPF represented the only framework for legal political party participation for citizens; however, it remains dominated by the Ba'th Party and does not change the essentially one-party character of the political system. Non-Ba'th Party members of the NPF existed as political parties largely in name only and conformed strictly to Ba'th Party and government policies. During the year, the Arab Democratic Union joined the NPF, making it a seven party organization.

The Ba'th Party dominated the Parliament (the People's Council). Parliamentarians could criticize policies and modify draft laws; however, the executive branch retained ultimate control over the legislative process. The Government allowed independent non-NPF candidates to run for a limited allotment of seats in the 250 member People's Council. The allotment of non-NPF deputies was 83, ensuring a permanent absolute majority for the Ba'th Party dominated NPF. Elections for the 250 seats in the People's Council last took place in March. The election could not be characterized as free and fair because the majority of the seats in the People's Council were reserved for members of the ruling National Progressive Front, and the government approved all candidates.

In 2002, the Government sentenced independent M.P.s Ma'mun Humsi and Riad Seif to 5-year prison terms for attempting to illegally change the Constitution.

Women and minorities, with the exception of the Jewish population and stateless Kurds (see Section 5), participated in the political system without restriction. There were 2 female cabinet ministers, and 30 of the 250 M.P.s were women. No figures of the percentage of women and minorities who voted were available; however, citizens are required by law to vote.

The Government did not provide figures on the ethnic or religious composition of Parliament or the Cabinet; however, there were some Kurd, Christian, Shi'a and Druze representatives in the Parliament.

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

The Government did not allow domestic human rights groups to exist legally. In the past, human rights groups operated legally but ultimately were banned by the Government. However, an independent, unlicensed domestic human rights group,

the Syrian Human Rights Association, continued to operate in a limited capacity. The Government's sentencing of 10 civil society leaders in 2002 to lengthy prison sentences stifled the activities of human rights activists and organizations.

The Government has met only twice with international human rights organizations: HRW in 1995 and AI in 1997. As a matter of policy, the Government in its dealings with international groups denied that it commits human rights abuses. The Government stated that it responds in writing to all inquiries from NGOs regarding human rights issues, including the cases of individual detainees and prisoners, through an interagency governmental committee established for that purpose. The Government usually responded to queries from human rights organizations and foreign embassies regarding specific cases by claiming that the prisoner in question violated national security laws.

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

The Constitution provides for equal rights and equal opportunity for all citizens; however, membership in the Ba'th Party or close familial relations with a prominent party member or powerful government official can help economic, social, or educational advancement. Party or government connections paved the way for entrance into better elementary and secondary schools, access to lucrative employment, and greater power within the Government, the military, and the security services. Certain prominent positions, such as that of provincial governor, were reserved solely for Ba'th Party members. There was some discrimination against Jews and stateless Kurds and varying degrees of societal discrimination in each of these areas.

Women.—Violence against women occurred, but there were no reliable statistics regarding the prevalence of domestic violence or sexual assault. The vast majority of cases likely were unreported, and victims generally were reluctant to seek assistance outside the family. Battered women have the legal right to seek redress in court, but few did so because of the social stigma attached to such action. The Syrian Women's Federation offered counseling services to battered wives to remedy individual family problems. The Syrian Family Planning Association also provided counseling in an effort to address this problem. Some private groups, including the Family Planning Association, organized seminars on violence against women, which were reported by government press. There were a few private, nonofficial, specifically designated shelters or safe havens for battered women who fled or sought to flee their husbands.

Rape is a felony; however, there are no laws against spousal rape.

The law specifically provides for reduced sentences in "honor" crimes (violent assaults with intent to kill against a female by a male for alleged sexual misconduct). Instances of honor crimes were rare and occurred primarily in rural areas in which Bedouin customs prevail. The law prohibits prostitution, and it was not a widespread problem.

The law prohibits sexual harassment and specifies different punishments depending on whether the victim is a minor or an adult. Sexual harassment was rarely reported.

The Constitution provides for equality between men and women and equal pay for equal work. Moreover, the Government has sought to overcome traditional discriminatory attitudes toward women and encouraged women's education by ensuring equal access to educational institutions, including universities. However, the Government did not change personal status, retirement, or social security laws that discriminate against women. In addition, some secular laws discriminate against women. For example, under criminal law, the punishment for adultery for a woman is twice that as for the same crime committed by a man.

Christians, Muslims, and other religious groups are subject to their respective religious laws on marriage, divorce, and inheritance. For Muslims, personal status law on divorce is based on Shari'a (Islamic law), and some of its provisions discriminate against women. For example, husbands may claim adultery as grounds for divorce, but wives faced more difficulty in presenting the same argument. If a woman requests a divorce from her husband, she may not be entitled to child support in some instances. In addition, under the law, a woman loses the right to custody of boys when they reach age 9 and girls at age 12.

Inheritance for Muslims also is based on Shari'a. Accordingly, Muslim women usually were granted half of the inheritance share of male heirs. However, Shari'a mandates that male heirs provide financial support to the female relatives who inherit less. If they do not, females have the right to sue.

Polygyny is legal but were practiced only by a small minority of Muslim men.

A husband may request that his wife's travel abroad be prohibited (see Section 2.d.). Women generally were barred from traveling abroad with their children unless

they were able to prove that the father had granted permission for the children to travel.

Women participated actively in public life and were represented in most professions, including the military. Women were not impeded from owning or managing land or other real property. Women constituted approximately 7 percent of judges, 10 percent of lawyers, 57 percent of teachers below university level, and 20 percent of university professors.

Children.—The law emphasizes the need to protect children, and the Government organized seminars regarding the subject of child welfare. During the year, some of these seminars were organized in cooperation with the UNICEF office in the country. There was no legal discrimination between boys and girls in education or in health care. The Government provided free, public education from primary school through university. Education is compulsory for all children, male or female, between the ages of 6 and 12. According to the Syrian Women's Union, approximately 46 percent of the total number of students through the secondary level were female. Nevertheless, societal pressure for early marriage and childbearing interfered with girls' educational progress, particularly in rural areas where the dropout rates for female students remained high. The Government provides medical care for children until the age of 18.

The law provides for severe penalties for those found guilty of the most serious abuses against children. Although there were cases of child abuse, there was no societal pattern of abuse against children.

Child prostitution and trafficking in children were rare; incidents that arose mainly involved destitute orphans.

Persons with Disabilities.—The law prohibits discrimination against persons with disabilities and seeks to integrate them into the public sector work force; however, implementation remained inconsistent. Regulations reserving 4 percent of government and public sector jobs for persons with disabilities were not implemented rigorously. Persons with disabilities could not legally challenge alleged instances of discrimination. There are no laws that mandate access to public buildings for persons with disabilities.

National/Racial/Ethnic Minorities.—The Government generally permitted national and ethnic minorities to conduct traditional, religious, and cultural activities; however, the Government's attitude toward the Kurdish minority remained a significant exception. Although the Government contended that there was no discrimination against the Kurdish population, it placed limits on the use and teaching of the Kurdish language. It also restricted the publication of books and other materials written in Kurdish (see Section 2.a.), Kurdish cultural expression, and, at times, the celebration of Kurdish festivals. The Government tacitly accepted the importation and distribution of Kurdish language materials, particularly in the northeast region where most of the Kurds in the country resided. The Supreme Security Court tried some members of the Kurdish community for expressing support for greater Kurdish autonomy or independence. Although the Government stopped the practice of stripping Kurds of their Syrian nationality (some 120,000 lost Syrian nationality under this program in the 1960s), it never restored the nationality to those who lost it earlier. As a result, those who lost their nationality, and their children, remained unable to obtain passports, or even identification cards and birth certificates. Without Syrian nationality, these stateless Kurds, who according to UNHCR estimates number approximately 200,000, were unable to own land, were not permitted to practice as doctors or engineers or be employed by the Government, were ineligible for admission to public hospitals, had no right to vote, and could not travel to and from the country. They also encountered difficulties in enrolling their children in school, and in some cases, in registering their marriages.

In 2002, President Asad became the first president in 40 years to visit a predominantly Kurdish province in the northeast and to acknowledge their importance to the local cultural heritage. Despite his stated willingness to discuss citizenship problems, there was no progress by year's end.

Incitement to Acts of Discrimination.—The Government tightly controlled the press, which frequently published anti-Israeli articles. Some articles could be construed as anti-Semitic, as in the case of a review of David Duke's book "The Awakening" published during the year.

Section 6. Worker Rights

a. The Right of Association.—The Constitution provides for the right of association; however, in practice, workers were not free to establish unions independent of the Government. All unions must belong to the General Federation of Trade Unions (GFTU), which was dominated by the Ba'th Party and was a part of the State's bu-

reaucratic structure. The GFTU is an information channel between political decision-makers and workers. The GFTU transmitted instructions downward to the unions and workers but also conveyed information to decision-makers about worker conditions and needs. The GFTU advised the Government on legislation, organized workers, and formulated rules for various member unions. The GFTU president is a senior member of the Ba'ath Party. He and his deputy may attend cabinet meetings on economic affairs. The GFTU controlled nearly all aspects of union activity.

There were no reports of anti-union discrimination. Since the unions were part of the Government's bureaucratic structure, the law protects them from anti-union discrimination. The GFTU is affiliated with the Damascus-based International Confederation of Arab Trade Unions.

b. The Right to Organize and Bargain Collectively.—The law provides for the right to form unions and collective bargaining; however, these rights did not exist in practice. Government representatives were part of the bargaining process in the public sector. In the public sector, unions did not normally bargain collectively on wage issues, but there was some evidence that union representatives participated with representatives of employers and the supervising ministry in establishing minimum wages, hours, and conditions of employment. This was a positive development insofar as it indicated respect for the ILO's "Social Partners" tripartite formula. Workers served on the boards of directors of public enterprises, and union representatives always were included on the boards.

The law provides for collective bargaining in the private sector, although past repression by the Government dissuaded most workers from exercising this right.

Unions have the right to litigate disputes over work contracts and other workers' interests with employers and were able to ask for binding arbitration. In practice, labor and management representatives settled most disputes without resort to legal remedies or arbitration. Management had the right to request arbitration, but that right seldom was exercised. Arbitration occurred when a worker initiated a dispute over wages or severance pay. Arbitration authority was vested in the Ministry of Justices Administrative Petition Court. In practice, this court did little more than certify agreements and plays little role in actually arbitrating disputes, as such disputes did not occur with any regularity.

The law does not prohibit strikes; however, previous government crackdowns deterred workers from striking. During the year, there were no strikes.

There are no unions in the seven free trade zones (FTZs). Firms in the zones are exempt from the laws and regulations governing hiring and firing, although they must observe some provisions on health, safety, hours, and sick and annual leave. Ninety percent of the workers in the FTZs are citizens of the country.

c. Prohibition of Forced or Bonded Labor.—There is no law prohibiting forced or bonded labor, including that performed by children, and there were no reports of forced or bonded labor by children, or forced labor involving foreign workers or domestic servants. Forced labor has been imposed as a punishment for some convicted prisoners.

d. Status of Child Labor Practices and Minimum Age for Employment.—The Labor Law provides for the protection of children from exploitation in the workplace; however, the Government permitted child labor in some instances. The private sector minimum age for employment is 15 years for most types of nonagricultural labor, and 18 years for heavy work. Working hours for youths of legal age do not differ from those established for adults. In all cases, parental permission is required for children under the age of 16. The law prohibits children from working at night; however, the law applies only to children who work for a salary. Those who worked in family businesses and who technically were not paid a salary—a common phenomenon—did not fall under the law. Children under 16 are prohibited by law from working in mines, at petroleum sites, or in other dangerous fields. Children are not allowed to lift, carry, or drag heavy objects. The exploitation of children for begging purposes also is prohibited. The Government claimed that the expansion of the private sector has increased child labor. Independent information and audits regarding government enforcement were not available. UNICEF, with the cooperation of the Government, conducted a survey of child labor in the country; however, it did not address enforcement issues. The majority of children under age 16 who worked did so for their parents in the agricultural sector without remuneration. In a 2002 study, UNICEF found that 18 percent of children under the age of 18 participated in the labor force.

The Ministry of Labor and Social Affairs monitored employment conditions for persons under the age of 18, but it did not have enough inspectors to ensure compliance with the laws. The Ministry has the authority to specify the industries in which children 15 and 16 years of age may work. The Labor Inspection Department

performed unannounced spot checks of employers on a daily basis to enforce the law; however, the scope of these checks was unknown. The law does not prohibit forced or bonded labor by children; however, such practices were not known to occur.

e. Acceptable Conditions of Work.—The Minister of Labor and Social Affairs is responsible for enforcing minimum wage levels in the public and private sectors. In 2002, the Government increased public sector minimum wages by 20 percent to \$69 (3,175 Syrian pounds) per month, plus other compensation (i.e., meals, uniforms, and transportation). In August, the Government announced a 20 percent increase in private sector minimum wages to \$51 (2,684 Syrian pounds) per month; however, increases in prices largely cancelled out the gain in minimum wage levels. These wages did not provide a decent standard of living for a worker and family. As a result, many workers in both the public and private sectors took additional jobs or were supported by their extended families.

The statutory workweek for administrative staff was 6 days of 6 hours each, and laborers worked 6 days of 8 hours each. In some cases a 9-hour workday was permitted. The laws mandate one 24-hour rest day per week.

Rules and regulations severely limit the ability of an employer to dismiss employees without cause. Even if a person is absent from work without notice for a long period, the employer must follow a lengthy procedure of trying to find and notify the person, including through newspaper notices, before he is able to take action against the employee. Dismissed employees have the right of appeal to a committee of representatives from the union, management, the Ministry of Labor and Social Affairs, and the appropriate municipality. Such committees usually found in favor of the employee. Dismissed employees are entitled to 80 percent of salary benefits while the dispute is under consideration. No additional back wages are awarded should the employer be found at fault, nor are wage penalties imposed in cases in which the employer is not found at fault.

The law does not protect temporary workers who are not subject to regulations on minimum wages. Small private firms and businesses employed such workers to avoid the costs associated with hiring permanent employees. The law mandates safety in all sectors, and managers were expected to implement them fully. In practice there was little enforcement without worker complaints, which occurred infrequently despite government efforts to post notices regarding safety rights and regulations. Large companies, such as oil field contractors, employed safety engineers.

Officials from the Ministries of Health and Labor are designated to inspect work sites for compliance with health and safety standards; however, such inspections appeared to be sporadic, apart from those conducted in hotels and other facilities that catered to foreigners. The enforcement of labor laws in rural areas were more lax than in urban areas, where inspectors were concentrated. Workers may lodge complaints about health and safety conditions, with special committees established to adjudicate such cases. Workers have the right to remove themselves from hazardous conditions without risking loss of employment.

The law provides protection for foreign workers who reside legally in the country, but not for illegal workers. There were no credible estimates available on the number of illegal workers in the country.

f. Trafficking in Persons.—There are no laws that specifically prohibit trafficking in persons; however, there were no reports that persons were trafficked to, from, or within the country. Standard labor laws could be applied in the event of allegations of trafficking. The Penal Code penalizes prostitution and trafficking of citizen women abroad.

TUNISIA

Tunisia is a constitutional republic dominated by a single political party. Zine El-Abidine Ben Ali has been president since 1987. In the 1999 presidential and legislative elections, President Ben Ali ran against two opposition candidates and won 99.44 percent of the vote. There are 7 legal opposition parties, which together hold approximately 20 percent of the seats (34 of 182) that the law reserves for them in the Chamber of Deputies. Elections are regularly characterized by notable irregularities, including voter intimidation, and there is no secret ballot. The Constitution provides that the President appoints the prime minister, the cabinet, and the 24 governors. The Constitution provides for an independent judiciary; however, the executive branch and the President strongly influence judicial decisions, particularly in political cases.

The police share responsibility for internal security with the National Guard and other state security forces. The police operate in the capital and a few other cities.

In outlying areas, their policing duties are shared with, or ceded to, the National Guard. The majority of internal security forces are under the control of the Minister of Interior. The civilian authorities maintained effective control of all security forces. Members of the security forces committed numerous serious human rights abuses and acted with impunity.

The country has a population of approximately 10 million and an export-oriented economy that is relatively diversified and increasingly market-based. During the year, the economy's annual growth rate increased to its long-term average of approximately 5 percent. Wages have generally kept pace with inflation. The majority of citizens are in the middle class, and fewer than 5 percent fall below the poverty line.

The Government's human rights record remained poor, and it continued to commit serious abuses in many areas; however, the Government continued to respect human rights in certain areas. There were significant limitations on citizens' right to change their government. Members of the security forces tortured and physically abused prisoners and detainees. Security forces arbitrarily arrested and detained individuals. International observers were not allowed to inspect prisons, and lengthy pretrial, and sometimes incommunicado, detention remained a problem. The Government infringed on citizens' privacy rights. Security forces physically abused, intimidated, and harassed citizens who voiced public criticism of the Government. The Government continued to impose significant restrictions on freedom of speech and of the press. Editors and journalists continued to practice self-censorship. The Government remained intolerant of public criticism and used physical abuse, criminal investigations, the court system, arbitrary arrests, residential restrictions, and travel controls (including denial of passports), to discourage criticism by human rights and opposition activists. The Government restricted freedom of assembly and association. The Government did not permit proselytizing.

RESPECT FOR HUMAN RIGHTS

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

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

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

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.—The Penal Code prohibits such practices; however, security forces tortured detainees to elicit confessions and political prisoners to discourage resistance. The forms of torture included: electric shock; confinement to tiny, unlit cells; submersion of the head in water; beatings with hands, sticks, and police batons; suspension from cell doors resulting in lost consciousness; cigarette burns; and food and sleep deprivation. Police allegedly beat naked, manacled prisoners while they were suspended from a rod. According to other credible reports, police and prison officials used sexual assault and threats of sexual assault against the wives of Islamist prisoners to extract information, to intimidate, and to punish. The Government did not use Islamic law (Shari'a) as a source of guidance on punishment.

Charges of torture were difficult to prove because authorities often denied victims access to medical care until evidence of abuse disappeared. The Government maintained that it investigated all complaints of torture and mistreatment filed with the prosecutor's office and noted that alleged victims sometimes accused police of torture without filing a complaint, which it stated was a prerequisite for an investigation. However, according to human rights groups, police refused to register complaints, and judges dismissed lodged complaints without investigating. According to Amnesty International (AI) and defense attorneys, the courts routinely failed to investigate allegations of torture and mistreatment and have accepted as evidence confessions extracted using torture. The Government may open an administrative investigation without a formal complaint but is unlikely in those cases to make the results public or even available to the lawyers of affected prisoners.

One reputable NGO suggested that while the Government had slowly improved its treatment of detainees and prisoners in the mid to late 1990s, incidents of abuse were now becoming as common as before. In June 2002, the Tunisian Human Rights League (LTDH) released a report stating that the human rights situation in the country had "seriously deteriorated." The report cited several instances of torture and deaths in prison in previous years. Political prisoners and Islamists allegedly received harsher treatment during their arrests and confinement than criminal detainees.

AI reported on March 10 that one minor and nine young men were arrested in early February in the southeast and that several of them were tortured. The report related that the detainees claimed to have been "beaten on various parts of the

body” and that two of them said they also had been “suspended from the ceiling and beaten on their arms and legs.” According to AI, one individual was told that “his mother and sister would be brought to the location of the detention, stripped naked, and tortured in his presence.”

Security forces regularly used violence against Islamists, activists, and dissidents. On May 10, policemen assaulted Bechir Essid, the President of the National Bar Association, while he was returning from a memorial service honoring the death of a political prisoner who died from torture.

On August 30, four plainclothes policemen attacked Lasaad Jouhri. Jouhri, a former Islamist prisoner who has a partially paralyzed right leg resulting from torture he received in prison between 1991 and 1994, is a key intermediary between current and former political prisoners and the year-old International Association for the Support of Political Prisoners (AISPP). Jouhri remained under close police surveillance and was harassed throughout the year for his political involvement. Police questioned individuals who spoke to him in public.

Credible NGOs stated that the incidence of violence committed by security forces against the property (especially vehicles) of human rights activists increased. During the year, there continued to be regular reports of such cases.

In 2002, three plainclothes policeman attacked and severely beat Judge Mokhtar Yahiaoui, who was removed from the bench in 2001 for criticizing interference with the judiciary by the executive branch. Yahiaoui said he believed the beating was the result of his 2002 call on the Government to release 23 political prisoners who had been in detention for more than 10 years.

Prison conditions ranged from spartan to poor, and in nearly all cases, did not meet international standards. Credible, independent observers described prison conditions as “horrible.” Overcrowding and limited medical care posed a significant threat to prisoners’ health. Sources reported that 40 to 50 prisoners were typically confined to a single 194-square-foot cell, and up to 140 prisoners share a 323-square-foot cell. Defense attorneys reported that prisoners were forced to share a single water and toilet facility with more than 100 cellmates, creating serious sanitation problems.

Zouhair Yahiaoui, a formerly imprisoned Internet journalist (see Section 2.a.), reported that he had shared a cell that was 40 square meters with 80 fellow prisoners and that they only had access to water for 30 minutes a day. He conducted hunger strikes to protest his treatment.

On March 18, a commission of inquiry into prison conditions delivered its report to President Ben Ali, who had ordered an investigation into the substandard prison conditions documented in a December 2002 article in the magazine *Réalités*. The report was not released to the public. The *Réalités* article had stated that there were 253 prisoners per 100,000 citizens, that prisoners were made to sleep on floors and under beds, and that some waited up to 7 months before moving from the floor to a bed shared with other prisoners.

On June 10, AI published a report entitled “Tunisia: the Cycle of Injustice,” stating that prisoners faced prolonged solitary confinement, medical neglect, torture, ill treatment, and humiliation, as well as the violation of other basic rights. It also highlighted continued government harassment of former prisoners after they are released.

Men, women, and children were held separately in prisons. According to *Réalités*, there were four juvenile “reformatory centers.” Conditions for detainees and convicts were believed to be roughly equivalent. Conditions in women’s jails and prisons were better than in men’s jails. Pretrial detainees were usually but not always kept separate from convicts.

There were credible reports that prison conditions and rules were harsher for political prisoners and Islamists. Former political prisoners said their records and identity cards were marked to identify them to guards for “special treatment.” These prisoners were apparently moved frequently and upon arrival at a new prison received a brutal beating. One credible report alleged the existence of special cellblocks for political prisoners, in which they might be held in solitary confinement for months at a time. Another credible source reported that high-ranking leaders of the illegal an-Nahdha (“Renaissance”) Islamist movement have remained in solitary confinement since 1991. Other sources alleged that political prisoners regularly were moved among jails throughout the country, thereby making it more difficult for their families to deliver food to them and to discourage their supporters or the press from inquiring about them. The National Council for Liberties in Tunisia (CNLT) reported that inmates were instructed to stay away from new political prisoners and were punished severely for contact with them.

Unlike in previous years, there were no confirmed deaths in prison from negligence. However, human rights activists attributed this improvement to what they

alleged was a new government policy of releasing terminally ill prisoners in order to avoid inquiries that would have resulted from deaths in prison. During the year, there were several cases in which prisoners died after being released from prison. Human rights NGOs claimed that some of these deaths were preventable, but for the inadequate medical care in prisons and unnecessary delays in seeking outside medical assistance for critically ill prisoners.

The Government did not permit international organizations or the media to inspect or monitor prison conditions.

d. Arbitrary Arrest, Detention, or Exile.—The Constitution specifically prohibits arbitrary arrest, detention, and exile; however, those prohibitions were not always observed in practice.

The Ministry of Interior controls the majority of the security services. Within the ministry are several law enforcement organizations, including the police, who have primary responsibility within the major cities; the National Guard, which has responsibility in smaller cities and the countryside; and state security forces tasked with monitoring groups and individuals the Government considers threatening, such as the media, Islamists, human rights activists, and opposition parties and leaders. It is widely believed that the Ministry of Interior monitors the communications of those groups and individuals, and there are a large number of plainclothes police throughout the country. In general, law enforcement groups are disciplined, organized, and effective. However, there were episodes involving petty corruption, including the solicitation of bribes by police at traffic stops, and police brutality against individuals whose behavior was deemed “provocative.” Human rights activists believed that law enforcement organizations operated with impunity and that high officials sanctioned the attacks on dissidents and oppositionists that the police allegedly committed.

The law provides that the police must have a warrant to arrest a suspect, unless the crime committed was a felony or in progress; however, authorities sometimes ignored this requirement and arbitrary arrests and detentions occurred. The Penal Code permits the detention of suspects for up to 6 days prior to arraignment (the 3 day maximum may be renewed once), during which the Government may hold suspects incommunicado. Arresting officers are required to inform detainees of their rights, immediately inform detainees’ families of the arrest, and make a complete record of the times and dates of such notifications. However, those rules were sometimes ignored. Detainees have the right to know the grounds of their arrest before questioning and may request a medical examination. However, they do not have a right to legal representation during the pre-arraignment detention. Attorneys, human rights monitors, and former detainees maintained that the authorities illegally extended detainment by falsifying arrest dates. Police reportedly extorted money from families of innocent detainees in exchange for dropping charges against them.

The law permits the release of accused persons on bail, which may be paid by a third party. In cases involving crimes for which the sentence exceeds 5 years or that involve national security, pretrial detention may last an initial period of 6-months and may be extended by court order for two additional 4-month periods. For crimes in which the sentence may not exceed 5 years, the court may extend the initial 6-month pretrial detention by an additional 3-months only. During this pretrial stage, the court conducts an investigation, hears arguments, and accepts evidence and motions from both parties. The law provides persons indicted for criminal acts the right to appeal their indictment before the case comes to trial. Detainees have the right to be represented by counsel during arraignment. The Government provides legal representation for indigents. At arraignment, the examining magistrate may decide to release the accused or remand him to pretrial detention.

After a case is investigated, a court sets a trial date. Defendants do not have the right to a speedy trial, nor is there any limit to how much time a case can take. Complaints of prolonged detention awaiting trial were common, and President Ben Ali publicly encouraged judges to make better use of bail and suspended sentences. Some defendants claimed that they were held in pretrial detention for years.

Judges are allowed to substitute community service for jail sentences in cases having sentences of 6-months or less. There were no reports that this alternative was applied in political cases.

The Government denied detaining anyone for political crimes. The lack of public information on prisoners made it impossible to estimate how many political detainees there were. However, it is likely that the number of political detainees held without charge is low because laws prohibiting membership in outlawed organizations and “spreading false information aimed at disturbing of the public order” are so broadly written that criminal convictions of dissidents and Islamists are easy to

secure. One credible estimate suggested that there were 600 political prisoners convicted of those and/or other charges (see Section 1.e.).

Judges and the Government exercised their authority to release prisoners or suspend their sentences, often on conditional parole (see Section 1.e.). Internet journalist Zouhair Yahiaoui was conditionally released from prison in November (see Section 2.a.).

The Constitution prohibits forced exile; however, some political opponents in self-imposed exile were prevented from obtaining or renewing their passports in order to return. The Penal Code allows judges to impose administrative controls at sentencing that follow the completion of a prison sentence; however, only judges may order a former prisoner to register at a police station, and the law limits registration requirements to 5 years. The arbitrary imposition of administrative controls on former prisoners following their release from prison often prevented them from being able to hold a job. Defense attorneys reported that some clients must sign in four or five times each day and at times that are determined only the previous evening. When their clients would arrive at the police station, they were forced to wait hours before signing in, which made employment impossible and childcare difficult. Numerous Islamists released from prison in recent years have been subjected to these types of requirements. At least one former prisoner, Abdullah Zouari, was arrested and sentenced to 9-months in prison in August for violating the terms of the administrative control measures imposed on him (see Section 2.a.).

e. Denial of Fair Public Trial.—The Constitution provides for an independent judiciary; however, the executive branch and the President strongly influenced judicial decisions, particularly in political cases. The executive branch appoints, assigns, grants tenure to, and transfers judges, which rendered the system susceptible to pressure in sensitive cases. In addition, the President is head of the Supreme Council of Judges. The law provides citizens legal recourse to an administrative tribunal to address grievances against government ministries; however, government officials rarely respected the tribunal's decisions. Throughout the year, the Government permitted observers from diplomatic missions, members of the European Parliament, and foreign journalists to monitor trials, while selectively barring other observers from human rights organizations from entering the country (see Section 4). The Government did not permit observers to attend sessions of military tribunals.

The court system has civil and criminal courts, which include courts of first instance, housing, appeal, and cassation (the country's highest appeals court). There are also military courts, which fall under the Ministry of Defense, and an administrative tribunal. In most cases, the presiding judge or panel of judges dominates a trial, and defense attorneys have little opportunity to participate substantively.

Trials in the regular courts of first instance and in the courts of appeal are open to the public. By law, the accused has the right to be present at trial, be represented by counsel, and question witnesses; however, judges do not always observe these rights in practice. The law permits the trial in absentia of fugitives from the law. Indigent defendants are provided with free representation. Both the accused and the prosecutor may appeal decisions of the lower courts. In court, a woman's testimony is worth the same as a man's.

Although family and inheritance law is codified, judges were known to apply Shari'a law in family cases (especially those involving child custody) if the two systems conflicted. For example, codified laws provided women with the legal right to custody over minor children; however, judges sometimes refused to grant women permission to leave the country with them, holding that Shari'a appoints the father as the head of the family who must grant children permission to travel. Some families avoided the application of Shari'a inheritance rules by executing sales contracts between parents and children in order to ensure that daughters received shares of property equal to that of sons.

The Constitution provides that defendants are innocent until proven guilty "following a procedure offering essential defense guarantees." However, in 2001, a sitting judge, Jedidi Ghenya, was quoted as stating in court that everyone who appears before him is guilty until he or she proves their innocence. Defendants may request a different judge if they believe that a judge is not impartial; however, in practice, judges did not always permit this.

Lengthy trial delays remained a problem (see Section 1.d.). Defense lawyers claimed that judges sometimes refused to let them call witnesses on their clients' behalf or to question key government witnesses. Defense lawyers contended that the courts often failed to grant them adequate notice of trial dates or to allow them time to prepare their cases. Some reported that judges restricted access to evidence and court records, and in some cases, required all the lawyers working on a case to examine documents together on a single date in judges' chambers, without allowing them to copy relevant documents.

Lawyers and human rights organizations reported that courts routinely failed to investigate allegations of torture and mistreatment and accepted as evidence confessions extracted under torture (see Section 1.c.). They noted that the summary nature of court sessions sometimes prevented reasoned deliberation. They also stated that erratic court schedules and procedures were designed to deter observers of political trials.

Military tribunals try cases involving military personnel and civilians accused of national security crimes. A military tribunal consists of a civilian judge and four military deputy judges (conseillers). Defendants may appeal the military tribunal's verdict to the civilian court of cassation, which considers arguments on points of law as opposed to the facts of a case. AI has claimed that citizens charged under the tribunals have been denied basic rights during the judicial process.

The Government denied that it held any political prisoners but did not permit access into prisons by international humanitarian organizations. Therefore, there was no definitive information regarding the number of political prisoners. One credible local NGO claimed to have a list of 541 names, while other NGO estimates range from 450 to as many as 1,000. Nearly all of these prisoners were Islamists but very few were convicted for acts of violence. Those who have been identified by international human rights groups as political prisoners or prisoners of conscience were arrested or detained under articles of the Penal or Press Codes that prohibit membership in illegal organizations or spreading false information aimed at undermining the public order. Many were arrested for disseminating information produced by organizations such as the banned Islamist group an-Nahdha. Former political prisoners added that their identity papers were marked in a way that results in their receiving harsher treatment (see Section 1.c.). The Government normally did not provide details on the numbers or types of prisoners released. Prisoner releases traditionally take place on national holidays, but the Government does not announce the number of released prisoners or their names.

f. Arbitrary Interference with Privacy, Family, Home or Correspondence.—The Constitution prohibits such actions “except in exceptional cases defined by law;” however, the Government infringed on these rights, and police sometimes ignored the requirement to have a warrant before conducting searches if authorities considered state security to be involved.

Unlike in previous years, there were no confirmed reports of forced entry into the homes and offices of human rights activists and opposition figures.

Authorities may invoke state security to justify telephone surveillance. There were numerous reports of the Government intercepting faxes and emails. The law does not explicitly authorize these activities, but the Government stated that the Code of Criminal Procedure implicitly gives investigating magistrates such authority. Many political activists experienced frequent and sometimes extended interruptions of home and business telephone and fax service. Human rights activists accused the Government of using the Postal Code, with its broad but undefined prohibition against mail that threatens the public order, to interfere with their correspondence and interrupt the delivery of foreign publications.

On September 4, the Government formed a “National Committee for the Protection of Personal Information,” allegedly to create a judicial structure sufficient to protect personal information.

Security forces routinely monitored the activities, telephone, and Internet exchanges of opposition, Islamist, and human rights activists and sometimes harassed, followed, questioned, assaulted, or otherwise intimidated them, their relatives, and associates. Security forces continued to harass, assault, and intimidate members of the CNLT and LTDH (see Sections 1.c., 2.b., and 4). Police placed journalists who wrote articles critical of the Government or who were active in human rights organizations under surveillance (see Section 2.a.). One such activist, human rights lawyer Radhia Nasraoui, conducted a 57-day hunger strike to protest the Government's mistreatment of her, her family, and her clients. She reported that the Government kept her under continuous surveillance, routinely cut her telephone service, and harassed her clients.

Credible reports indicated that the children of activists were harassed and beaten by police. In June 2002, a man that witnesses believed was a plainclothes policeman attacked the daughter of Judge Mokhtar Yahiaoui with a club as she was leaving school. Human rights activists claimed that the Government subjected family members of Islamist activists, as well as human rights activists, to arbitrary arrest, reportedly using charges of “association with criminal elements” to punish family members for crimes allegedly committed by the activists. Human rights activists reported that their family members were denied jobs, business licenses, and the right to travel due to their relatives' activism. They also alleged that the relatives of Islamist activists who are in jail or living abroad were subjected to police surveil-

lance and mandatory visits to police stations for questioning about their activist relatives. The Government maintained that the “non-activist” relatives were themselves members or associates of the outlawed an-Nahdha movement and that they were thereby subject to legitimate laws prohibiting membership in or association with that organization.

Human rights activists alleged that security forces arbitrarily imposed administrative controls on prisoners following their release from prison (see Section 1.d.) and confiscated national identity cards from numerous former prisoners. Confiscation of an identity card makes nearly every aspect of civil and administrative life difficult. An individual must have an identity card to receive access to healthcare, sign a lease, buy or drive a car, have access to bank accounts and pensions, and even to join a sports club. Police may stop anyone at any time and ask for their identity card. If individuals are unable to produce their cards, police may detain them until their identity can be established by a central fingerprint database. There were no indications that the Government had reissued any of the 10,000-plus confiscated national identity cards of former prisoners convicted of an-Nahdha membership or relatives of an-Nahdha members and their supporters.

The Government regularly prohibited the distribution of some foreign publications (see Section 2.a.). Security forces often questioned citizens seen talking with foreign visitors or residents, particularly visiting international human rights monitors and journalists (see Section 2.a.).

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Speech and Press.—The Constitution provides for freedom of expression and of the press; however, the Government restricted these rights in practice. The Government used a central censorship office as well as indirect methods to restrict press freedom and encourage a high degree of self-censorship. The Government also uses the Press Code, which contains broad provisions prohibiting subversion and defamation, to prosecute individuals who expressed dissenting opinions. In a 2001 speech before his party, the ruling Constitutional Democratic Rally (RCD), President Ben Ali stated that although the Government must protect the right of citizens to hold dissenting opinions, those citizens who criticize the country in the international media were “traitors” who would be prosecuted to the full extent of the law. Direct criticism of government policies or officials was restricted, either directly or through self-censorship (Section 1.f.).

Abdullah Zouari, a former journalist for the an-Nahdha journal *Al-Fajr*, was released from prison in April 2002 after serving 11 years. He was rearrested in August 2002 for violating the terms of his “administrative control measures” (see Section 2.d.), which required him to stay “in the area of his residence” in a small town along the Libyan border, far from his family who lived in Tunis. In August, he again violated the terms of his release when he traveled with a foreign lawyer to meet with other former political prisoners and was rearrested. Several other *Al-Fajr* journalists allegedly remained in jail, serving sentences that were imposed in the early 1990s. The Government stated that the arrests, indictments, and convictions were carried out in full accordance with the law.

In 2002, the Tunisian Association of Journalists (AJT) released a widely disseminated report later denounced by the AJT leadership, strongly criticizing the Government’s control of the press and information sector. Apparently responding to government pressure, the AJT’s 2003 report contained almost no criticism of the present state of freedom of the press. At year’s end, the Tunisian Newspaper Association remained expelled from the World Association of Newspapers because of its failure to oppose repression of freedom of the press.

Several independent newspapers and magazines—including several opposition party journals—existed; however, the Government relied on direct and indirect methods to restrict press freedom and encourage a high degree of self-censorship. Most Government restrictions on the media were designed to control information published internally. The international media had reasonably free access within the country; however, visiting foreign journalists sometimes complained of being followed by security officials.

As a result of growing competition from satellite broadcasters, the broadcast media was forced to update its programming to include the addition of differing points of view on international issues. However, this dialogue did not extend to national issues.

Print media was less tightly controlled than broadcast media. The Government owned and operated the Tunisian Radio and Television Establishment (ERTT). The ERTT’s coverage of government news was taken directly from the official news agency, the Tunisian African Press. There were several government-owned regional radio stations and two national television channels. A bilateral agreement with Italy per-

mits citizens to receive the Italian television station RAI-UNO; however, the broadcast of French television station France 2 remained suspended because of its critical coverage of the 1999 elections. The Government regulated the sale and installation of satellite dishes, and, according to recent official estimates, there were more than 200,000 in the country. However, other sources stated that a majority of households had satellite receivers, and at least 70 percent of the population had access to satellite broadcasts. Citizens viewed broadcasts of not only pan-Arab media like Al Jazeera but also independent stations focusing on North Africa, such as the London-based Al-Mustakillah and Zeitouna (maintained by an-Nahdha, the outlawed Islamist party) as alternative sources of news and political opinion. The Zeitouna website was also popular. Al Jazeera cited onerous government controls to explain why it did not maintain a presence in the country.

The Government continued to tightly control the radio airwaves; however, on November 7, the country's first private radio station began broadcasting. Although the station was allowed to engage in wide social commentary it did not enjoy the same freedom in the political sphere.

On November 19, Internet journalist Neziha Rejiba, who writes under the name Om Zied, received a \$950 (1,200 dinar) fine and an 8-month suspended sentence for violating local currency restrictions. Rejiba noted that she was not in technical violation of the law, which was not routinely enforced. It was widely believed that she was singled out for her critical writing about local politics. The Government blocked access to the online magazine, Kalima, for which she is a contributing journalist.

On November 18, Internet journalist Zouhair Yahiaoui was conditionally released from prison after serving the majority of his 2-year prison sentence. Yahiaoui was arrested in June 2002 for spreading false information on his opposition web magazine TUNeZINE. The magazine had published an online conference on the May 2002 Constitutional referendum and asked respondents to vote whether they felt that living in the country was like living in a prison. He also was alleged to have posted a rumor of an armed attack against the President. Yahiaoui was considered the only secular (i.e. non-Islamist) political prisoner. Defense lawyers said they were given no opportunity to make arguments about his case in court (see Section 1.c.).

Opposition activists and international observers criticized the 2002 transfer of responsibility for the media to the Interior Ministry as superficial and designed to give the appearance of liberalization, with only cosmetic changes. The Government allowed newspapers published outside Tunis to provide copies for approval to local government offices instead of a central office located in Tunis. Newspapers were required to raise the percentage of journalists drawn from the government-run Institute of Journalism on their editorial staff from 30 percent to 50 percent.

Although no specific legislation directly allowing for government censorship exists, the LTDH 2003 Report on the Freedom of the Press noted that the Government maintained firm control over the independent press by controlling the placement of all ads in local newspapers and magazines, keeping subtle, but clear, pressure over the editors, reducing information to one single source (i.e. the local wire service or carefully orchestrated government press conferences).

The Government's strict psychological and legal control of the press continued to create a hostile environment for journalists. Primary among these methods was "depot legal," the requirement that printers and publishers provide copies of all publications to the Ministry of Interior and get a receipt before the publications may be distributed. On occasion, such receipts reportedly were withheld, sometimes indefinitely. Without a receipt, publications could not be distributed legally. The Government also reportedly withheld this authorization in order to prevent the circulation of books that it deemed critical of the Government.

In March 2002, the Government seized At-Tariq Al Jadid, the paper of the opposition party Renewal Movement when editors tried to print a story critical of the constitutional reform plan. The opposition Democratic Progressive Party (PDP) claimed that, in January and August 2001, copies of its government-subsidized newspaper, Al-Mawqif, were removed from newsstands because they contained articles critical of the Government. Publication of the Al-Mawqif newspaper was delayed on several occasions. During the year, Al-Mawqif returned to the newsstands, although on an irregular basis. Since 1999, the Government has not permitted the Tunisian Bar Association to publish its internal bulletin.

Human Rights groups criticized the selection of the country as the site of the 2005 World Summit on Information Society meeting because of the country's record on Internet freedoms and freedom of expression.

The Tunisian Agency for External Communications effectively imposed censorship by selectively withholding advertising funds. There were credible reports that the Government withheld advertising orders, a vital source of revenues, from publications that published articles deemed offensive by the Government. For example,

after Hedi Yahmed's *Réalités* article on prison conditions, the Government pulled its ads from the magazine for a brief time, and in December 2002, Yahmed was forced to resign from *Réalités* (see Section 1.c.). The Government exerted further control over the media by threatening to impose restrictions on journalists, such as refusing permission to travel abroad, withholding press credentials, and imposing police surveillance on those who wrote articles critical of the Government.

In July, the Government amended the electoral code to prohibit citizens from talking about national politics on foreign radio or television channels during the 2-week campaign prior to national elections. The law imposes a \$19,000 (25,000 TD) fine on violators. This was widely seen as an attempt to limit the impact of opposition party satellite broadcasts originating in London and to deter opposition leaders from criticizing the Government on foreign Arab media that have been unwilling to self-censor (like Al Jazeera).

The Press Code contains provisions similar to, but much broader than, libel laws that prohibit subversion and defamation, neither of which is clearly defined. The code stipulates both fines and confiscation for failure to comply with its provisions. The Government routinely used this method to prevent distribution of editions of foreign newspapers and magazines that contained articles critical of the Government.

Members of the security forces reportedly questioned journalists regarding the nature of press conferences and other public functions hosted by foreigners that the journalists attended.

The Government continued to refuse to allow AI's local chapter to distribute textbooks on human rights written for high school students. Like other publications, textbooks are subject to the "depot legal" process.

During the year, the Government selectively encouraged greater use of the Internet. Journalists and students were entitled to a 25 percent reduction in Internet usage fees. While there were an estimated 500,000 Internet users and 3 million subscriptions, the Government remained vigilant about monitoring e-mail and Internet content. It also frequently blocked websites and on-line publications containing information critical of the Government posted by NGOs, opposition parties, the media, and foreign governments, including a report on Internet use in the country by Human Rights Watch (HRW). The Government also closed several public Internet stations, citing complaints that minors were accessing "immoral" websites. The number of Internet cafes in the country dropped from 340 in 2002 to 260 during the year. Eighty were closed during a police sweep in June and July 2002. The Government used the Internet widely, with most government ministries and agencies posting information on readily accessible websites. The five Internet service providers in the country remained under the control of the Tunisian Internet Agency, which regularly provided lists of subscribers to the Government. Human rights activists alleged that the agency regularly interfered with and intercepted their Internet communications. The Press Code, including the requirement that advance copies of publications be provided to the Government, applies to information shared on the Internet (see Section 4).

The Government limited academic freedom. Like journalists, university professors sometimes practiced self-censorship by avoiding statements supporting the *an-Nahdha* movement or critical of the Government in the classroom. Professors alleged that the Government used the threat of tax audits, control over university positions, and strict publishing rules to encourage self-censorship. The presence of police on campuses also discouraged dissent. Professors must inform the Ministry of Higher Education in advance of any seminars, including the list of participants and subjects to be addressed. Copies of papers to be presented in university settings or seminars must be provided to the Ministry in advance.

b. Freedom of Peaceful Assembly and Association.—The Constitution provides for freedom of assembly; however, the Government restricted this right. Groups that wish to hold a public meeting, rally, or march must apply for (and subsequently obtain) a permit from the Ministry of Interior no later than 3 days before the proposed event, and they must submit a list of participants. The authorities routinely approved such permits for groups that support government positions but often refused permission for groups that expressed dissenting views. In addition to permits, registration also was used to control the status and operations of NGOs.

During the year, LTDH activists continued to report government harassment, interrogation, property loss or damage, unauthorized home entry, and denial of passports. In October 2002, the LTDH reported disruptions to its regional elections in the southern town of Gabes and the northern town of Jendouba. Accounts of events differed, but the LTDH maintained that ruling RCD party delegates objected to the voting procedures in Gabes and moved that the congress should be adjourned without completing the election. Members of the RCD threatened LTDH members with

physical violence and police intervened, ultimately prohibiting the conclusion of the voting. Additionally, smaller LTDH offices reported difficulty in renting space to hold elections. Leaders maintained that police threatened hotel and hall managers to prevent them from renting meeting space to them. Despite LTDH president Mokhtar Trifi's pledge to continue elections despite threats and violence, no new board was elected by year's end.

Unlike in previous years, there were no reports that police disrupted CNLT meetings during the year; however, large numbers of plainclothes state security officers continued to maintain a visible presence surrounding the meeting sites of human rights NGOs, allegedly to intimidate attendees.

The Government permitted some demonstrations to occur; however, the Government broke up several unsanctioned demonstrations during the year. For example, on February 16, police disrupted a Tunisian General Federation of Labor (UGTT) anti-war demonstration in Sfax, injuring 20 protestors; however, the Government allowed UGTT to demonstrate legally the next day. Five demonstrators, including the Secretary General of a high school teachers' union, were injured in another protest that police interrupted a week later on February 23. Police dispersed several pro-Iraq demonstrations and meetings on college campuses. In December 2002, the Government forbade 11 opposition and civil society groups from demonstrating against war with Iraq. Hundreds of riot police enforced the ban, although organizers indicated they had tried to coordinate the protest with authorities beforehand. The RCD organized several anti-war demonstrations on March 22 and 23, which were allowed to take place.

The Constitution provides for freedom of association; however, the Government restricted this right by refusing registration to some political groups or parties based on religion, race, region of origin, or political orientation. The Government banned organizations that it claimed threaten disruption of the public order and used this proscription to prosecute and harass members of the Tunisian Communist Worker's Party (PCOT), CNLT, and Rally for an International Alternative to Development (RAID), among others.

On July 8, the Court of Appeals ruled that the February 2002 1-day strike of lawyers organized by the Tunisian National Bar Association, to protest the excessive use of force by security forces in the courtroom of opposition activist Hama Hammami, had been illegal.

c. Freedom of Religion.—The Constitution provides for the free exercise of religions that do not disturb the public order, and the Government generally respected this right in practice; however, there were some restrictions and abuses. The Government does not permit the establishment of political parties based on religion, prohibits proselytizing, and partially limits the religious freedom of Baha'is. Islam is the state religion, and the Constitution stipulates that the President must be a Muslim. The Government controlled and subsidized mosques and some synagogues, and it paid the salaries of both Muslim prayer leaders and the country's Grand Rabbi.

The Government recognizes all Christian and Jewish religious organizations that were established before independence in 1956. Although it permitted other Christian denominations to operate freely, only the Catholic Church had formal recognition from the post-independence Government. Other groups may in theory be recognized on an ad hoc basis. Authorities deported foreigners suspected of proselytizing and did not permit them to return. There were no reported cases of official action against persons suspected of proselytizing during the year. Since 1999, the Government has not permitted registration of a Jewish religious organization in Djerba; however, the group has been permitted to operate, and it performed religious activities and charitable work unhindered.

Islamic religious education was mandatory in public schools; however, the religious curriculum for secondary school students also included histories of Judaism and Christianity.

The Government did not permit the establishment of political parties based on religion, and it used this prohibition to outlaw the Islamist party, an-Nahdha, and to prosecute suspected activists for "membership in an illegal organization" (see Sections 1.c., 1.d., 1.e., and 2.b.). Several years ago, the Government revoked the identity cards of an estimated 10,000 to 15,000 Islamists and fundamentalists (see Section 1.f.), which, among other consequences, prevented them from being legally employed. The Government continued to maintain tight surveillance over Islamists and Islamic fundamentalists.

The law provides that only persons whom the Government appoints may lead activities in mosques, such as prayer or theological discussion groups. The Government required that mosques remain closed except during prayer times and other authorized religious ceremonies, such as marriages or funerals. According to human

rights lawyers, the Government regularly questioned individuals observed praying frequently in mosques. Authorities instructed imams to espouse government social and economic programs during prayer times in mosques.

Government regulations forbid the wearing of hijabs (headscarves worn by traditional Muslim women) in government offices, and the Government discouraged their use in public. While penalties were not normally applied, there were reports of police requiring women to remove their hijabs in offices, on the street, and at certain public gatherings.

Religious publications are subject to the same restrictions on freedom of speech and press as secular publications. Christian groups were generally allowed to distribute religious documents in English but not in Arabic. Moreover, only sanctioned religious groups were allowed to distribute religious documents. In the Government's view, distribution by other groups constituted an illegal "threat to public order."

Christians and Jews living in the country, including foreigners, constitute approximately 2 percent of the population. The Government permitted Christians who did not proselytize to worship as they wished, and it let Jewish communities operate private religious schools. Jewish children on the island of Djerba were permitted to divide their academic day between secular public schools and private religious schools. The Government also encouraged Jewish expatriates to return for the annual pilgrimage to the historic El-Ghriba Synagogue on the island of Djerba. After a suicide truck bombing at that same synagogue in April 2002, the Government provided increased security.

While Baha'is do not consider themselves to be Muslims, the Government regarded the Baha'i faith as a heretical sect of Islam and permitted its adherents to practice their faith only in private. It also did not permit Christian groups to establish new churches. Although proselytizing was banned, there were no reported cases of official action against persons suspected of proselytizing during the period covered by this report.

The Government denied the applications for passports of some individuals who converted to another faith from Islam, allegedly as a form of retribution and to discourage others from also converting. In addition, Muslims who convert to another religion faced social ostracism.

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

d. Freedom of Movement within the Country, Foreign Travel, Emigration, and Repatriation.—The Constitution provides for these rights, and the Government generally respected them in practice; however, the Government refused to issue, renew, amend, or accept passports of some dissidents, Islamists, and their relatives. The Government also may impose at sentencing a 5-year period of "administrative controls" on certain former prisoners that constituted a type of internal exile. Unlike parole, these individuals have completed their sentences, and the areas to which they are sent to live could be far from their homes and families (see Section 1.d.).

The law provides that the courts can cancel passports and contains broad provisions that both permit passport seizure on national security grounds and deny citizens the right either to present their case against seizure or to appeal the judges' decision. The Ministry of Interior is required to submit requests to seize or withhold a citizen's passport through the public prosecutor to the courts; however, the Ministry of Interior routinely bypassed the public prosecutor to withhold passports from citizens with impunity. The public prosecutor deferred to the Ministry of Interior on such requests.

On August 12, a citizen was reportedly refused permission to travel outside the country because she was the sister of a critic of the Government living in France. Likewise, former Judge Mokhtar Yahiaoui continued to be prevented from traveling abroad. Another citizen said that her father was prevented from traveling to both Saudi Arabia to perform religious rituals and Europe to seek medical treatment because the Government saw him as a "former" dissident. The Government did not process his application for a passport, and he died in September without having been able to travel (see Section 2.c.).

Hedi Bejaoui, another an-Nahdha member under administrative control since 1990, has been unable to travel for medical treatment due to the Government's seizure of his passport (see Section 1.d.). In November 2002, the Government again denied Sadri Khiari the right to travel to France to defend his dissertation. A support committee called Article 13, after the freedom of movement section of the Universal Declaration of Human Rights, was established in support of Khiari and others who were denied their right to travel.

Some political opponents in self-imposed exile were prevented from obtaining or renewing their passports in order to return (see Section 1.d.). The Government also reportedly confiscated the passports of a small number of Christian converts.

There was no data available about the number of internally displaced persons in the country, but it was a technique occasionally imposed on Islamist former prisoners, as part of a broader set of administrative controls imposed on released political prisoners. The Government assigns those individuals a place of residence at the time of their initial sentencing, and they may be instructed to report to the police several times per day. One example was Abdallah Zouari, a former journalist, who was assigned to live in the small southeastern town of Zarzis (see Section 2.a.).

The Constitution 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 regularly granted refugee status and asylum. It also expressly prohibited the extradition of political refugees. The Government cooperated with the office of the U.N. High Commissioner for Refugees (UNHCR) in assisting refugees. The Government acknowledged the UNHCR's determination of refugee status, which was accorded to 99 individuals during the year. Also during that year, the UNHCR processed 71 applications for asylum. The Government provided temporary protection for refugees based on UNHCR recommendations. There was no pattern of abuse of refugees. Although a few refugees were deported during the year, none were forced to return to countries where they feared persecution. During the year, a UNHCR official in the country said that there were 120,000 Algerian refugees and 75,000 Iraqi refugees living in the country.

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

The Constitution provides that citizens shall elect the President and members of the Chamber of Deputies for 5-year terms; however, there were significant limitations on citizens' right to change their government. The RCD's domination of state institutions and political activity precluded credible and competitive electoral challenges from unsanctioned actors. Moreover, irregularities that called into question the legitimacy of elections were routine. In national votes over the last few years, official margins of victory for the incumbent or the Government position were routinely greater than 99 percent, and there were indications that voter turnout was falsified. The Chamber of Deputies held occasionally lively debates on the merits of government initiatives, but, in terms of lawmaking, it simply confirmed legislation initiated by the executive branch.

The ruling party has maintained power continuously since the country gained its independence in 1956. The RCD dominates the Cabinet, the Chamber of Deputies, and regional and local governments. The President appoints the Cabinet and the 24 governors. The Government and the party are integrated closely; the President of the Republic is also the president of the party, and the party's secretary general holds the rank of minister, as do most members of the RCD politburo, who exert significant influence over national affairs. There were 7 legal opposition parties, which together held approximately 20 percent of the seats (34 of 182) that the law reserves for them in the Chamber of Deputies.

Narrowly written criteria in the Electoral Code significantly limit the number of individuals eligible to run for president. A candidate must receive the endorsement of 30 sitting deputies or municipal council presidents to be eligible to run. On January 7, the Chamber of Deputies debated and passed a government-sponsored bill that amended Article 40 of the Constitution to redefine the prerequisites for presidential candidates. According to the new amendment, a candidate must be drawn from the executive or steering committee of his or her political party, instead of the old rule allowing only party chiefs to run, but must have been on the committee for 5 years. A further condition is that the party must have representation in the Chamber of Deputies. Those reforms, which in theory increased the number of persons eligible to run for president, also criminalized the use of foreign media during the campaign period immediately preceding the election (see Section 2.a.).

To mitigate the advantages wielded by the ruling party, the Electoral Code reserves 20 percent of seats in the Chamber of Deputies for the officially recognized opposition parties and distributes them on a proportional basis to those parties that won at least a single directly elected district seat. Because opposition parties have been unsuccessful in their attempts to raise money from private contributors, the Government partially funded their campaigns. For the 1999 elections, each party represented in the Chamber of Deputies received an annual public subsidy of approximately \$42,000 (60,000 TD), plus an additional payment of \$3,500 (5,000 TD) per deputy. Additional funding was available in proportion to the number of district

lists that each party presented. During the 4-month campaign for the 2002 constitutional referendum, the Government gave opposition parties television time to present their positions. Opposition newspapers had difficulty finding sources of advertising revenue, so the Government gave each one \$105,000 (150,000 TD) annually. The Government provided airtime and equal space on bulletin boards for opposition parties.

RCD membership conferred other tangible advantages. For example, children of RCD members were much more likely to receive scholarships and housing preferences at school. There also were reports that RCD members were much more likely to receive small business permits and waivers on zoning restrictions.

The Government did not permit the establishment of political parties on the basis of religion and used the prohibition to refuse recognition of the an-Nahdha party and to prosecute suspected members for "membership in an illegal organization" (see Sections 2.b. and 2.c.). In 2002, the Democratic Forum for Labor and Liberties (FTDL) was legalized, 8 years after first applying for recognition.

The 2002 constitutional amendments enable President Ben Ali to remain in office past his third 5-year term, which ends in 2004. Of the 38 amendments to the constitution that were approved, the 6 most substantive were the following: Article 15, which originally endowed citizens with the responsibility for national defense, was broadened to include protection of the country's "independence, sovereignty, and integrity." Article 19 established a Chamber of Councilors as a second legislative chamber, comprised of 1 to 2 members (depending on population) from each of the 24 governorates, as well as two other groups who will be chosen by the President, one from among "professional organizations" and another of "national public figures." Article 39, which originally limited the president to three terms, was abolished. Changes to Article 40 raised the upper age limit of presidential candidates to 75. Article 41 granted the president judicial immunity upon leaving office for acts he undertook in the exercise of his duties. Lastly, Article 57 granted the Constitutional Council responsibility for determining if the president is unfit to govern and mandates that, in such an event, the president of the Chamber of Deputies would hold the presidency between 45 and 60 days until new elections can be held. On July 28, President Ben Ali announced his candidacy to run for president in the 2004 elections.

There were 21 women in the 182-seat legislature. One of the 25 ministers, and 5 of the 20 Secretaries of State in the Government were women. More than one-fifth of municipal council members were women. Three women served as presidents of chambers on the Court of Cassation, the highest court of appeals. Two women served on the 15-member higher council of the magistracy. September 7 by-elections in a governorate on the outskirts of Tunis were one of the first elections held in the country without gender segregation at polling stations.

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

A number of domestic and international human rights groups existed and were able to investigate and publish their findings on human rights cases; however, the Government sought to discourage investigations of human rights abuses. The Government claimed that there were more than 7,000 NGOs in the country; however, the number of human rights NGOs is closer to 10, of which 5 were authorized and 5 were unauthorized. However, the Government states that a much larger number work on a broader set of human rights related issues, such as social and economic development. The Government met with registered domestic human rights NGOs, and it responded to their inquiries; however, it also harassed, targeted, and prosecuted some of them. Human rights activists and lawyers complained of frequent interruptions of postal and telephone services (see Section 1.f.). There were numerous additional reports during the year of unauthorized home entries, suspicious property loss or damage, and police attacking human rights activists, journalists, and others critical of the Government (see Sections 1.c., 2.a., and 2.b.).

The LTDH was one of the most active independent advocacy organizations, with 41 branches throughout the country. The organization receives and investigates complaints and protests abuses. It reported that RCD activists had disrupted some of its regional elections and had prevented national elections from taking place. In previous years, the LTDH had reported unauthorized break-ins and denial of passports. During the year, the LTDH reported that RCD activists disrupted some of its regional elections. By year's end, incomplete regional results prevented national elections from taking place (see Section 2.b.).

The Government charged two human rights activists, Mohamed Nouri and Mokhtar Yahiaoui, with "knowingly spreading false information with the aim of inspiring belief in the existence of a criminal act targeting persons or property" after

they cited, in May, the apparently false claims of a citizen seeking asylum in France that a person had died in police custody in April.

Since 1998 the Government has refused to authorize the CNLT's registration as an NGO. The CNLT issued statements criticizing government human rights practices. Government officials stated that, by publishing communiques in the name of an unregistered NGO, CNLT members violated the Publications Code (which requires that advance copies be provided to the Government), belonged to an illegal organization, and threatened public order. Some CNLT members still were unable to obtain passports (see Sections 1.f. and 2.d.).

Unlike previous years, during which the Government deterred representatives of international NGOs from traveling to the country, there were no reported cases of the Government preventing international NGOs from visiting. On March 11, the International Commission of Jurists issued a report in which it stated that it had attempted to conduct two fact-finding missions in the country in June 2002 and October 2002. On each occasion, members of the groups were forced by immigration officials to return to Europe immediately upon their arrival. In September 2002 a delegation of Dutch lawyers was also denied entry into the country to protest the lack of an independent judiciary and support for the Tunisian Bar Association.

HRW stated that Abdullah Zouari was arrested in August because he assisted an HRW research mission in the south, despite a warning by police "not to contact foreign media and rights workers" (see Section 2.a.).

AI continued to maintain a local chapter, although members complained that the office suffered repeated loss of telephone and fax service. Persons who had considered joining the chapter reported that security officials discouraged them from doing so. AI officials reported that they were under periodic police surveillance and that there was interference with their mail.

The International Committee of the Red Cross (ICRC) maintained a regional office in the country, covering Algeria, Libya, Mauritania, Morocco/Western Sahara, and Tunisia. According to its website, it focuses on the Western Sahara issue and on promoting knowledge of international humanitarian law.

In June, the U.N. Committee on the Elimination of Racial Discrimination issued a report in response to a July 2002 government report that the Committee said did not provide sufficient information about the country's human rights situation and the status of Berbers. The Committee also expressed concern that "penal laws punish racial discrimination and incitement to racial hatred as extensions of the law that penalizes terrorism."

The Ministry of Justice and Human Rights, created in September 2002 and headed by Bechir Tekkari, has the lead on addressing human rights issues in the country. The General Coordinator for Human Rights directed the Ministry's human rights portfolio on a day-to-day basis. There were also human rights offices in other ministries. A governmental body, the Higher Commission on Human Rights and Basic Freedoms, allegedly addressed and sometimes resolved human rights complaints. The Higher Commission submitted confidential reports directly to President Ben Ali. The Government maintained several human rights websites, which highlighted the country's human rights achievements, but it continued to block access to the sites of most human rights organizations (see Section 2.a.).

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

The Constitution provides that all citizens are equal before the law, and the Government generally respected these rights. Legal discrimination was not pervasive; however, in some areas such as inheritance and family law, Shari'a-based provisions in the civil code adversely affected women.

Women.—Violence against women occurs, but there are no comprehensive statistics to measure its extent. The National Union of Tunisian Women (UNFT) is a government-sponsored organization that ran a center to assist women and children in difficulty. Another, the Tunisian Democratic Women's Association, also operated a counseling center for women who were victims of domestic violence. It assisted approximately 20 women per month. Police officers and the courts tended to regard domestic violence as a problem to be handled by the family. Nonetheless, there are stiff penalties for spousal abuse. Both the fine and imprisonment for battery or violence committed by a spouse or family member are double those for the same crimes committed by an individual not related to the victim.

The Penal Code specifically prohibits rape. There is no legal exception to this law for spousal rape, but in part due to social stigma, there were no reports of spousal rape being prosecuted.

The Penal Code prohibits prostitution, but charges against individuals were rare. There were no reported cases of trafficking or forced prostitution involving women (see Section 6.f.).

During the year, there were approximately 20 cases of young women who were slashed with razorblades by one or more male assailants riding mopeds, reportedly because the women were dressed in a style Islamists viewed as immodest. In August, police arrested two individuals for the attacks. Both remained imprisoned at year's end.

The Penal Code specifically prohibits sexual harassment. Sexual harassment occurred, but there were no comprehensive statistics to measure its extent.

Women enjoy substantial rights, and the Government advanced those rights in the areas of property ownership practices and support to divorced women. Women comprised approximately 30 percent of the work force. The law explicitly requires equal pay for equal work, and although there were no statistics comparing the average earnings of men and women, anecdotal evidence indicated that women and men performing the same work received the same wages. In 2002 there were an estimated 5,000 businesses headed by women, which was an increase from 3,900 in 2000. A slight majority of university students were women. Even in the last few years female (as well as male) illiteracy levels dropped markedly in both rural and urban areas, and although overall illiteracy among women remained 20 percent higher than among men, that figure, due in large part to rural illiteracy among generations born prior to the country's independence, continued to drop. Women served in high levels of the Government as cabinet ministers and secretaries of state, comprising more than 13 percent of the total (see Section 3). Women constituted 37 percent of the civil service and 24 percent of the nation's total jurists. However, women still face societal and economic discrimination in certain categories of private sector employment.

Codified civil law is based on the Napoleonic code; however, judges often use Shari'a as a basis for customary law in cases involving family and inheritance laws. Most property acquired during marriage, including property acquired solely by the wife, is held in the name of the husband. Muslim women are not permitted to marry outside their religion. Marriages of Muslim women to non-Muslim men abroad are considered common-law and are voided when the couple returns to the country. Application of inheritance law continued to discriminate against women, and there was a double standard based on gender and religion: Non-Muslim women and Muslim men who are married may not inherit from each other, the Government considers all children from those marriages to be Muslim, and those children are forbidden by law from inheriting anything from their mothers.

There was a Ministry for Women's Affairs, Family, and Childhood, with nearly 3 percent of its \$2 million (3 million TD) budget devoted to ensuring the legal rights of women while simultaneously improving their socioeconomic status. The Government supported and funded the UNFT, women's professional associations, and the Government's Women's Research Center. Several NGOs focused, in whole or in part, on women's advocacy and research in women's issues, and a number of attorneys represented women in domestic cases.

Children.—The Government demonstrated a strong commitment to free and universal public education, which is compulsory from age 6 to 16. According to UNICEF, 95 percent of boys and 93 percent of girls were in primary school, and approximately 73 percent of boys and 76 percent of girls were in secondary school. During the year, female students graduated from secondary school at a higher rate than male counterparts. There were schools for religious groups (see Section 2.c.). The Government sponsored an immunization program targeting preschool-age children and reported that more than 95 percent of children are vaccinated. Male and female students received equal access to medical care.

Penalties for convictions for abandonment and assault on minors were severe. There was no societal pattern of abuse of children. There were two ministries responsible for rights of children: the Ministry of Women's Affairs, Family, and Childhood, and the Ministry of Culture, Youth, and Leisure. Each had secretaries of state responsible for safeguarding the rights of children.

Persons with Disabilities.—Persons with disabilities faced little discrimination in the fields of employment or education or in the provision of state services. The law prohibits such discrimination and mandates that at least 1 percent of public and private sector jobs be reserved for persons with disabilities. All public buildings constructed since 1991 must be accessible to persons with physical disabilities, and the Government generally enforced these provisions. Many cities, including the capital, began installing wheelchair access ramps on city sidewalks. The Government issued special cards to persons with disabilities for benefits such as unrestricted parking, priority medical services, preferential seating on public transportation, and consumer discounts. The Government provided tax incentives to companies to encourage the hiring of persons with physical disabilities.

The law also specifically prohibits discrimination against persons with mental disabilities. Several active NGOs provided educational, vocational, and recreational assistance to children and young adults with mental disabilities. The Government and international organizations funded several programs.

Section 6. Worker Rights

a. The Right of Association.—The Constitution and the Labor Code provide workers the right to organize and form unions, and the Government generally respected this right in practice. The UGTT is the country's only labor federation. Approximately 15 percent of the 3.3 million-person work force were members, including civil servants and employees of state-owned enterprises, and a considerably larger proportion of the work force is covered by union contracts. A union may be dissolved only by court order.

The UGTT and its member unions are legally independent of the Government and the ruling party but operated under regulations that restrict their freedom of action. The UGTT's membership included persons associated with all political tendencies. There were credible reports that the UGTT receives substantial government subsidies to supplement modest union dues and funding from the National Social Security Account. While regional and sector-specific unions operate with some independence on local issues, the central UGTT leadership generally cooperated with the Government regarding its economic reform program. Throughout the year the UGTT board showed some independence regarding economic and social issues and in support of greater democracy.

The law prohibited antiunion discrimination by employers; however, the UGTT claims that there was antiunion activity among private sector employers, especially firing of union activists and using temporary workers to avoid unionization. In certain industries, such as textiles, hotels, and construction, temporary workers account for a large majority of the work force. The Labor Code protects temporary workers, but enforcement was more difficult than in the case of permanent workers. A committee chaired by an officer from the Labor Inspectorate of the Office of the Inspector General of the Ministry of Social Affairs and Solidarity, and including a labor representative and an employers' association representative, approves all worker dismissals.

Unions were free to associate with international bodies. The UGTT is a signatory to the Maghreb Social Charter which includes provisions on the right to work, gender equality, freedom of movement, protection for children, women, elderly, and persons with disabilities, better working conditions, workplace health and safety, and vocational and professional training. The UGTT was a member of the International Confederation of the Free Trade Unions (ICFTU), Confederation of Arab Trade Unions, and Confederation of African Trade Unions. Many individual unions are affiliated with relevant international sectoral confederations. ICFTU noted in its Annual Survey of Trade Union Rights that the Government has never produced the list of essential services "whose interruption would endanger the lives, safety or health of all or a section of the population," which leaves that provision of the Labor Code open to abuse.

b. The Right to Organize and Bargain Collectively.—The right to organize and bargain collectively is protected by law and observed in practice. Wages and working conditions are set in triennial negotiations between the UGTT member unions and employers. Forty-seven collective bargaining agreements set standards for industries in the private sector and covered 80 percent of the total private sector workforce. The Government's role in private sector negotiations was minimal, consisting mainly of lending its good offices if talks stalled. However, the Government must approve, but may not modify, all agreements. Once approved, the agreements are binding on both union and nonunion workers in the line of work that they cover. The UGTT also negotiated wages and work conditions of civil servants and employees of state-owned enterprises. The Government is the partner in such negotiations. The 2002–03 triennial labor negotiations with the UGTT and UTICA (the private sector employer's association) resulted in a compromise 5 percent wage increase in most sectors.

Unions, including those representing civil servants, have the right to strike, provided that they give 10 days advance notice to the UGTT and it grants approval. The ICFTU has characterized the requirement for prior UGTT approval of strikes as a violation of worker rights. However, such advance approval rarely was sought in practice. There were numerous short-lived strikes over failure by employers to fulfill contract provisions regarding pay and conditions and over efforts by employers to impede union activities. While the majority of the strikes technically were illegal, the Government did not prosecute workers for illegal strike activity, and the strikes were reported objectively in the press. The law prohibited retribution against

strikers. Labor disputes were settled through conciliation panels in which labor and management are represented equally. Tripartite regional arbitration commissions settle industrial disputes when conciliation fails.

There are export-processing zones (EPZs) in the country. Organization and collective bargaining rights are not denied by law or practice in EPZs, nor are there any special laws or exemptions for regular labor laws for these zones.

c. Prohibition of Forced or Bonded Labor.—The law prohibits forced and bonded labor, and there were no reports that such practices occurred. However, some parents of teenage girls placed their daughters as domestic servants and collected their wages (see Section 6.d.).

d. Status of Child Labor Practices and Minimum Age for Employment.—Child labor does not pose a significant problem. The minimum age for employment is 16 years and is consistent with the age for completing educational requirement (see Section 5). The minimum age for light work in the non-industrial and agricultural sectors during non-school hours is 13 years. Workers between the ages of 14 and 18 must have 12 hours of rest per day, which must include the hours between 10 p.m. and 6 a.m. Children between the ages of 14 and 16 in non-agricultural sectors may work no more than 2 hours per day. The total time that children spend in school and work may not exceed 7 hours per day. The minimum age for hazardous or manual labor is 18. The Government adhered to the standards of International Labor Organization (ILO) Convention 182 and enacted regulations concerning the “worst forms of child labor” and “hazardous” work. Inspectors of the Ministry of Social Affairs and Solidarity examined the records of employees to verify that employers complied with the minimum age law. Nonetheless, young children sometimes performed agricultural work in rural areas and worked as vendors in towns, primarily during their summer vacation from school. There were no reports of sanctions against employers.

Observers expressed concern that child labor existed, both disguised as apprenticeship, particularly in the handicraft industry, and in the cases of teenage girls whose families placed them as domestic servants. There were no reliable statistics on the extent of this phenomenon; however, an independent lawyer who conducted a study of the practice in 2000 concluded that hiring of underage girls as domestics servants had declined with increased government enforcement of school attendance and minimum work age laws.

e. Acceptable Conditions of Work.—The Labor Code provides for a range of administratively determined minimum wages, which are set by a commission of representatives from the Ministries of Finance, Social Affairs and Solidarity, and Development and International Cooperation, in consultation with UGTT and UTICA and approved by the President. In June, the industrial minimum wage was raised to \$165 (211 dinar) per month for a 48-hour workweek and to \$144 (184 dinar) per month for a 40-hour workweek. The agricultural minimum wage is \$5 (7 dinar) per day. With the addition of transportation and family allowances, the minimum wage provided a decent standard of living for a worker and family. However, that income was only enough to cover essential costs. The Labor Code sets a standard 48-hour workweek for most sectors and requires one 24-hour rest period per week.

Regional labor inspectors are responsible for enforcing standards related to hourly wage regulations. They inspect most firms approximately once every 2 years. However, the Government often had difficulty enforcing the minimum wage law, particularly in non-unionized sectors of the economy. In addition, the ILO has estimated that more than 240,000 workers were employed in the informal sector, which was not covered by labor laws.

The Ministry of Social Affairs and Solidarity has responsibility for enforcing health and safety standards in the workplace. There were special government regulations covering hazardous occupations like mining, petroleum engineering, and construction. Working conditions and standards tended to be better in firms that were export oriented than in those producing exclusively for the domestic market. Workers were free to remove themselves from dangerous situations without jeopardizing their employment, and they may take legal action against employers who retaliate against them for exercising this right.

The few foreign workers in the country have the same protections as citizen workers.

f. Trafficking in Persons.—Establishing the scope of trafficking in persons is problematic due to difficulties distinguishing trafficking in persons from other forms of illegal migration; however, available reports do not indicate that trafficking in persons was a significant problem. Although the law does not specifically prohibit trafficking in persons, the Government was prepared to use other provisions of the penal code to combat trafficking should the need arise. Measures were introduced

during the year to criminalize aspects of it; however, current law does prohibit slavery and bonded labor.

In March, the Coast Guard stopped a Libyan ship transiting Tunisian waters. Police arrested 180 persons on board, including the captain and crew. The passengers were deported and the ship's operators were charged with filing improper shipping documents. In April, the National Guard arrested 50 North Africans attempting to emigrate illegally from Mahdia (120 miles south of Tunis) by boat to Italy. Those arrested claimed they paid up to \$900 (1000 TD) each. Passengers were convicted of illegal border crossing and imprisoned. In June, a Libyan ship sank off the coast of Tunisia attempting to cross to Italy, which resulted in more than 200 deaths. A week later, nine more illegal immigrants drowned when their ship sank off the northeastern coast. In August, 1 group of 46 Central Africans successfully made the crossing from the country to Sicily, while authorities arrested another group of 30 individuals near Moknine, thus preventing their departure for the Italian coast.

UNITED ARAB EMIRATES

The United Arab Emirates (UAE) is a federation of seven emirates established with no democratically elected institutions or political parties. Traditional rule in the emirates generally is patriarchal, with political allegiance defined in terms of loyalty to the tribal leaders, to the leaders of the individual emirates, and to the leaders of the federation. There are no general elections; however, citizens may express their concerns directly to their leaders through traditional consultative mechanisms, such as the open majlis, or council. The seven emirate rulers constitute a Federal Supreme Council, the highest legislative and executive body. The Council selects a President and Vice President from its membership; the President, in turn, appoints the Prime Minister and Cabinet. In 2001, the Council reelected Sheikh Zayed bin Sultan al-Nahyan as head of the state for 5 years. The Constitution requires the Council to meet annually, although individual leaders meet frequently in more traditional settings. The Cabinet manages the Federation on a day-to-day basis. A consultative body, the Federal National Council (FNC), consisting of 40 advisors appointed for 2-year terms by the emirate rulers, reviews proposed legislation, discusses the annual budget, and may question federal government ministers in open sessions. The Constitution provides for an independent judiciary; however, its decisions were subject to review by the political leadership.

Each emirate maintains its own independent police force. While all emirate internal security organs theoretically are branches of one federal organization, in practice they operated with considerable independence. The Government maintained effective control over security forces. There were no reports that security forces committed human rights abuses.

The country has a free market economy based on oil and gas production, trade, tourism, and light manufacturing. The expatriate population comprised about 85 percent of the estimated 3.8 million population. Each emirate independently owns local petroleum production, with most of the country's petroleum resources located in Abu Dhabi. The emirate of Dubai has developed into the region's leading financial, commercial, transport, and tourism center. The economy provided citizens with a high per capita income, but it was heavily dependent on foreign skilled and unskilled workers.

Serious problems remain, although the Government's respect for human rights improved in a few areas. Citizens do not have the right to change their government. The Government restricted freedom of speech and of the press. The press continued to practice self-censorship. The Government restricted free assembly and association, and somewhat restricted religious freedom by banning proselytizing of Muslims. In August, the Government closed the Zayed Centre for Coordination and Follow-up for sponsoring anti-Jewish activities. The Government restricted the rights of workers, many of whom are not protected by labor laws. There are no labor unions; however, the Government mediated several labor disputes and often ruled in favor of employees. There were reports of poor working conditions for some laborers, failure to pay wages, and abuse of foreign domestic servants in an economy in which 98 percent of the private sector workforce is foreign. Trafficking in women and children continued to be a problem, despite Government efforts to end the practice.

RESPECT FOR HUMAN RIGHTS

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

a. Arbitrary or Unlawful Deprivation of Life.—There were no reports of arbitrary or unlawful deprivation of life committed by the Government or its agents. There were no developments in the 2001 case of Libyan national Abdullah Abu al Ghazali, who died while in security force custody.

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

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.—The Constitution prohibits torture, and there were no reports that government officials employed it; however, Shari'a (Islamic law) courts sometimes impose flogging sentences on Muslims (except in Dubai, where flogging is banned), and some non-Muslims, found guilty of adultery, prostitution, and drug or alcohol abuse. There were reports that flogging sometimes was carried out symbolically to prevent major or permanent injuries; however, during the year there was at least one case in Abu Dhabi Emirate of authorities using a leather strap to administer the flogging sentence, which caused the recipient significant pain and left substantial bruising, welting, and open wounds on the body.

Convictions in Shari'a courts do not require the Shari'a penalties on non-Muslims; however, such sentences were carried out in some cases. According to a 2002 Amnesty International (AI) report, at least 20 flogging sentences were passed in cases of adultery. For example, on August 17, the federal court ordered the flogging of a 15-year-old girl for adultery. She was sentenced to 90 lashes. The girl, who also faced deportation, appealed twice on the grounds that she was a juvenile but the federal court upheld the ruling under Shari'a law. The Federal Supreme Court overturned the ruling 5 days later, stating she was not responsible for the adultery charge under Shari'a due to her age. The court also overturned the deportation penalty.

Prison conditions generally met international standards and the Government permitted visits by independent human rights observers; however, rural prison conditions at times were inadequate. The Research Center of Abu Dhabi Police Department reported that all six of Abu Dhabi's prisons were overcrowded. Noncitizens represented approximately 85 percent of all prisoners. According to the Jurists Association, prison conditions varied widely from emirate to emirate. Men and women are housed separately. Pre-trial detainees were held separately from convicted criminals until the trial begins. Juveniles were held separately from adults. Political or security prisoners were kept separately and, in some cases, were transferred from the custody of the Ministry of Interior to the State Security Agency.

Police in Dubai and Abu Dhabi allow NGOs access to observe prison conditions; however, there were no reports of any such visits during the year.

In March, the Dubai police Human Rights Department launched the "Victim Care" program to provide psychological, emotional, and legal assistance to victims of sexual crimes and crimes against children. The program aims to protect victims from further harassment. In December, the Deputy Ruler of Dubai and Minister of Finance and Industry granted \$40,984 (150,000 dirhams) to the Human Rights Department in support of the Victim Care program.

In 2002, the Dubai police established a Human Rights Department within its prison system to monitor conditions, address prisoners' concerns, and maintain rehabilitation programs. The department organizes lectures, maintains libraries, and provides educational opportunities to prisoners.

d. Arbitrary Arrest, Detention, or Exile.—The Constitution prohibits arbitrary arrest and detention; however, the law permits incommunicado detention. The Government generally uses it in sensitive criminal cases in which the police claim that communication between the accused and a third party could jeopardize their investigation. In such cases, no one is notified that the person has been arrested. There were no reports of incommunicado detention during the year. In concert with other governments, there were arrests and detentions in 2001 of numerous individuals suspected of ties to extremist groups. Most of them were released.

The law prohibits arrest or search without probable cause.

Under the Criminal Procedures Code, the police must report arrests within 48 hours to the Public Prosecutor, who must determine within the next 24 hours whether to charge, release, or order further detention pending an investigation. The Public Prosecutor may order that detainees be held up to 21 days without charge. In cases of felonies or misdemeanors punishable by imprisonment, the authorities must obtain a court order after 21 days for additional detention. A court-ordered extension may not exceed an additional 30 days of detention without charge. Some diplomatic missions complain that authorities do not always notify them when their

citizens are detained or arrested. The Federal Constitution provides accused persons the right to a speedy trial. This right most often was invoked in civil cases, with civil defendants at times demanding same-day disposition of the cases filed against them. Authorities reportedly brought criminal defendants to trial in approximately 2 to 3 months, with the exception of drug-related cases. In drug-related cases, the authorities are required to inform the office of the ruler for the emirate in which the offense was committed of the charges, which may prolong the process considerably.

Trials can last a substantial period of time, depending on the seriousness of the charges, number of witnesses, and availability of judges. Serious cases such as rape sometimes take more than 1 year to get to trial.

There is no formal system of bail; however, authorities can release detainees temporarily who deposit money, an important document such as a passport, and/or an unsecured personal guarantee statement signed by a third party. Those arrested on regular charges were generally allowed to telephone third parties while in detention.

Defendants in cases involving loss of life, including involuntary manslaughter, can be denied release in accordance with the law. However, bail usually is permitted after a payment of compensation to the victims' families, commonly called "blood money," or *diya*, which is a form of financial penalty imposed on defendants in criminal cases involving a killing.

Review of criminal cases by the local ruler's *diwan*, as well as bureaucratic delays in processing or releasing prisoners, at times resulted in detainees serving time in the central prisons beyond their original sentences.

Rulers of the individual emirates regularly pardon prisoners on religious and national holidays. Those pardoned generally were serving sentences from 3 to 5 years for financial crimes, immigration violations, or other minor offenses. Pardons were not extended to prisoners convicted of more serious charges such as murder, rape, and kidnapping. Most pardoned foreign nationals were deported, while those jailed for financial crimes often were given a grace period before deportation to settle amounts still owed.

The Constitution prohibits forced exile, and there were no reported cases during the year.

e. Denial of Fair Public Trial.—The Constitution provides for an independent judiciary; however, its decisions were subject to review by the political leadership.

Many judges were noncitizen Arabs, whose mandates were subject to periodic renewal by the Government. The percentage of citizens serving as public prosecutors and judges, particularly at the federal level, continued to grow. Of all judges, 55 percent were country nationals, and 45 percent were non-nationals.

There is a dual system of Shari'a (Islamic) courts for criminal and family law matters and civil courts for civil law matters. Civil courts generally are part of the federal system, except in the Dubai and Ras Al-Khaimah Emirates, and are accountable to the Federal Supreme Court, located in Abu Dhabi. The Federal Supreme Court has the power of judicial review, as well as original jurisdiction in disputes between emirates or between the federal Government and individual emirates. The emirates of Dubai and Ras Al-Khaimah have their own local and appellate courts, which have jurisdiction over matters within their territories that the Constitution or federal legislation does not specifically reserve for the federal system. The emirates of Dubai and Ras Al-Khaimah do not refer cases in their courts to the Federal Supreme Court located in Abu Dhabi for judicial review, although they maintained a liaison with the federal Ministries of Justice, Islamic Affairs, and Awqaf.

Each emirate administers Shari'a courts. In some emirates, these courts consider all types of civil and commercial cases as well as serious criminal cases and family matters. They act in accordance with traditional Islamic law and practice, but also are required to answer to the Federal Supreme Court. Dubai has a special Shi'a council to act on matters pertaining to Shi'a family law (see Section 5).

Legal counsel may represent defendants in both court systems. Under the Criminal Procedures Code, the defendant has a right to government-provided counsel in all cases involving a capital crime or possible life imprisonment, regardless of whether the defendant is financially able to hire counsel. The Government provides counsel to indigent defendants charged with felonies punishable by "provisional imprisonment," or imprisonment of 3 to 15 years.

A defendant is entitled to an attorney only after the police have completed their investigation. As a result, police can question accused persons sometimes for days or weeks, as in narcotics cases, without benefit of legal counsel.

Defendants are presumed innocent until proven guilty. There are no jury trials. The number of judges sitting for a case depends on the type of crime alleged. Generally, three judges sit for felony criminal cases, and one judge sits for all other

cases. All trials are public, except for national security cases and those deemed by the judge likely to harm public morality.

Each court system has an appeals process. Death sentences may be appealed to the ruler of the emirate in which the offense is committed, or to the President of the Federation. Non-Muslims who are tried for criminal offenses in Shari'a courts can receive civil penalties at the discretion of the judge. Shari'a penalties imposed on non-Muslims can be overturned or modified by a higher court.

In cases in which a defendant is acquitted of a crime, the prosecutor may appeal the acquittal to a higher court. If the case is appealed, the higher court reviews the case and may receive additional evidence. If convinced of the defendant's guilt, the appellate court may set aside the lower court's verdict of not guilty, enter a verdict of guilty, and order the defendant to pay compensation. The appellate standard for overturning an acquittal is "without the slightest doubt of guilt."

In cases in which a defendant is sentenced to death, the sentence may be reduced to a term of imprisonment if the victim or victim's family provides a statement to the court forgiving the defendant. This waiver by the victim or victim's family is sometimes made in exchange for a "diya," or a financial payment from the defendant. The term of imprisonment in criminal cases is not related to the defendant's payment of compensation to the victim or victim's family.

The local rulers' diwans, following traditional prerogatives, maintain the practice of reviewing many types of criminal and civil offenses before cases are referred to the prosecutor's office. The diwans may review sentences passed by judges and return cases to the court on appeal. The diwans' involvement, which typically occurs when the case involves parties from two different emirates or a citizen and a noncitizen, can lead to long delays prior to and following the judicial process, causing some prisoners to remain in prison after they have completed their original sentences. Unlike in previous years, there were no reports of intervention by other emirates' rulers in specific cases of personal interest.

The military has its own court system. Military tribunals try only military personnel. There is no separate national security court system. Convicted criminals may request a pardon at any time, unless convicted of serious offenses such as murder.

There were no reports of political prisoners.

f. Arbitrary Interference with Privacy, Family, Home or Correspondence.—The Constitution prohibits entry into homes without the owner's permission, except with a warrant and in accordance with the law. Only police officers and public prosecutors carrying a warrant are permitted entry into homes. Officers' actions in searching premises are subject to review, and officers are subject to disciplinary action if their actions are judged to be irresponsible. Local custom and practice place a high value on privacy, and entry into private homes without owners' permission was rare. A female police officer is required to be present during the search of a private home when male family members are absent.

Authorities do not commonly screen private correspondence; however, there have been reports of censorship of incoming international mail. The Government-owned Internet provider, Etisalat, regularly blocks Internet sites determined to be "objectionable" (see Section 2.a.).

Family matters for Muslims are governed by Shari'a law and the local Shari'a courts. Muslim women are forbidden to marry non-Muslims. In such cases, both parties can be arrested and tried. However, Muslim men are free to marry all women "of the book," which means Muslim, Christian and Jewish women.

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Speech and Press.—The Constitution provides for freedom of speech; however, the Government restricted this right in practice. The law prohibits, under penalty of imprisonment, criticism of the Government, ruling families, and friendly governments, as well as other statements that threaten social stability; however, the law was rarely enforced because journalists commonly practiced self-censorship.

Freedom of the press also was restricted. Two of the country's newspapers were government-owned and one, Al Bayan, received government subsidies. Privately owned newspapers no longer received government subsidies. The country's largest English- and Arabic-language newspapers were privately owned. Newspapers often relied on news agencies for material. Government-owned Emirates News Agency regularly provided newspapers with articles regarding domestic and international issues. This material was printed verbatim by most newspapers.

By law, the Ministry of Information licenses all publications. The ministry also approves the appointment of editors. The law governs press content and contains a list of proscribed subjects. Government officials reportedly warn journalists when they published material deemed politically or culturally sensitive.

A de facto ban prohibiting 10 prominent intellectuals from publishing opinion pieces in the country's Arabic and English language media continued. In 2002, 6 academics from Al Ain University were also banned. The ban was reportedly linked to the controversial Islamic fundamentalist political opinions held by those affected.

The government-owned Emirates Media, which published Al-Ittihad newspaper and owns Abu Dhabi's radio and television stations, forbids all its employees, including journalists, from speaking with representatives of foreign diplomatic missions without prior approval, although this rule was not enforced in practice.

While self-censorship affected what is reported locally, foreign journalists and news organizations operating out of Dubai Media Free Zone, reported few or no restrictions on the content of print and broadcast material produced for use outside the country.

Except for those located in Dubai's "Media Free Zone," most television and radio stations were government-owned and conformed to unpublished government reporting guidelines; however, these guidelines were not always applied consistently. Satellite receiving dishes were widespread and provided access to international broadcasts without apparent censorship. The main pan-Arab dailies were not censored and were distributed on the same day of publication. Censors at the Ministry of Information and Culture review imported newspapers, magazines, periodicals, books, films, and videos. They banned or censored before distribution material considered pornographic, excessively violent, derogatory to Islam, supportive of certain Israeli government positions, unduly critical of friendly countries, or critical of the Government or ruling families.

Internet access, which was open to public use with an estimated 1.11 million users, was provided through a state-owned monopoly, Etisalat. A proxy server blocked material regarded as pornographic or morally offensive, or as promoting radical Islamic ideologies, as well as anti-government sites. Generally, the proxy server did not appear to block news services, political expression unrelated to radical Islamic ideologies, or material originating from specific countries. However, it occasionally blocked individual news stories on news websites. Etisalat blocked AOL in the UAE because AOL offers a program that allows users to access censored sites. The Internet monopoly solicits suggestions from users regarding "objectionable" sites, and at times the Government responds by briefly blocking some politically oriented sites, which are later unblocked. The also blocks commercial "voice-chat" sites on the Internet.

Academic materials destined for schools were subject to censorship. Students were banned from reading texts featuring sexuality or pictures of the human body. In 2002, the Ministry of Education and Youth listed 26 books prohibited in schools, although the same books are widely available in bookstores. The Ministry also obligates private schools to comply with its censorship rules regarding curricula and textbooks. In 2001, over 60 employees of the Ministry of Education and Youth were either retired or transferred involuntarily, reportedly due to their extremist religious and/or political views. In 2002, six professors at UAE University, primarily political science professors, were banned from lecturing at the university, reportedly because of their extremist political views. At least one of them was also banned from publishing writings in newspapers.

In August, the Government closed the Zayed Centre for Coordination and Follow-up, a think tank that published and distributed literature, sponsored lectures, and operated a website. The center published some books with anti-Jewish themes such as "The Zionist Movement and its Animosity to Jews" and "Al Buraq Wall, Not Wailing Wall." It also allowed some anti-Semitic language on its website, and hosted some speakers who promoted anti-Semitic views. According to a statement from President Zayed's office, the Government closed the center because its activities "starkly contradicted the principles of interfaith tolerance" advocated by the president (see Sections 2.c.).

b. Freedom of Peaceful Assembly and Association.—The Government does not provide for freedom of assembly. Organized public gatherings require a government permit. In practice, the Government does not regularly interfere with informal gatherings held without a government permit in public places, unless complaints are made.

During the year, there were a number of widely publicized, organized gatherings of workers complaining of unpaid wages and unsuitable working conditions before the Ministry of Labor and Social Affairs building. Increasingly, the Ministry of Labor has mediated such disputes, ruling most often in favor of the workers. There also were a number of peaceful marches and rallies conducted in support of Palestinians and Iraq after the police granted permission.

Citizens normally confined their political discussions to the numerous gatherings, or majlises, held in private homes. There were many associations organized for economic, religious, labor, social, cultural, sports, and other purposes.

In March, anti-war demonstrations reportedly took place in Al Ain, Dubai and Ras Al Khaimah. Authorities reportedly allowed the protests and no arrests were made. In June, approximately 200 Iranians demonstrated in Dubai in support of student demonstrators in Iran. Police reportedly detained and questioned four students after molotov cocktails were thrown into the Iranian Consulate compound. However, Dubai police deny that this occurred.

The Government does not permit freedom of association without prior permission. However, there were no reports that the Government interfered with associations that formed without prior permission.

Unauthorized political organizations are prohibited. There were no political parties, independent human rights groups, or trade unions (see Sections 3 and 6.a.).

All nongovernmental organizations (NGOs) are required to register with the Ministry of Labor and Social Affairs. There were approximately 100 domestic NGOs registered with the Ministry of Labor and Social Affairs. However, a number of unregistered local NGOs operate in the country, with little or no government interference. Local NGOs focus on a multitude of topics, including women's issues, the environment, natural history, and archaeology. The Jurists Association's Human Rights Committee focused on local and regional human rights issues. The percentage of citizen membership in NGOs varied widely. All private associations, including children's clubs, charitable groups, and hobby associations, required approval and licensing by local authorities, although this requirement was enforced loosely in some emirates. NGOs registered and licensed with the Government reportedly received subsidies from the Government, with the amount received based on the size of their membership (see Section 4).

Private associations must follow the Government's censorship guidelines and receive prior government approval before publishing any material. In practice, some groups did not seek prior Government approval before printing and distributing materials, and were not persecuted by the Government for doing so.

c. Freedom of Religion.—The Constitution provides for freedom of religion in accordance with established customs and the Government generally respects this right in practice; however, there were some restrictions. The Federal Constitution declares that Islam is the official religion of all seven of the constituent emirates of the federal union.

The Government controls virtually all Sunni mosques, prohibited proselytizing, and restricted the freedom of assembly and association, thereby limiting the ability of religious groups without dedicated religious buildings to worship and conduct business. The Government funded or subsidized virtually all Sunni mosques and employed all Sunni imams; approximately 5 percent of Sunni mosques were entirely private, and several large mosques have large private endowments. The Government distributes guidance on religious sermons to mosques and imams, whether Sunni or Shi'a, and monitors all sermons for political content.

The federal Ministry of Justice and Islamic Affairs and Awqaf, which regulates mosques, distributes weekly guidance to both Sunni imams and Shi'a sheikhs regarding subject matter, themes, and content of religious sermons. There were reports that an unknown number of imams were deported throughout the year for preaching messages of intolerance. All Sunni imams are employees of either the Federal Ministry of Justice, Islamic Affairs and Awqaf, or individual emirate departments. The emirate of Dubai's Department of Islamic Affairs and Endowments has approval authority over the appointment of preachers in that emirate's private mosques, as well as the conduct of their work.

The Shi'a minority, which was concentrated in the northern emirates, was free to worship and maintain its own mosques. All Shi'a mosques were considered private and received no funds from the Government. The Government did not appoint sheikhs for Shi'a mosques, but did monitor them closely. Shi'a Muslims in Dubai can pursue Shi'a family law cases through a special Shi'a council rather than the Shari'a courts.

Some non-Muslim groups can own their own houses of worship in which they can practice their religion freely. Although the title for the land remains with the ruler, they may request a land grant and permission to build a compound from the local ruler. The local ruler may approve or deny any or all such requests. Religious groups without land grants were limited in their ability to assemble for worship and conduct religious business. Some, but not all, were permitted to worship on the compounds of other religious groups. Groups that did not have their own buildings were required to use the facilities of other religious organizations or worship in private

homes. The police or other security forces did not interfere with gatherings held in private homes

The Government in practice interfered very little in the religious activities of non-Muslims. The treatment of Muslim and non-Muslim groups differed between citizens and noncitizens rather than because of religious differences.

During the year, there were serious accusations of religious and ethnic intolerance leveled at the Zayed Centre for Coordination and Follow-up, a local think tank. Critics worldwide cited multiple examples of anti-Jewish literature, website material, and lectures sponsored by the Zayed Centre, and began an international publicity campaign to expose the center's anti-Jewish bias. The center strongly refuted the charges; however, the Government shut down the center in August, stating that the center engaged in discourses that "starkly contradicted the principles of interfaith tolerance (see Sections 2.a. and 4).

Individual emirates excused considerable autonomy in religious matters. There did not appear to be a formalized method of granting official status to religious groups. Rather, the ruling families choose whether to grant access to land and permission to build houses of worship thereon. Since not all religious groups were given land use grants, several unrelated congregations were often required to share common facilities. Because Islam respects Christianity as one of the monotheistic religions, facilities for Christian congregations are far greater in number and size than those for other non-Muslim groups, despite the fact that Christians represented only approximately one quarter of non-Muslim noncitizens, according to government figures. No Jewish synagogues existed in the country. There were two Sikh temples and one Hindu temple operating in the country, all located in Dubai. There were no Buddhist temples; however, Buddhists, along with Hindus and Sikhs in cities without temples, conducted religious ceremonies in private homes without interference. There was a Baha'i cemetery in Abu Dhabi Emirate. There were only two cremation facilities and associated cemeteries for the large Hindu community, one in Dubai and the other in Sharjah. Official permission must be obtained to use the facilities in every instance, which posed a hardship for the large Hindu community.

Conversion of Muslims to other religions is prohibited. Although non-Muslims in the country are free to practice their religion, they are not allowed to proselytize or distribute religious literature to Muslims under penalty of criminal prosecution, imprisonment, and deportation. There are no specific laws against missionary activities, and unlike in previous years, authorities did not revoke the residence permits of persons suspected of such activities during the year. Although the Government does not permit foreign missionaries to proselytize Muslims, missionaries have performed nontraditional humanitarian work since before the country's independence in 1971. An International Bible Society representative in Al-Ain distributed Bibles and other religious materials to Christian religious groups countrywide.

In 2002, Dubai Police Criminal Investigation Department (CID) arrested a Filipino evangelical Christian pastor, for distributing religious materials in public in violation of the prohibition against proselytizing. He was detained for 1 month before being released on bail and he continued his preaching activity without restriction. On April 27, the pastor was found guilty of abusing Islam and missionary activity and received a 1-year suspended jail sentence. He departed the country voluntarily shortly after sentencing.

According to the country's first census in 2001, out of a total population of 3,754,000, 76 percent of the population was Muslim, 9 percent was Christian, and 15 percent belonged to other religious 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 freedom of movement or relocation within the country and the Government generally respected these rights in practice.

Unrestricted foreign travel and emigration is permitted for male citizens, except those involved in legal disputes under adjudication. Custom dictates that a husband can bar his wife, minor children, and adult unmarried daughters from leaving the country, which he usually accomplishes by taking custody of their passports (see Section 5). However, there was no enforcement of this custom at exit points unless there was a court order barring an individual from traveling. All citizens have the right to return.

There was a small population of "stateless" residents who either were without citizenship or had no proof of citizenship to any country. Many such families have lived in the country for more than one generation. Many stateless residents originally were from Iran and South Asia. Other stateless residents included Bedouins or the descendants of Bedouins who were unable to prove they originated in the country. There is no formal procedure for naturalization, although foreign women receive citi-

zenship through marriage to a citizen, and anyone may receive a passport by presidential fiat. Because they were not of the original tribal groups, passports and citizenship status of naturalized citizens may be revoked for criminal or politically provocative actions. However, such revocations were rare and there were no reports of such occurrences during the year.

A child born to at least one citizen parent acquires citizenship at birth.

During the year, the Government prohibited the long-standing practice of employers collecting and holding employees' passports. Embassies, consulates, and media reports confirm that police were enforcing the law. There were reports that the practice continued; however, there were also reports that the Ministry of Labor and police departments took action against these employers after employees filed complaints. There was wide media coverage of this change in law (see Section 6).

In July, the Ministry of Interior banned the widespread practice of employers forcing foreign national employees to surrender their passports as a condition of employment. This practice prevented international travel or repatriation by foreign national employees without their employers' consent, and especially affected employees in the resolution of employment disputes. Employers sometimes petitioned immigration authorities to blacklist employees with whom they were engaged in contract disputes. However, immigration authorities did not blacklist employees or employers without legal justification. Citizens are not restricted in seeking or changing employment. However, foreign nationals in specific occupations are not permitted to change employers without first leaving the country for 6 months (see Section 6.e.).

The law does not provide for the granting of refugee status or asylum to persons who meet the definition in the 1951 U.N. Convention Relating to the Status of Refugees or its 1967 Protocol. In practice, the Government does not provide protection against refoulement, and does not routinely grant refugee status or asylum.

Refugees generally are required to petition for settlement in third countries. In the past, the Government detained persons seeking refugee status, particularly non-Arabs, while they awaited resettlement in third countries.

There were cases during the year in which the Government indicated its intention to force refugee seekers to return to countries where they feared persecution. There were no reports that such deportations took place before the U.N. High Commissioner for Refugees (UNHCR) resettled the refugees in safe countries of transit.

In February, Dubai police, under orders from the Ministry of Interior, deported a group of noncitizens after the killing of an Indian businessman. Although, the group's involvement in the killing was unclear, the group was ordered administratively removed from the country for security reasons.

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

The law does not provide citizens with the right to change their government peacefully. There are no democratic institutions, and citizens do not have the right to form political parties.

Federal executive and legislative power is in the hands of the Federal Supreme Council, a body composed of the hereditary rulers of the seven emirates that elects from its members the country's president and vice-president. Decisions at the federal level generally were made by consensus among the rulers, their families, and other leading families. The seven emirate rulers, their extended families, and those persons and families to whom they are allied by historical ties, marriage, or common interest, held political and economic power in their respective emirates.

The rulers appoint the Federal National Council (FNC), a 40-person advisory federal consultative body. The Advisors are drawn from each emirate, with proportion based on emirate population. The FNC has no legislative authority but it may question ministers and make policy recommendations to the Cabinet. Its sessions usually were open to the public.

The ruling family, in consultation with other prominent tribal figures, chooses new emirate rulers. By tradition, rulers and ruling families were presumed to have the right to rule, but their incumbency ultimately depended on the quality of their leadership and their responsiveness to their subjects' needs. Emirate rulers were accessible, in varying degrees, to citizens who had a problem or a request.

There were very few women in senior positions. There were no female members of the FNC. In Sharjah, there were five women in the 40-seat Consultative Council. The new female Council members served on the Council's Family Development Committee. However, they reportedly were not limited to working on social issues and may also join the Council's other committees if they choose to do so. Other women in senior government positions included an undersecretary in the Ministry of Labor and Social Affairs and an assistant undersecretary for planning and evaluation in the Ministry of Education. On July 8, the Ministry of Foreign Affairs

swore in eight female diplomats, raising the total number of women serving in the diplomatic corps to 16. Prior to 2001, women were not allowed to serve as diplomats.

Although the small Shi'a minority enjoyed commercial success, few Shi'as held top positions in the federal government.

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

Few domestic and international human rights groups operate in the country. Although they must register with the government and are subject to regulations, in practice they generally operate without government restriction. There are legal restrictions regarding investigating and publishing findings on human rights cases. However, these restrictions, if violated, are often overlooked, and Government officials generally are cooperative and responsive to the groups.

In August, the Government closed the Zayed Centre for Coordination and Follow-up, a local think tank that published and distributed literature, sponsored lectures, and operated a website. The center published some materials with anti-Jewish themes, and hosted some speakers who promoted anti-Jewish views. The Government stated that it closed the center because its activities "starkly contradicted the principles of interfaith tolerance" advocated by the president.

The Jurists' Association Human Rights Committee, which focuses on human rights education, operated an independent domestic human rights NGO. During the year, the Committee regularly conducted seminars and symposia throughout the year on various human rights issues.

AI last visited the country in September 2002. During the year, the Government cooperated with other foreign NGOs and worked with foreign governments on issues involving the practice of trafficking in boys for use as child camel jockeys (see Section 6.f.). The Ministry of the Interior operated a Human Rights Department to monitor abuses and to increase human rights awareness. The Dubai Police Academy regularly offered a course on human rights in its curriculum for fourth-year students.

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

The Constitution provides for equality before the law without regard to race, nationality, or social status; however, there was institutional and cultural discrimination based on sex and nationality.

Women.—Abuse and rape are criminal offenses, and offenders are prosecuted and penalized. There were some reported cases of spousal abuse. The law protects women from verbal abuse and harassment from men, and violators are subject to criminal action. Police units were stationed at major public hospitals so that victims of abuse may file complaints, which fall under the jurisdiction of the Shari'a courts. In addition, attending physicians may call police to interview suspected victims of abuse. Social workers and counselors also maintained offices in public hospitals. However, women sometimes were reluctant to file formal charges for social, cultural, and economic reasons. When abuse is reported to local police, authorities may take action to protect the complainant. The Women's Da'waa Administration, part of the Dubai Awqaf and Islamic Affairs Department, operates a telephone hotline for women and children. The hotline has direct access to the Dubai Police, and is open to requests for assistance from women in all emirates.

There continued to be credible reports of physical and sexual abuse of female domestic servants by some local and foreign employers (see Section 6.e.).

"Honor killings" were rare and there were no reports during the year.

Prostitution is illegal; however, it has become an increasing problem in recent years, particularly in Dubai. Substantial numbers of women reportedly arrive regularly from the states of the former Soviet Union, Africa, East Asia, Eastern Europe, and other states of the Middle East for temporary stays, during which they allegedly engage in prostitution and possibly other activities connected with organized crime. While some prostitutes were trafficked to the country, there was credible evidence others entered the country of their own volition to make substantially more money than in their home countries (see Section 6.f.).

While prostitution was acknowledged widely to exist, the Government did not address the issue publicly because of societal sensitivities. However, during the year, there were newspaper reports highlighting the problems of prostitution and trafficking. In an effort to combat prostitution, the Dubai police conducted special patrols in areas frequented by prostitutes, and the immigration and police forces formed special units that conduct raids and sting operations in areas frequented by prostitutes. To further address the problem, authorities restricted the number of visas issued to single young women from certain countries of concern; however, there were ongoing reports that airlines and tourism companies continued to obtain

visitor visas for single young women, some of whom may have participated in prostitution upon their arrival. Other unconfirmed reports stated that some women were entering the country at smaller airports in the northern emirates to avoid unwanted scrutiny at the larger airports in Dubai and Abu Dhabi.

Trafficking in women for the purposes of sexual exploitation remained a problem, although the Government took steps to address the problem. Late in the year, the Dubai Police Department created an "Anti-Trafficking in Persons" department. The new department, along with the Human Rights Care Department and other police sections, the Immigration and Residency Administration, and public prosecutors formed a "Human Rights Council" to reportedly coordinate efforts to safeguard all aspects of human rights, and combat trafficking in persons (see Section 6.f.). Neither the labor law nor the civil service law, which covers labor matters in the public sector, prohibits the employment of women. A man has no right under Shari'a law to ban his wife from working if she was employed at the time of their marriage. By custom and tradition, some government bodies do not employ married women without their husbands' written consent. Reportedly in such cases, permission usually was granted.

There are no legal prohibitions against women owning their own businesses. Traditionally, professional women, including doctors, architects, and lawyers, did not face restrictions on licensing businesses in their names. The Abu Dhabi Chamber of Commerce regularly conducted programs to encourage small business entrepreneurship by women. In October, the First Economic Business Women's Forum, sponsored by the General Women's Union, provided a networking platform for Arab businesswomen, as well as ways to enhance the role of Arab businesswomen in the economic field. The Chambers of Commerce and Industry in Abu Dhabi and Dubai Emirates had Businesswomen's Councils.

Women who worked outside the home sometimes did not receive equal benefits, such as housing, and some faced discrimination in promotion. For example, if a woman and her husband were both employed by the Government, both housing allowances will be paid to the husband because he is obliged under Shari'a law to provide for housing. The Government provided employee housing allowances to single women and to married women whose husbands were employed in the private sector.

Maternity leave for public sector employees is a minimum of 60 days to a maximum of 6 months—2 months with full pay, 2 additional months of nursing leave with half salary, and the possibility of 2 more months without salary.

Opportunities for women were growing in government service, education, private business, and health services. According to a Ministry of Planning report issued during the year, citizen and noncitizen women constituted approximately 22 percent of the national workforce. The Government publicly encouraged citizen women to join the workforce and ensured public sector employment for all that apply. Women comprise the majority of primary and secondary school teachers and health care workers, and accounted for almost half of all government workers.

The Shari'a law of inheritance applies equally to men and women, although laws of distribution may differ. When a woman marries, her separate property—including her dowry, which is set by law at a maximum of approximately \$13,700(50,000 dirhams)—and the income of her separate property remain under her control and are not commingled with the separate property of her husband. During the marriage, the husband is obliged to provide a marital home and necessities for his wife and children. In the event of divorce, a woman takes her separate property, any amounts she receives in a property settlement with her husband, plus any allowances granted to her for maintenance for herself and her children.

Custom dictates that a husband can bar his wife, minor children, and adult unmarried daughters from leaving the country. When practiced, this was commonly accomplished by taking custody of their passports (see Section 2.d.).

Shari'a law is applied in personal status cases. The law permits men to have more than one wife, but not more than four at any given time.

Divorce is permissible. A woman may be granted a divorce if she can prove that her husband has inflicted physical or moral harm upon her. A woman also may sue for divorce if her husband has deliberately stayed away from her for a minimum of 3 months, or if he has not maintained the upkeep of her or her children. Divorced women also normally receive custody of female children until they reach the age of maturity or marry. Divorced women are also normally granted custody of male children until they reach the age of 13. If the court deems the mother to be unfit, custody normally reverts to the next able female relative on the mother's side. A woman who remarries may forfeit her right to the custody of children from a previous marriage.

The law prohibits cohabitation by unmarried couples; however, authorities generally did not pursue such cases. The Government may imprison and deport noncit-

izen women if they bear children out of wedlock. In the event that a court sentences a woman to prison for such an offense, local authorities, at the request of the prisoner, may hold the newborn children in a special area within the confines of the prison or place them with a relative. In rare cases, children are held in other facilities until the mother's release from prison. In Dubai Emirate, unmarried pregnant noncitizen women generally must marry the father of the child or repatriate to their home country. Otherwise, both parties are subject to arrest for fornication.

The law prohibits sexual harassment. As a form of deterrence, Dubai-based newspapers regularly published pictures of men arrested in Dubai for harassing women in public places.

Women constitute nearly 72 percent of the country's student body. Coeducation is prohibited in government schools and universities, with the one exception of the UAE University Executive MBA Program. In this program, men and women, as well as Emirati and expatriate students, were allowed to take classes together. The American Universities in Dubai and Sharjah, both private institutions, are coeducational as well. Government-sponsored women's centers which provide adult education and technical training courses. The federal armed forces accepts female volunteers. The Dubai Police College also recruits women. Many are employed in airports, immigration offices, and women's prisons.

Children.—The Government is committed to children's rights and welfare, and expends resources on the welfare of child citizens; however, noncitizen children receive fewer benefits.

Citizen children receive free public education through the university level and free health care. Housing also is routinely granted to citizens with children who apply for this benefit in their respective emirates. Some citizens opted for a land grant and interest-free loans available to finance building a house, since the waiting period was long for the Government to provide a house. Citizens employed by the Government also are eligible to receive aid from the Ministry of Labor and Social Welfare for children who are under the age of 18, are unmarried, or have disabilities.

Noncitizen resident children are not permitted to enroll in public schools unless they live in rural areas that lack private schools. Many foreign workers in private sector employment received education allowances as part of their salary packages. The Government provided an annual subsidy of approximately \$1,600 (6,000 dirhams) per family to its noncitizen employees for private school tuition for those who do not receive the extra salary benefit.

Citizen children are required to attend school—segregated by gender—through the sixth grade, the last grade of primary education, when children can be as young as 10 or 11 years old. However, compulsory education was not enforced, and some children did not attend school.

Child abuse was not prevalent. Trafficking of young, noncitizen boys employed as camel jockeys continued to be a problem; however, the Government took measures to eliminate the use of boys under the age of 15 as camel jockeys (see Sections 6.c., 6.d., and 6.f.).

Persons with Disabilities.—The law states that there is no federal legislation requiring accessibility for persons with disabilities; however, most public buildings provided access to disabled persons. There were no reported incidents of discrimination against persons with disabilities in employment, education, or in the provision of other state services.

The Ministry of Labor and Social Affairs sponsored six government-managed physical and mental rehabilitation centers, which were open only to citizens. During the year, 17 additional similar centers were created by individuals, associations, and local governments. The Ministry of Interior runs a Rehabilitation and Employment Special Care Center to provide training for people with disabilities, with the goal of integrating them into society. Other rehabilitation centers were partially owned by the Government or were maintained by charity associations. Initiatives included monthly social aid funds, special education, transportation assistance, and sponsoring a Special Olympics team. There was also a significant amount of nongovernmental financial assistance, services, and emotional support to persons with disabilities.

The Ministry of the Interior operated, in Abu Dhabi Emirate, a Rehabilitation, Training, and Recruitment Center for People with Special Needs. The center provided comprehensive education, training, guidance, and job placement assistance to disabled persons between 14 and 40 years of age.

During the year, the Cabinet appropriated 1 percent of all federal jobs in the government sector for persons with disabilities.

Citizens employed by the Government who have disabled children are eligible to receive financial assistance for their maintenance from the Ministry of Labor and Social Welfare.

National/Racial/Ethnic Minorities.—Societal discrimination against noncitizens, while not legally sanctioned, was prevalent and occurred in most areas of daily life, including employment, housing, and social interaction. Employment, immigration, and security policies, as well as cultural attitudes towards noncitizens, who comprised approximately 85 percent of the national population, were conditioned by national origin.

It was estimated that more than 50 percent of foreign workers were from the Indian subcontinent. Noncitizens are denied access to many free or reduced-cost services provided by the Government to citizens, including child and adult education, health care, housing, and social and recreational club memberships.

Section 6. Worker Rights

a. The Right of Association.—The law does not entitle workers to form or join unions, and no unions existed. However, the government allowed workers to associate freely for the advancement of common goals and interests. In practice, workers addressed grievances and negotiated disputes or matters of interest with employers through formal and informal mechanisms.

In April, the Government reportedly implemented ILO biohazard rules on occupational health and safety, and ratified ILO convention 81 on labor inspections. Discussions between the Government and the ILO regarding implementation of a national labor union and labor rights were ongoing during the year. The Government has not ratified either of the International Labor Organization's (ILO) "Core" Conventions on Freedom of Association, Nos. 87 and 98.

Since 1995, the country has been suspended from the U.S. Overseas Private Investment Corporation insurance programs because of the Government's lack of compliance with internationally recognized worker rights standards. The ILO reported in April that the country, along with other Gulf States, had agreed to start projects to improve respect for freedom of association and the right to collective bargaining.

b. The Right to Organize and Bargain Collectively.—Although the law does not grant workers the right to engage in collective bargaining, it expressly authorizes collective work dispute resolution. The Government granted some professional associations greater freedom to raise work-related concerns, to lobby the Government for redress, or to file grievances with the Government.

Labor law does not address the right to strike; however, the media has quoted a high-ranking Ministry of Labor official as saying that the law does not forbid strikes, and if laborers are denied their rights, they can stop working. In practice, there were numerous strikes by private sector employees in addition to organized gatherings of workers who complained of unpaid wages to the Ministry of Labor and Social Affairs. In May, 1,600 workers reportedly went on strike in Dubai to protest a company decision to stop paying overtime. There were no reports that workers who went on strike were deported. The Government prohibits strikes by public sector employees on national security grounds.

The Ministry of Labor reviews employment contracts for workers in the industrial and service sectors to ensure compliance with the labor laws.

The Ministry of Labor distributed information to foreign workers outlining their rights under the labor law and how to pursue labor disputes, whether individually or collectively. Employees may file individual employment dispute complaints with the Ministry of Labor, which serves as the mediator between the parties. If the dispute remains unresolved, the employee may file a complaint with the labor court system. In a collective work dispute concerning a subject of interest to a group in an establishment, trade, vocation or in a certain vocational sector, employees or employers may file complaints with the Ministry of Labor if they are unable to settle such disputes amicably. If the Ministry of Labor is unable to mediate a settlement within 10 days, the complaint is submitted to a Conciliation Committee for settlement. Either the employee or employer can appeal the Conciliation Committee's decision to a Supreme Committee of Conciliation, whose decision is final. While these regulations exist, there was little information available about their implementation in practice.

Labor laws do not cover, and therefore do not protect, government employees, domestic servants, and agricultural workers. The latter two groups face considerable difficulty in negotiating employment contracts because the mandatory requirements contained in the labor law do not apply. They also face considerable difficulty in obtaining assistance to resolve disputes with their employers. The employer generally ties an employee's residency or visa to his employment and sponsorship. If the em-

ployee terminates his employment and is unable to secure new employment and a new sponsor, the employee loses residency and can be required to leave the country.

The Ministry of Labor and Social Affairs intensified the inspection of establishments to ensure compliance with labor laws and ferret out violators.

The Ministry of Interior's Naturalization and Residency Administration reviews the contracts of foreign domestic employees as part of the residency permit processing to ensure that the negotiated salaries and terms are adequate. Although not protected by the national labor law, domestic workers may bring work-related disputes to conciliation committees organized by the Ministry of Labor and Social Affairs or to special labor courts.

Businesses in free trade zones must comply with federal labor laws; however, the Ministry of Labor did not regulate them. Instead, each free trade zone maintains its own labor department to address workers' concerns.

c. Prohibition of Forced or Bonded Labor.—Forced or bonded labor is illegal; however, some employment agents continued to bring foreign workers to the country under conditions approaching indenture. Some women reportedly were brought to the country for service sector employment and were later forced into prostitution (see Section 6.f.). Some low-paid unskilled and semi-skilled workers were victims of contract switching.

The Government prohibits forced and bonded child labor and generally enforced this prohibition effectively. In particular, it took concrete steps to resolve problems faced by child camel jockeys (see Sections 4, 6.d., and 6.f.).

d. Status of Child Labor Practices and Minimum Age for Employment.—The labor law prohibits employment of persons under the age of 15 and has special provisions for employing those 15 to 18 years of age. The Ministry of Labor and Social Affairs is responsible for enforcing the regulations. The Government does not issue work permits for foreign workers under the age of 18 years. Child labor was not tolerated, with the exception in the past of child camel jockeys (see Section 5, 6.c., and 6.f.). In 2002, the Government implemented and began enforcing a child camel jockey ban, building on a previous ban passed in 1993. There are criminal penalties for violators of a child camel jockey ban up to and including imprisonment. The ban prohibits the use of camel jockeys less than 15 years old and weighing less than 45 kilograms (99 pounds).

e. Acceptable Conditions of Work.—Approximately 98 percent of the private sector workforce consisted of foreigners. The country also was a destination for a large number of unskilled workers, including up to 300,000 domestic servants, most of them women from South and East Asia, and an even larger number of unskilled male workers, mostly from South Asia. These unskilled laborers actively competed for jobs in the country and other Gulf countries, and sometimes were subject to poor working conditions.

In January, the Government adopted a 6-month amnesty program that encouraged illegal immigrants to exit the country without paying fines or suffering other legal liabilities related to their immigration status. The Government's stated purpose in implementing the amnesty was to regulate and stabilize the labor market by removing marginal and ineffective manpower. Official reports declared that approximately 100,000 illegal laborers departed the country during the amnesty.

The standard workday is 8 hours per day, and the standard workweek is 6 days per week; however, these standards were not enforced strictly. Certain types of workers, notably domestic servants and agricultural workers, are not covered by labor laws and were reportedly obliged to work longer than the mandated standard. According to the Ministry of Labor and the Labor Law, employees are entitled 2 days per month after finishing six months on the job, up until that person passes the one year mark. After finishing 1 year on the job, the employee is entitled to 30 calendar days of annual leave in addition to the holidays. There is no minimum wage. Salaries depended on the occupation and employer and ranged from \$109 (400 dirhams) per month for domestic or agricultural workers working for local individual employers to \$164 (600 dirhams) per month for construction workers working for companies to much higher salaries for highly skilled employees. Compensation packages generally provided housing or housing allowances. In addition, other benefits, such as homeward passage or health cards for minimal to no-cost health care, were often provided for employees by their employers. Local newspapers detailed numerous cases of non-payment of wages to foreign workers, but also reported the Ministry of Labor blacklisted hundreds of firms for violating labor laws, particularly the failure to pay salaries.

The Ministry Labor and Social Affairs reviews labor contracts and does not approve any pact that stipulates a clearly unacceptable wage.

Most foreign workers do not earn the salary required to obtain residency permits for their families. The required monthly minimum salary to permit accompanying families is \$1,090 (3,924 dirhams) or \$817 (2,941 dirhams), when a housing allowance is provided.

In 2002, a number of citizens were involuntarily transferred, retired, or terminated from government employment reportedly due to their affiliations or opinions affecting the long held assumption of almost total job security for citizens. The federal civil service laws, rather than the labor laws, covered public sector employees. According to press reports, 10 national employees of the Ministry of Justice, Islamic Affairs and Awqaf filed complaints in June alleging that adverse employment actions taken against them—involuntary retirement prior to the legal age of retirement—were in alleged violation of the civil service laws and the Social Security Law. There were no further developments at year's end. In 2002, some employees of the Ministry of Education and Youth also were affected by adverse employment decisions. Press reports indicated that these national employees were retired involuntarily, whereas others were transferred involuntarily to other federal ministries. The affected employees claimed they had good service records and alleged that the adverse employment actions were taken without stated reasons, cause, notice or process. There were no further developments at year's end. In 2002, a number of workers from the construction, transport, hotel and education sectors filed complaints with the Labor Ministry over unpaid salary and loss of benefits, there were no further developments on these cases at year's end. In 2001, the Government introduced a law requiring employers to deposit guarantees with third party banks to protect employees from working without wages. Banks, insurance and petroleum firms, certain hotels, and companies owned wholly or partially by the Government are exempt from the guarantee requirement. The Labor Ministry announced that the institution of bank guarantees had been mostly successful as the number of labor disputes, had decreased. After reports that some employers were making their employees pay the amount of the bank guarantee, the Labor Ministry warned employers that such actions were in violation of the labor laws.

Some foreign nationals involved in disputes with employers—particularly in cases in which the employee signs a contract containing a clause not to complete (i.e. the employee must work for the full duration of the contract)—can be blacklisted by the employer with immigration authorities, effectively preventing their return for a specified period of time. Employers also have the option to petition to ban from the work force for 6 months any foreign employee who leaves his job without fulfilling the terms of his contract (see Section 2.d.).

Employers did not always follow laws regarding the sponsorship of foreign employees. Under the regulations, a company that has one or more employee whose work permit has expired and not been renewed will be barred from employing new staff. However, the rule was enforced unevenly.

In March, the Government enacted a law requiring all foreign workers seeking jobs in the private sector to have at least a high school certificate or equivalent degree. Arabs and construction, agricultural, and domestic workers are exempt from the regulation.

The Ministries of Health and of Labor and Social Affairs, municipalities, and civil defense enforce health and safety standards, and the Government requires every large industrial concern to employ a certified occupational safety officer. However, health and safety standards were not observed uniformly.

In July, the Government approved the recommendations developed at the ILO Conference in June, requiring new standards for the prevention of biological hazards in the workplace.

In 2002, in Dubai, the steel roof of a four-story power plant building under construction collapsed, killing 9 laborers and injuring 19, 5 of them seriously. During the year, following investigations, the Minister of Labor required the responsible companies to pay the employer's liability. The Minister of Labor reportedly returned the bodies of the deceased to their home countries and made visits to the building to ensure builders were adopting safety measures.

The law requires that employers provide employees with a safe work environment. Medical experts in the country reported that it is inadvisable for laborers to work outdoors when the temperature exceeds 40 degrees Celsius. In August, local press reported complaints filed by Filipino workers against an employer for violating health and safety laws by forcing them to work outside during peak heat hours. Also, in August, the Ministry of Labor permitted Moroccan laborers to terminate their employment contracts due to their inability to adapt to the extreme heat of the local climate.

According to media reports, safety measures include wearing helmets during the summer heat, and adjusting work hours so that workers can be less exposed to the

sun. Workers' jobs are not protected if they remove themselves from what they consider to be unsafe working conditions; however, the Ministry of Labor and Social Affairs can require employers to reinstate workers who are dismissed for not performing unsafe work. Injured workers are entitled to fair compensation, and all workers have the right to lodge grievances with ministry officials, who make an effort to investigate all complaints.

Rulings on complaints may be appealed within the ministry, and ultimately to the courts. However, reportedly many workers choose not to protest for fear of reprisals or deportation.

There were reports of abuse of domestic workers by their employers. Allegations included excessive work hours, nonpayment of wages, and verbal, physical, and sexual abuse.

Sponsorship and residency laws do not permit most foreign national employees to change employers. Some categories of professional or skilled workers are allowed to change employers after a certain period of time; however, most workers are not allowed to change sponsors. Employers normally hold their employees' passports and many servants are unable to leave their employment and return to their home countries or find other jobs. In July, the Federal Supreme Court ruled that employers cannot withhold employees' passports, because they are personal documents (see Section 6.f.). The Ministry of Interior issued a statement enforcing the ruling. When reported, police implement the laws and act to have the passports returned to foreign workers. However, there was no information regarding the extent that these actions have had a practical impact.

f. Trafficking in Persons.—The law does not specifically prohibit trafficking in persons, although child smuggling, prostitution, and pornography are crimes. Trafficking in women and girls used as prostitutes and domestic laborers, and men used as servants, laborers and unskilled workers, and young boys used as camel jockeys continues to be a problem. Camel racing regulations prohibit the use of children as camel jockeys, in an effort to end this use of child labor and eliminate the trafficking of young boys to the country for this purpose. To implement the ban, the Government tightened controls at points of entry into the country for noncitizen boys under the age of 15 years. The Government further enforced the ban by conducting inspections at camel races.

The Government established the following penalties for violators of the child camel jockey ban: first offense, a fine of approximately \$5,500 (20,000 dirhams); second offense, a ban from participation in camel races for 1 year; third and subsequent offenses, imprisonment.

The regulations prohibit the use of camel jockeys who are less than 15 years of age and weigh less than 45 kilograms (99 pounds). All camel jockeys are required to have government-issued identification cards, which are issued after physical examinations by a special medical committee using x-rays and other tests to confirm that the children are at least 15 years of age. The Government also regularly performed DNA testing to prove the relationship of foreign boys coming into the country to work in the camel racing industry and adults claiming to be their parents.

In 2002, Bangladeshi NGOs reported that camel jockeys working in the country were subjected to extremely harsh conditions that at times led to serious injuries or death. Some of the children were allegedly subject to physical abuse by their employers. Further reports accused some employers of physical neglect due to the practice of underfeeding the boys in order to keep down their weight. The Government took steps to remove these boys from these conditions and repatriate them to their countries of origin.

The Government worked closely with the governments of Pakistan and Bangladesh to repatriate many of the boys who were trafficked to work as camel jockeys. During the year, Pakistani Embassy in Abu Dhabi, stated that 125 Pakistani boys were repatriated. The Bangladeshi Consulate estimated that it repatriated between 120 and 150 boys during the year. There were no statistics available to document how many more of these boys were repatriated, or how many remained in the country.

There continued to be credible reports of trafficking in women and girls to the country, although the Government took some measures to eliminate this practice. Some foreign diplomats and NGOs reported some women were brought to the country under the false pretense of working in the service sector or as domestic servants, but then were forced into prostitution. When these women and girls arrived in the country, the traffickers did not provide the promised employment. The traffickers reportedly took their passports and forced them to work as prostitutes to repay their travel expenses; however, the women received little payment from the traffickers, which made it difficult to repay their debts. The Federal Supreme Court has ruled that it is illegal for employers to require employees to turn over their passports. The

Ministry of Interior issued a statement enforcing the ruling (see Section 6.e.). Police were called upon to enforce the ruling, and have done so when incidents were reported.

Traffickers warned the women that police will arrest them if they turned to the authorities for help. It was unclear whether this trafficking activity was conducted with the full complicity of the women's citizen sponsors, or if the women's noncitizen agents were exploiting the sponsorship system to engage in illicit activity (see Section 5).

Law enforcement actively investigated trafficking cases and complaints of abuse. The Institute for Judicial Training and Studies at the Ministry of Justice has mandatory courses for prosecutors and judges on human rights, sex offenses, immigration, and labor violations. The Department of Naturalization and Residency at the Ministry of Interior established a central operations room to track the arrival and departure of individuals in the country, some of whom may be trafficking victims. The Dubai Tourist Security Department operated a 24-hour hotline to assist visitors with problems. Information about the hotline was distributed at ports of entry. The Ministry of Foreign Affairs worked with source country embassies to combat trafficking. The Ministry of Health trained medical personnel on how to spot specific signs of abuse.

The Government also provided assistance to trafficking victims. Counseling services are available in public hospitals. Police did not jail trafficking victims, and they were not prosecuted for violations of other laws. The Dubai Police developed a Crime Victims' Assistance Program, and assigned program coordinators in police stations throughout the city. Police were also trained in victim protection and assistance.

YEMEN

Yemen is a republic with an active bicameral legislature. An elected President, an elected 301-seat House of Representatives, and an appointed 111-member Shura Council shared Constitutional power. President Ali Abdullah Saleh was the leader of the ruling party, the General People's Congress (GPC), which dominated the Government. The Constitution provides that the President be elected by popular vote from at least two candidates endorsed by Parliament. In 1999, President Saleh was directly elected in a popular vote to another 5-year term, amended in 2001 by referendum to a 7-year term. A competitive candidate did not oppose the President because his sole opponent was a member of the ruling GPC. In April parliamentary elections the GPC maintained an absolute majority. International observers judged elections to be generally free and fair and there was a marked decrease from previous years in election related violence; however, there were some problems with underage voting, confiscation of ballot boxes, voter intimidation and election related violence. The Parliament was not an effective counterweight to executive authority, although it increasingly demonstrated independence from the Government. The head of Islaah, the leading opposition party, led the elected House of Representatives, which effectively blocked some legislation favored by the Executive. Real political power rested with the executive branch, particularly the President. The Constitution provides for an "autonomous" judiciary and independent judges; however, the judiciary was weak, and corruption and executive branch interference severely hampered its independence.

The primary state security apparatus is the Political Security Organization (PSO), which reports directly to the President. The Criminal Investigative Department (CID) of the police reports to the Ministry of Interior and conducts most criminal investigations and makes most arrests. The Central Security Organization (CSO), also a part of the Ministry of Interior, maintains a paramilitary force. Civilian authorities generally maintained effective control of the security forces. Members of the security forces committed serious human rights abuses.

The country had a population of approximately 19.5 million; more than 40 percent of the population live in poverty and the unemployment rate was 37 percent. The country's market-based economy remained impeded by government interference and corruption. The economy was mixed; oil and remittances from workers in other Arabian Peninsula states were the primary sources of foreign exchange. The economy continued to suffer due to other Arab governments' reaction to the Government's lack of support for the U.N. coalition during the 1990-91 Gulf War. However, foreign aid and workers' remittances have since reemerged as important sources of income.

Although many problems remained, the Government's respect for human rights improved in a few areas during the year. There were limitations on citizens' ability to change their Government. Security forces continued to arbitrarily arrest, detain, and torture persons. The Government sometimes failed to hold members of the security forces accountable for abuses; however, the number of security officials tried for abuses increased since 2002. Prison conditions remained poor. Despite constitutional constraints, security officers routinely monitored citizens' activities, searched their homes, detained citizens for questioning, and mistreated detainees. Prolonged pre-trial detention, judicial corruption, and executive interference undermined due process. There continued to be limits on freedom of speech and of the press, and the Government continued to harass and intimidate journalists despite a decline in detention of journalists from last year. Journalists practiced self-censorship. The Government at times limited freedom of assembly. The Government imposed some restrictions on freedom of religion and placed some limits on freedom of movement. Violence and discrimination against women remained problems. Female genital mutilation (FGM) was practiced on a limited scale. There was some discrimination against persons with disabilities and against religious, racial, and ethnic minorities. The Government imposed restrictions on labor unions. Child labor remained a problem.

RESPECT FOR HUMAN RIGHTS

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

a. Arbitrary or Unlawful Deprivation of Life.—There were no political killings; however, there were some reports during the year that security forces killed or injured persons whom they believed were engaging in criminal activity and resisting arrest.

In March, security forces killed and injured demonstrators after a gunfight broke out between demonstrators and security forces protecting an embassy. Security forces used tear gas and shots in the air to disperse demonstrators. A policeman and an 11-year-old male citizen reportedly were killed during the shootout (see Section 2.b.). Amnesty International (AI) reported that police detained dozens of demonstrators and subjected some to beatings upon arrest (see Section 1.d.). The Government had previously allowed several peaceful anti-war demonstrations (see Section 1.b.); however, in this instance, the demonstrators, led by pro-Iraqi politicians, initiated violence aimed at an embassy (see Section 2.b.). Several members of the security forces were also injured.

In June, security forces took action against persons involved in an attack by elements of the Aden-Abyan Islamic Army, a militant domestic group, on a medical convoy in Abyan. Arrests were made in both incidents.

Unlike in the past, there were no reports of high-profile clashes between security forces and private bodyguards of prominent figures. There were no developments in the 2002 cases of persons killed during such clashes and there were no arrests by year's end.

During the year, approximately 40 security officials were disciplined or tried for abuses with sentences ranging from 20 days to more than 10 years imprisonment for attacks during investigation, shootings, accidental and intentional killings, fraud and extortion (see Section 1.b.). For example, one security official was tried and sentenced to one and a half years in prison for attacking a person during an investigation. In separate incidents, two security officials received 10-year sentences for attacking citizens. In 2002, in Hadramaut, three security officers were on trial for torturing two young boys. In Damar, a former Security Director was on trial for torture and bribery. These cases still were pending at year's end.

In April, election-related violence resulted in three documented deaths (see Section 3).

Tribal violence resulted in a number of killings and other abuses, and the Government's ability to control tribal elements remained limited (see Section 5). In several cases, long-standing tribal disputes were resolved through government-supported mediation by nongovernmental actors (see Section 4).

Persons continued to be killed and injured in shootings and violence during the year. In December, police arrested a suspect accused of stabbing three foreigners in Sana'a. The case remained pending at year's end. In most cases, it was impossible to determine the perpetrator or the motive, and there were no claims of responsibility. Some cases appeared to have criminal, religious, or political motives; others appeared to be cases of tribal revenge or land disputes. There were no reported developments on the President's 2001 strategy to address the phenomenon of tribal revenge.

In 2002, there were threats, attacks, and killing of high-profile persons. In December 2002, Ali al-Jarallah, a high ranking official of the Yemeni Socialist Party, reportedly killed Jarallah Omar in Sana'a. In December 2002, Abed Abdul Razak Kamal smuggled a semiautomatic rifle into the hospital in Jibla and killed three American medical workers and injured one (see Section 2.c.). Both suspects were convicted and sentenced during the year.

There was no action taken during the year to bring suspects to trial in the 2000 bombing of the USS Cole (see Section 1.e.).

b. Disappearance.—There were no reports of politically motivated disappearances; however, disappearances that occurred during the pre-unity period in the former People's Democratic Republic of Yemen (PDRY) and during the 1994 war of secession remained unresolved. The Government stated that the scarcity of records, resulting from the country's lack of an effective national registry, hindered its attempts to create database files for those persons who have disappeared. A media campaign to ask families for information was undertaken; however, by year's end no families had come forward. Although the Government submitted information to resolve the cases, both AI and the U.N. Working Group on Enforced and Involuntary Disappearances continued to report that there were less than 100 cases of unresolved disappearances dating from the preunity period in the former PDRY. AI has received no credible reports of new disappearances in the last 9 years.

The law stipulates severe punishments up to and including capital punishment for persons involved in kidnapping, carjacking, attacking oil pipelines, and other acts of banditry and sabotage. Unlike in previous years, there were no tribal kidnappings of foreigners for political and economic purposes during the year. There has been a marked decline in tribal kidnappings of foreigners, from six cases in 2000 and seven cases in 2001 to no cases in 2002 and during the year. This decrease was at least in part the result of the Government's establishment of a special court and special prosecutor to try kidnappers and other violent offenders. During the year, there was one reported instance of a non-citizen Arab foreigner detained briefly in a business dispute by a rival, who was later released. In the past, some tribes used kidnapping to bring their political and economic concerns to the attention of the Government. Foreign businessmen, diplomats, and tourists were the principal targets. A total of 166 foreigners have been kidnapped since 1992; however, the kidnapping victims rarely were injured and were generally released shortly thereafter.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.—The Constitution is ambiguous regarding the prohibition of cruel or inhuman punishment, and members of the security forces tortured and otherwise abused persons in detention. Arresting authorities were known to use force during interrogations, especially against those arrested for violent crimes. Detainees in some instances were confined in leg-irons and shackles, despite a 1998 law outlawing this practice.

The Government has acknowledged publicly that torture occurred, but claimed that torture was not official policy. The Government has taken some effective steps to end the practice or to punish those who commit such abuses. However, a government prosecutor cited illiteracy, lack of training among police and security officials and a human rights activist has suggested that corruption and pressure from superiors to produce convictions also played a role as reasons for the use of undue force. During the year, it was reported that the Government reportedly increased training and awareness programs on human rights for police and security.

The immunity of all public employees from prosecution for crimes allegedly committed while on duty also hindered accountability; prosecutors must obtain permission from the Attorney General to investigate members of the security forces, and the head of the Appeals Court formally must lift their immunity before they are tried. Low salaries for police officers of approximately \$35 to \$53 (6,000 to 9,000 riyals) per month also contribute to corruption and police abuse.

More than 40 security officials were tried and imprisoned for abuses committed during the year with sentences ranging from 20 days to more than 10 years' imprisonment for attacks on citizens during investigation and shootings (see Section 1.a.). During the year, there were two reported prosecutions of security officials for abuses committed in 2001. The trials of security officers charged with torture in 2002 remained ongoing at year's end.

There were numerous allegations and credible evidence that authorities tortured and abused suspects and detainees to attempt to coerce confessions before or during trial. During the year, several families of persons detained in relation to terrorist activities have alleged that torture has been used during interrogation (see Section 2.d.).

The Constitution may be interpreted as permitting amputations in accordance with Shari'a (Islamic law) and physical punishment such as flogging, for some

crimes; however, the use of amputations as punishment was extremely rare and there were no reported floggings during the year. Only one reported case of amputation has occurred since 1991, although a few persons convicted of theft remained in jail awaiting their amputation. Unlike in the past, firing squads were not used for capital punishment.

In March, the Government used force to prevent a demonstration against an embassy (see Section 1.a.).

Tribal violence continued to be a problem during the year, causing numerous deaths and injuries (see Section 5).

Prison conditions were poor and did not meet internationally recognized standards. Prisons were overcrowded, sanitary conditions were poor, and food and health care were inadequate. Prison authorities often exacted bribes from prisoners to obtain privileges or refused to release prisoners who completed their sentences until family members paid. Tribal leaders misused the prison system by placing "problem" tribesmen in jail, either to punish them for noncriminal indiscretions or to protect them from retaliation or violence motivated by revenge. Authorities in some cases arrested without charge and imprisoned refugees, persons with mental disabilities, and illegal immigrants in prisons with common criminals.

Women and children were held separately from men and conditions were equally poor in women's prisons. Children were likely to be incarcerated along with their mothers. By custom and preference, babies born in prison generally remained in prison with their mothers. At times, male police and prison officials subjected female prisoners to sexual harassment and violent interrogation. The law requires male members of the families of female prisoners to arrange their release; however, female prisoners regularly were held in jail past the expiration of their sentences because their male relatives refused to authorize their release due to the shame associated with their alleged behavior.

Several nongovernmental organizations (NGOs), often with government support, undertook activities to address the legal and other problems of female prisoners (see Section 4). During the year, the Government released 10 women after making arrangements for their release via a government committee led by the Chief of the Supreme Judicial Council and composed of representatives from the Ministries of Justice, Human Rights, Public Health and Population, Technical and Vocational Education, Legal Affairs, and Interior. The Committee inspected prison conditions in several governorates and noted problems with a lack of resources and infrastructure to improve conditions and to provide job training for prisoners.

Unauthorized "private" prisons, in rural areas controlled by tribes and sometimes simple rooms in a tribal sheikh's house, remained a problem. Persons detained in such prisons often were held for strictly personal or tribal reasons and without trial or sentencing. There were credible reports of the existence of private prisons in government installations, although senior officials did not sanction these prisons.

During the year, efforts to implement directives intended to align the country's arrest, interrogation, and detention procedures more closely with internationally accepted standards continued. In 2002, the Ministry of Interior created detention and interrogation centers in each governorate (including four in Sana'a), to prevent suspects from being detained with convicted criminals.

In November, the President released 1,700 prisoners in honor of the Islamic holy month of Ramadan. The prisoners were released because they either completed three-fourths of their sentence and behaved well or, in keeping with tribal or Islamic law, were being held in prison pending payment of restitution to their victims, despite having completed their sentences.

The Government tightly controlled access to detention facilities by NGOs; however, during the year, it permitted local and international human rights monitors access to some prisoners.

Patients with mental illness, particularly those who committed crimes, were imprisoned and even shackled when there was no one to care for them. In some instances, authorities arrested persons with mental illness without charge and placed them in prisons alongside criminals. In July, the President declared the release of mentally disturbed prisoners into the custody of mental institutions. However, there were not enough mental institutions despite the International Committee for the Red Cross (ICRC), in cooperation with the Yemeni Red Crescent Society, building and staffing separate detention facilities for prisoners with mental illness.

The PSO did not permit access to its detention centers.

d. Arbitrary Arrest, Detention, or Exile.—The law prohibits arbitrary arrest, detention or exile; however, security forces arbitrarily arrested and detained persons. Enforcement of the law was irregular and in some cases nonexistent, particularly in cases involving security offenses. The Police CID reports to the Ministry of Interior

and conducts most criminal investigations and makes most arrests. The CSO, also a part of the Ministry of Interior, maintains a paramilitary force.

According to the law, detainees must be arraigned within 24 hours of arrest or be released. The judge or prosecuting attorney must inform the accused of the basis for the arrest and decide whether detention is required. In no case may a detainee legally be held longer than 7 days without a court order. Despite these constitutional and other legal provisions, arbitrary arrest and prolonged detention without charge remained common practices. During the year, directives were implemented to align arrest, interrogation, and detention procedures more closely with internationally accepted standards.

During the year, the Government decreased its practice of detaining journalists for questioning concerning articles critical of the Government or that the Government considered sensitive, with no cases of arbitrary detention reported. A Presidential amnesty issued in 2002 remained in effect and past specific cases against journalists were dropped (see Section 2.a.).

During the year, the Government continued to detain suspects accused of links to terrorism. In November, the Government arrested Saudi-born Mohammed Hamdi al-Ahdal (AKA Abu Assam al-Maki), who has been implicated in the 2000 attack on the USS Cole. During the year, the Government arrested Hadi Dulqum, a weapons dealer, al-Qa'ida associate, and supplier of weapons for the group. In November, the President released approximately 90 security detainees not facing charges in honor of Ramadan. A parliamentary report issued in September 2002 contained an acknowledgement by the Minister of Interior that such detentions violated the Constitution; however, it asserted that they were necessary for national security. The Government sponsored an ideological dialogue led by Islamic scholars to obtain assurances from detainees to repent past extremism, denounce terrorism, commit to obeying the laws and Government, respect non-Muslims, and refrain from attacking foreign interests. More than 150 detainees have undergone the dialogue process since 2002, most of whom were released. At year's end, more than 50 persons who were accused of specific crimes or unwilling to repent remained in detention.

Amar Mahmoud Ali Abdo al-Madhagi, who was arrested in 2001 for providing inaccurate information regarding terrorist attacks in 2000, reportedly remained in prison awaiting trial at year's end.

The law prohibits incommunicado detentions and provides detainees with the right to inform their families of their arrests and to decline to answer questions without an attorney present. There are provisions for bail. However, in practice, many authorities abide by these provisions only if bribed.

Citizens regularly claimed that security officials did not observe due process procedures when arresting and detaining suspects, particularly those accused of involvement in political violence. There also were claims that private individuals hired lower-level security officials to intervene on their behalf and harass their business rivals. Security forces at times detained demonstrators (see Section 2.b.). Members of security forces continue to arrest and detain citizens for varying periods of time without charge or notification to their families.

In cases in which a criminal suspect was at large, security forces in some instances detained a relative while the suspect was being sought. The detention may continue while the concerned families negotiate compensation for the alleged wrongdoing. Arbitration commonly was used to settle cases.

The Government failed to ensure that detainees and prisoners were incarcerated only in authorized detention facilities. The Ministry of Interior and the PSO operated extrajudicial detention facilities.

A large percentage of the total prison population consisted of pretrial detainees, many of whom have been imprisoned for years without charge.

Some government inspection missions and local human rights groups helped in the release of some persons held without charge; however, overall the Government did not investigate or resolve these cases adequately.

Unauthorized private prisons also exist (see Sections 1.c. and 1.e.).

The law does not permit forced exile and the Government did not use forced exile. During the year, with the encouragement of the Government, prominent southern journalists, military officers, and their families who fled the country during the 1994 war of secession returned to the country, including prominent persons from the secessionists of the Democratic Republic of Yemen (DRY) (see Section 1.e.).

During the year, the Government continued to deport foreigners, many of whom were studying at Muslim religious schools and believed to be in the country illegally. The Government claimed that these persons were suspected of inciting violence or engaging in criminal acts by promoting religious extremism. The Government deported them using existing laws that require all foreigners to register with the police or immigration authorities within a month of arrival in the country.

e. Denial of Fair Public Trial.—The Constitution provides for an “autonomous” judiciary and independent judges; however, the judiciary was weak and corruption and executive branch interference severely hampered it. The executive branch appointed judges, and some have been harassed, reassigned, or removed from office following rulings against the Government. Many litigants maintained, and the Government acknowledged, that a judge’s social ties and bribery at times influenced the verdict more than the law or the facts. Many judges were poorly trained; some closely associated with the Government often render decisions favorable to it. The judiciary further hampered by the Government’s frequent reluctance to enforce judgments. Tribal members at times threatened and harassed members of the judiciary.

There are five types of courts: Criminal; civil and personal status; kidnapping/terrorism; commercial; and court-martial.

All laws are codified from Shari’a, under which there are no jury trials. A judge, who played an active role in questioning witnesses and the accused, adjudicates criminal cases. Under the Constitution and by law, the Government must provide attorneys for indigent defendants; however, in practice this never occurred. Judges at times appointed attorneys present in their courtrooms to represent indigent defendants; however, most accepted to avoid displeasing judges before whom they must appear later.

By law, prosecutors are a part of the judiciary and independent of the Government; however, in practice prosecutors considered themselves an extension of the police.

Defense attorneys are allowed to counsel their clients, address the court, and examine witnesses. Defendants, including those in commercial courts, have the right to appeal their sentences. Trials generally were public; however, all courts may conduct closed sessions “for reasons of public security or morals.” Foreign litigants in commercial disputes have complained of biased rulings. However, some foreign companies have won cases against local defendants, and some such decisions have been enforced.

In addition to regular courts, the law permits a system of tribal adjudication for noncriminal issues; however, in practice, tribal “judges” often adjudicated criminal cases as well. The results of such mediation carry the same if not greater weight as court judgments. Persons jailed under the tribal system usually were not charged formally with a crime but stood publicly accused of their transgression.

A special court existed to try persons charged with kidnapping, carjacking, attacking oil pipelines, and other acts of banditry and sabotage (see Section 1.b.).

The Government continued its ongoing program begun in 1997 to reform the judiciary. The newly appointed Minister of Justice undertook a series of conferences around the country to reinvigorate the reform process and establish a written plan for reform. Some improvements include a reduction in the number of Supreme Court justices, an increase in judges’ salaries, an increase in the Ministry of Justice’s budget and participation by judges in workshops and study tours conducted by foreign judicial officials.

During the year, the country’s Higher Judicial Council, chaired by the President, dismissed more than a dozen judges and prosecutors for violating the law. In 2002, 35 judges and prosecutors were dismissed.

The security services continued to arrest, charge, and try persons alleged to be linked to various shootings, explosions, and other acts of violence. Citizens and human rights groups alleged that the judiciary did not observe due process in these cases.

During the year, the Government conducted a release program for detainees held in connection with terrorist groups and activities. In 2002, Parliament issued a report, on detainees held in connection with terrorist activities. In the report, detainees’ family members alleged that detainees were held without family notification, counsel, charges, and basic privileges such as health care. Family members alleged that some were held in isolation and tortured. The Minister of Interior acknowledged that the detainees were held but asserted that it was necessary for national security. He denied the torture charges and said that the detainees related to the USS Cole attacks would be charged and prosecuted after investigation in cooperation with international law enforcement partners. By year’s end, the investigation into the attack was transferred to the General Prosecutor to prepare for trial, and several suspects were in custody. On April 10 suspects in the USS Cole bombing escaped from prison. They remained at large at year’s end and no suspects went to trial during the year (see Section 1.a.). In 2001, the lawyer claimed that authorities denied him access to his clients. However, there have been no reports of allegations of torture from persons detained in connection with the USS Cole investigation.

The Government claimed that it did not hold political prisoners. Local opposition politicians and human rights activists generally accepted this claim; however, some

international human rights groups and members of the opposition-in-exile disputed it.

At the end of the 1994 war of secession, the President pardoned nearly all who had fought against the central Government, including military personnel and most leaders of the secessionists. In previous years, the Government tried in absentia the leaders of the so-called 16. By May, the President had granted amnesty to all 16.

f. Arbitrary Interference with Privacy, Family, Home or Correspondence.—The Constitution prohibits interference with privacy; however, security forces routinely searched homes and private offices, monitored telephones, read personal mail, and otherwise intruded into personal matters for alleged security reasons. Such activities were conducted without legally issued warrants or judicial supervision. Security forces regularly monitored telephone conversations and interfered with the telephone service of government critics and opponents. Security forces sometimes detained relatives of suspects while the suspect was being sought (see Section 1.d.). Government informers monitored meetings and assemblies (see Section 2.b.).

The Government reportedly blocked sexually explicit Web sites but did not block politically oriented sites (see Section 2.a.). The Government claimed that it did not monitor Internet usage, but some persons suspected security authorities read their e-mail messages.

The law prohibits arrests or the serving of a subpoena between the hours of sundown and dawn. However, persons suspected of crimes in some instances were taken from their homes in the middle of the night, without search warrants. Jews traditionally faced social (but not legal) restrictions on their residence and their employment; however, there were no reported cases during the year.

No citizen may marry a foreigner without Interior Ministry permission (see Section 5). This regulation does not carry the force of law and appears to be enforced irregularly.

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Speech and Press.—The Constitution provides for freedom of speech and of the press “within the limits of the law”; however, the Government influenced the media and restricted press freedom. Some security officials attempted to influence press coverage by threatening and harassing journalists. Although most citizens were uninhibited in their private discussions of domestic and foreign policies, some were cautious in public, fearing harassment for criticism of the Government. The Penal Code criminalizes, with fines and sentences up to 5 years in jail, “the humiliation of the State, the Cabinet, or parliamentary institutions,” the publication of “false information” that “threatens public order or the public interest,” and “false stories intended to damage Arab and friendly countries or their relations” with the country.

An atmosphere of government pressure on independent and political party newspapers continued at a lower level than in 2002, due to a reduction in cases of detention after a presidential amnesty to all journalists in July 2002. The Government dropped previous cases against journalists and media outlets but continued to use censorship and intimidation directed at journalists. Self-censorship was practiced despite the decrease in detention and prosecution.

The Ministry of Information influenced the media through its control of most printing presses, subsidies to certain newspapers, and its ownership of the country’s sole television and radio outlets. Only two newspapers, the weekly Al-Shumu and the daily Aden independent Al-Ayyam, owned their own presses. The Government selected the items to be covered in news broadcasts, and it often did not permit broadcast reporting critical of the Government. The Government televised parliamentary debates, but it edited them selectively to remove criticism.

Press Law regulations specify that newspapers must apply annually to the Government for licensing renewal, and that they must show continuing evidence of approximately \$4,375 (700,000 riyals) in operating capital. There were no reports of denied registrations during the year.

Although newspapers ostensibly were permitted to criticize the Government, journalists at times censored themselves, especially when writing on such sensitive issues as government policies toward the southern governorates, relations with Saudi Arabia and other foreign governments, official corruption, and combating terrorism. Journalists were subject to arrest for libel, dismissal from employment, or extrajudicial harassment. Editors-in-chief legally were responsible for everything printed in their newspapers, regardless of authorship. Some journalists have reported threats from security officials to change the tone and substance of their reporting. Journalists must have a permit to travel abroad; however, there were no reports that this restriction was enforced during the year (see Section 2.d.). During the year, the Government continues to enforce a 2001 circular prohibiting publica-

tion of information or news pertaining to the armed forces before “consulting” with the Ministry of Defense.

In 2002 the President issued an amnesty for all journalists in detention or awaiting trial. The amnesty directed the General Prosecutor to stop all cases filed against journalists awaiting prosecution. The orders also required journalists to pledge to discontinue reporting that went against the law, national norms, or national unity. The General Prosecutor dropped past cases. Some journalists claimed that most harassment came from the police, in particular the CID.

Unlike in previous years, there were no journalists detained; however, harassment and intimidation continued. For example, the Press Freedom and Press Training Center, an NGO that tracks human rights violations against journalists and newspapers, still had not received a license to operate, since it applied in 2002. The Ministry of Information on occasion confiscated specific issues of opposition newspapers that contained anti-government reports. In 2002, the PSO arrested Abdul-Rahim Muhsen, a journalist for the Yemeni Socialist Party’s newspaper Al-Thawri, for writing articles critical of the Government. In 2002, Ibrahim Hussein, an Al-Thawri journalist, was also sentenced to 5 months in jail for violating the press law. Two weeks later, the PSO rearrested and imprisoned Hussein; he was held incommunicado for more than 2 weeks until release. The cases were later dropped pursuant to the President’s July 2002 amnesty.

In January, the Sana’a Appeals Court acquitted Jamal Ahmed Amer in a 2000 case involving an article that criticized the Government of Saudi Arabia.

The 2001 case of al-Shumu’s editor-in-chief Seif al-Hadri was dropped during the year.

All cases against Hisham Ba Sharahil were dropped pursuant to the President’s amnesty: The 2000 case the editor of al-Ayyam who was charged with “instigating the use of force and terrorism” and “publishing false information” for publishing an interview with Islamic militant Abu Hamza al-Masri in 1999, and with “insulting public institutions” for publishing an article critical of the Director of Aden Security from the secessionist Movement of Self-Determination for South Arabia.

The Yemeni Journalists Syndicate defended freedom of the press and publicized human rights concerns. Critics claim that the syndicate was ineffective because it had too many non-journalist members who supported government policy. In 2002, the Press Freedom and Training Center, under the leadership of Mohammed Sadeq Al-Udaini, was established to document abuses against journalists and defend their rights; however, it still does not have a license to operate by year’s end.

Customs officials confiscate foreign publications regarded as pornographic or objectionable because of religious or political content. There were some reports during the year that the Ministry of Information delayed the distribution of international Arabic-language dailies in an effort to decrease their sales in the country. Authorities monitored foreign publications, banning those that they deem harmful to national interests.

An author must obtain a permit from the Ministry of Culture to publish a book. The author is required to submit copies of the book to the Ministry. Officials at the National Library must read and endorse the text, and then it is submitted to a special committee for final approval. If a book is not deemed appropriate for publication, the Ministry simply does not issue a decision. Publishers usually did not deal with an author who had not yet obtained a permit. Most books were approved, but the process was time-consuming.

The Government did not impose restrictions on Internet use, but most persons claimed that equipment and subscriptions costs were prohibitively high. Teleyemen, a parastatal company under the Ministry of Telecommunications, and YemenNet were the country’s Internet service providers. The Government did not block politically oriented web sites.

The Government restricted academic freedom to some extent because of the extreme politicization of university campuses. A majority of professors and students aligned themselves with either the ruling GPC party or the opposition Islaah party. Each group closely monitored the activities of the other. Top administrative positions were usually awarded to political allies of these two major parties. There were several clashes between GPC- and Islaah-affiliated students during the year, but no serious violence.

b. Freedom of Peaceful Assembly and Association.—The Constitution provides for freedom of assembly; however, the Government limited this right in practice. The Government claimed that it banned and disrupted some demonstrations to prevent them from degenerating into riots and violence. The Government required a permit for demonstrations, which it issued routinely. Government informers monitored meetings and assemblies. The opposition claimed that the Government sometimes detained activists for questioning to prevent them from organizing demonstrations.

In March, security forces killed and injured demonstrators after a gunfight broke out between demonstrators and security forces protecting a foreign embassy. Security forces used tear gas and shots in the air to disperse demonstrators. A policeman and an 11-year-old male citizen reportedly were killed during the shootout (see Section 1.a.). AI reported that police detained dozens of demonstrators and subjected some to beatings upon arrest (see Sections 1.c. and 1.d.). The Government had previously allowed several peaceful anti-war demonstrations (see Section 1.b.); however, in this instance, the demonstrators, led by pro-Iraqi politicians, initiated violence aimed at a foreign embassy. Several members of the security forces were also injured. There were also a number of peaceful demonstrations during the year.

Authorities arrested and were prosecuting the soldier allegedly responsible for the April 2001 killing of a demonstrator in al-Dalah governorate.

The Constitution provides for the freedom of association, and the Government generally respected this right in practice. Associations must obtain an operating license from the Ministry of Social Affairs or the Ministry of Culture, usually a routine matter. Government informants monitored meetings and assemblies.

The Government cooperated to some extent with NGOs, although NGOs complained that there was a lack of response to their requests from officials. Some part of the Government's limited responsiveness was due to a lack of material and human resources. In 2001, Parliament passed the controversial Law for Associations and Foundations, which regulates the formation and activities of NGOs (see Section 4).

All political parties must be registered in accordance with the Political Parties Law, which stipulates that each party must have at least 75 founders and 2,500 members (see Section 3).

c. Freedom of Religion.—The Constitution provides for freedom of religion; however, there were some restrictions. The Constitution declares that Islam is the state religion and that Shari'a is the source of all legislation.

Followers of other religions were free to worship according to their beliefs and to wear religiously distinctive ornaments or dress; however, the Government forbids conversion from Islam, requires permission for the construction of new places of worship, and prohibits non-Muslims from proselytizing and holding elected office. The Government did not keep track of an individual's religious identity.

Under Islam, the conversion of a Muslim to another religion is considered apostasy, which the Government interprets as a crime punishable by death. There were no reports of cases in which the crime was charged or prosecuted by authorities.

Official policy does not prohibit or prescribe punishment for the possession of non-Islamic religious literature; however, there were unconfirmed reports that police have harassed foreigners for its possession. In addition, ostensibly to prevent proselytizing, some members of the security forces occasionally censored the mail of Christian clergy who ministered to the foreign community.

The Government did not allow the building of new non-Muslim public places of worship without permission. Weekly services for Catholic, Protestant, and Ethiopian Christians were held in various locations in Sana'a without government interference. Christian church services were held regularly in other cities without harassment in private homes or facilities such as schools, and these facilities appeared to accommodate the small numbers involved.

There were unconfirmed reports that some police, without the authorization or knowledge of their superiors, on occasion have harassed and detained persons suspected of apostasy to compel them to renounce their conversions.

Public schools provided instruction in Islam but not in other religions. However, almost all non-Muslims were foreigners who attended private schools.

The Government has taken steps to prevent the politicization of mosque activities in an attempt to curb extremism. This included the monitoring of mosques for sermons that incited violence or other political statements that it considered harmful to public security. Private Islamic organizations may maintain ties to pan-Islamic organizations and, in the past, have operated private schools; however, the Government monitored their activities.

In 2001, the Government mandated the implementation of a 1992 law to unify educational curriculums and administration of all publicly funded schools. The process of absorbing publicly funded Islamic schools into the national system was ongoing at year's end.

In 2000, the Government suspended its policy of allowing Yemeni-origin Israeli passport holders to travel to the country on laissez-passer documents. However, Yemeni, Israeli, and other Jews may travel freely to and within the country on non-Israeli passports (see Section 2.d.).

Following unification of North and South Yemen in 1990, owners of property previously expropriated by the Communist government of the former PDRY, including

religious organizations, were invited to seek restitution of their property. However, implementation of the process, including for religious institutions, has been extremely limited, and very few properties have been returned to previous owners.

Shari'a-based law and social customs discriminated against women (see Section 5).

Nearly all of the country's once sizable Jewish population has emigrated. There were no legal restrictions on the few hundred Jews who remained, although there were traditional restrictions on places of residence and choice of employment (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 Government placed some limits on freedom of movement. In practice, the Government did not obstruct domestic travel; however, the army and security forces maintained checkpoints on major roads. There were a few reports during the year that security forces at checkpoints injured persons whom they believed were engaging in criminal activity and resisting arrest.

In certain areas, armed tribesmen occasionally manned checkpoints alongside military or security officials, and subjected travelers to physical harassment, bribe demands, or theft.

The Government did not routinely obstruct foreign travel or the right to emigrate and return. However, journalists must have a permit to travel abroad. There were no reports that the restriction on journalists was enforced during the year (see Section 2.a.). Women must obtain permission from a male relative before applying for a passport or departing the country.

Immigrants and refugees traveling within the country often were required by security officials at government checkpoints to show that they possessed resident status or refugee identification cards.

During the year, the government deported foreigners who were in the country illegally or whom it suspected of inciting violence or engaging in criminal acts.

Although the law does not include provisions for the granting of refugee status or asylum to persons who meet the definition in the 1951 U.N. Convention Relating to the Status of Refugees or its 1967 Protocol, there were no reports of the forced return of persons to a country where they feared persecution. However, the Government continues to grant refugee status on a group basis to Somalis who arrived in the country after 1991.

The Government cooperated with the U.N. High Commissioner for Refugees in assisting refugees and asylum seekers from Somalia, Eritrea, Ethiopia, and various other countries.

At times, authorities arrested without charge and imprisoned refugees (see Section 1.d.).

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, there were limitations in practice. By law the Government is accountable to the Parliament; however, the Parliament was not an effective counterweight to executive authority. Decisionmaking and real political power still rested in the hands of the executive branch, particularly the President. In addition, the Constitution prohibits the establishment of parties that are contrary to Islam, oppose the goals of the country's revolution, or violate the country's international commitments.

The President appoints the Prime Minister, who forms the Government. The cabinet consists of 35 ministers. Parliament is elected by universal adult suffrage; the first such election was held in 1993. International observers judged April Parliamentary elections to be "generally free and fair"; however, there were some problems with underage voting, confiscation of ballot boxes, voter intimidation, and vote buying. In addition, international observers reported that some officials were allegedly prevented from approving results that gave victory to opposition parties. At least three people were reportedly killed and one person wounded in shootings involving supporters of rival candidates. Approximately 28 persons were killed and 47 injured in election-related violence in 1997 (see Section 1.a.). President Saleh's ruling GPC party maintained its large majority in Parliament. Eight million voters or 75 percent of eligible voters went to the polls, of which 43 percent were women. Throughout the country, 1396 candidates represented 21 political parties competed for 301 seats.

Ali Abdullah Saleh, the President and leader of the GPC, was elected to a 5-year term in the country's first nation-wide direct presidential election in 1999, winning 96.3 percent of the vote. In 2001, the 5-year term was later amended to a 7-year

term. The Constitution provides that the President is elected by popular vote from at least two candidates endorsed by Parliament, and the election was generally free and fair; however, there were some problems, including the lack of a credible voter registration list. In addition, the President was not opposed by a truly competitive candidate because the candidate selected by the leftist opposition coalition did not receive from the GPC-dominated Parliament the minimum number of votes required to run (the other opposition party chose not to run its own candidate, despite its seats in Parliament). The President's sole opponent was a member of the GPC.

The Constitution permits Parliament to initiate legislation; however, to date it has not done so. Parliament debated policies that the Government submitted; however, it increasingly and successfully revised or blocked draft legislation submitted by the Government. In addition, the Government routinely consulted senior parliamentary leaders when it drafted important national legislation. Although the President's party, the GPC, enjoyed an absolute majority, Parliament has rejected or delayed action on major legislation introduced by the Government and has forced significant modification. The Parliament also has criticized the Government for some actions, including the issue of detainees and aspects of the Government's counterterrorism campaign. Ministers frequently were called to Parliament to defend actions, policies, or proposed legislation, although they may and sometimes did refuse to appear. Parliamentarians, at times, were sharply critical during these sessions. Parliamentarians and staff attended foreign NGO-sponsored training workshops designed to increase their independence and effectiveness.

In a national referendum in 2001, citizens approved several amendments to the Constitution, including amendments that extend the terms of Members of Parliament from 4 to 6 years and the President from 5 to 7 years, allow the President to dissolve Parliament without a referendum in rare instances, and abolish the President's ability to issue decrees while Parliament was in recess. Another approved amendment transformed the 59-member Consultative Council, an advisory board to the President, into an appointed 111-member Shura Council. The new Council, like the old, advised the President on a range of issues and consisted of appointed members chaired by a former prime minister. However, unlike its predecessor, which had no constitutional role, the Shura Council has limited legislative and candidate approval powers. In general, the elections and referendum in 2001 appeared to be free and fair; however, there were problems. Approximately 28 persons were killed and 47 injured in election-related violence. There were some reports of fraud, as well as logistical problems in voting procedures.

Formal government authority is centralized in Sana'a; many citizens, especially in urban areas, complain about the inability of local and governorate entities to make policy or resource decisions. The Local Authority Law, decentralizes authority by establishing locally elected district and governorate councils, headed government-appointed governors. The first elections for the councils were held concurrently with the constitutional referendum in 2001. A few local councils still were not constituted at year's end and many continued to lack sufficient resources.

In some governorates, tribal leaders exercised considerable discretion in the interpretation and enforcement of the law. Central government authority in these areas was often weak.

The GPC dominated Parliament, and Islaah was the only other party of significance in Parliament. All parties must be registered in accordance with the Political Parties Law of 1991, which stipulates that each party must have at least 75 founders and 2,500 members. Some oppositionists contended that they were unable to organize new parties because of the prohibitively high legal requirements regarding the minimum number of members and leaders. The Yemeni Socialist Party and several smaller parties boycotted the country's first nationwide direct presidential election in 1999, but they returned to active political life by participating in the 2001 local elections, constitutional referendum, and the April parliamentary election.

The Government provided financial support to political parties, including a small stipend to publish their own newspapers. However, the YSP claimed that the Government has not returned the assets that it seized from the party during the 1994 war of secession.

In May, an extensive cabinet change occurred after the parliamentary election, with more than half of the ministries receiving new ministers.

Although women voted and held office, cultural norms and religious customs often limited these rights, and the numbers of women in Government and politics did not correspond to their percentage of the population. There was one woman in the 301-seat legislature and in the Cabinet, and none in the Supreme Court. During the year, one woman was elected to Parliament. Two women were elected to the Parliament in 1997. An increasing number held senior leadership positions in the Government or in the GPC. The country's first female minister was appointed in April

2001 and its second this year and 35 women were elected to the local councils in 2001. International observers reported that more than 40 percent of the electorate were women.

Many Akhdam, a small ethnic minority who may be descendants of African slaves, did not participate in the political process. There were no credible reports that citizen members of religious minorities were not permitted to participate in the political process (see Section 2.c.).

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 sometimes were cooperative and responsive to their views; however, NGOs complained that at times there was a lack of response to their requests. Some part of the Government's limitation in responsiveness was due to a lack of material and human resources. During the year, several government-sponsored initiatives were aimed at furthering cooperation with NGOs. In 2001, Parliament passed the Law for Associations and Foundations, which regulates the formation and activities of NGOs.

The Taiz-based Human Rights Information and Training Center placed particular emphasis on education, NGO training, and increasing human rights awareness in the country and in the region via workshops and public awareness campaigns.

During the year, the Sana'a-based NGO Forum for a Civil Society held training programs on prison reform and human rights in the family and community and distributed the Transparency International report on corruption.

During the year, the Yemen Institute for Democracy Development monitored the parliamentary elections, held discussion fora on the impact of elections on the democratization process and advocated on behalf of specific human rights cases.

The NGO Sisters Arabic Forum for Human Rights conducted several advocacy conferences on women in the law, women in elections, and women's political participation.

The NGO Civic Democratic Forum (CDF) monitored the April parliamentary election, including both pre- and post-election periods. CDF also conducted programs to train women candidates.

The Government gives AI, Human Rights Watch (HRW), the Parliament of the European Union, and the Committee to Protect Journalists broad access to officials, records, refugee camps, and prisons (see Section 1.c.). For example, the ICRC maintained a resident representative to inspect prisons during the year.

The Supreme National Committee for Human Rights, which reported to the Prime Minister, was dissolved in December under a Republic Decree establishing the mandate of the Ministry of Human Rights. The Ministry's by-laws outline its general functions and tasks, the responsibilities of the Minister, Deputy Minister, Board and staff, and its regulatory structure. The Ministry's primary functions include: Proposing "policies, programs and procedures required for the enhancement of human rights and their protection in coordination with the bodies concerned"; studying legislation and laws to judge compatibility with international human rights conventions and treaties ratified by the country and proposing amendments as necessary; receiving complaints from citizens and organizations to study them and treat them in accordance with jurisdictions of Ministry of Human Rights in coordination with bodies concerned; enhancing "fields of cooperation" with civil society organizations; contributing to the preparation of human rights studies; reporting on the country's international human rights commitments; and coordinating and developing cooperation with the human rights-related international organizations.

During the year, the Ministry of Human Rights raised awareness of human rights via public information campaigns and provided training to activists on human rights. The Ministry resolved human rights cases through coordination with other Ministries and human rights NGOs and a newly established complaint mechanism. The Ministry cooperated with a U.N. Development Program (UNDP) project to increase its ability to combat human rights abuses by improving ministry management and staff training and establishing an information center and complaint mechanism.

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

The Constitution provides for equal rights and equal opportunity for all citizens; however, discrimination based on race, sex, and disability existed. Entrenched cultural attitudes often affected women's ability to enjoy equal rights.

Women.—The law provides for protection against violence against women; however, such provisions rarely were enforced. Although spousal abuse reportedly was

common, it generally was undocumented. Violence against women and children was considered a family affair and usually was not reported to the police. In the country's traditional society, an abused woman was expected to take her complaint to a male relative (rather than the authorities), who should intercede on her behalf or provide her sanctuary if required. A small shelter for battered women in Aden assisted victims, and telephone hotlines operated in Aden and Sana'a.

The law prohibits rape; however, it was a widespread problem. The punishment for rape is imprisonment up to 15 years depending on circumstances; however, it was seldom imposed.

The press and women's rights activists continued to investigate or report on violations of women's rights. During the year, NGO-sponsored conferences attempted to raise the media's awareness of violence against women.

The law prohibits FGM; however, it was practiced. The prevalence of the practice varied substantially by region. Citizens of African origin or those living in communities with strong African influence were more likely to practice FGM. Government health workers and officials continued to discourage the practice actively and publicly. During the year, the National Women's Committee (NWC) in Aden provided awareness programs targeting health professionals, schools, and rural communities.

Prostitution is illegal; however, it occurred in practice. The punishment for prostitution is imprisonment up to 3 years or a fine.

The Penal Code allows for leniency for persons guilty of committing a "crime against honor," violent assaults or killings committed against a female for her perceived immodest or defiant behavior. Legal provisions regarding violence against women state that an accused man should be put to death for murdering a woman. However, a husband who murders his wife and her lover may be fined or imprisoned for a term not to exceed 1 year. Despite the apparent sanctioning of honor killings, most citizens, including women's activists, believed the phenomenon was not widespread. Some international NGOs claimed that the practice was more prevalent, but admitted to a lack of evidence to support such claims.

The law, social custom, and Shari'a, as interpreted in the country, discriminated against women. Men are permitted to take as many as four wives, although very few did so. By law the minimum age of marriage is 15; however, the law largely was not enforced, and some girls married as early as age 12.

The law stipulates that the wife's "consent" to the marriage is required; consent is defined as "silence" for previously unwed women and "pronouncement of consent" for divorced women. The husband and the wife's "guardian" (usually her father) signed the marriage contract; in Aden and some outlying governorates, the wife also signed. The practice of bride-price payments was widespread, despite efforts to limit the size of such payments.

The law provides that the wife must obey the husband. She must live with him at the place stipulated in the contract, consummate the marriage, and not leave the home without his consent. Husbands may divorce wives without justifying their action in court. A woman has the legal right to divorce; however, she must provide a justification, such as her husband's nonsupport, impotence, or taking of a second wife without her consent. However, the expense of hiring a lawyer was a significant deterrent, as was the necessity for rural women to travel to a city to present their case. A woman seeking a divorce also must repay the mahr (a portion of her bride price), which created an additional hardship. As a woman's family usually retains the mahr, the refusal by a family to pay the mahr effectively could prevent a divorce. The family's refusal to accept the woman back into the home also could deter divorce, as few other options were available to women. When a divorce occurs, the family home and older children often were awarded to the husband. The divorced woman usually returned to her father's home or to the home of another male relative. Her former husband must continue to support her for another 3 months, since she may not remarry until she proves that she is not pregnant.

Women who seek to travel abroad must obtain permission from their husbands or fathers to receive a passport and to travel (see Section 2.d.). Male relatives were expected to accompany women when travelling. However, enforcement of this requirement was not consistent.

Shari'a-based law permits a Muslim man to marry a non-Muslim woman; however, no Muslim woman may marry a non-Muslim.

Women do not have the right to confer citizenship on their foreign-born spouses; however, they may confer citizenship on children born of foreign-born fathers under certain circumstances as stipulated by law and determined by the Government.

According to an Ministry of Interior regulation, any citizen who wishes to marry a foreigner must obtain the permission of the Ministry. A woman wishing to marry a foreigner must present proof of her parents' approval to the Ministry of Interior. A foreign woman who wishes to marry a citizen man must prove to the Ministry

that she is “of good conduct and behavior,” and “is free from contagious disease.” There are no corresponding requirements for men to demonstrate parental approval, good conduct, or freedom from contagious diseases.

The Government continued to support women’s rights as exemplified by local law and the expansion of the public role of women. The President and Government strongly encouraged women to vote and strongly supported several NGO-sponsored conferences to increase the role of women in political life. The number of women in positions of leadership in government ministries increased during the year.

According to 2002 government statistics, approximately 67.5 percent of women were illiterate, compared with approximately 27.7 percent of men. The fertility rate was 6.5 children per woman. Most women had little access to basic health care.

In general women in the south, particularly in Aden, were better educated and had somewhat greater employment opportunities than their northern counterparts. However, since the 1994 war of secession, the number of working women in the south appears to have declined, due not only to the stagnant economy but also to increasing cultural pressure from the north. According to the UNDP, female workers accounted for 19 percent of the paid labor force. During the year, the Government amended a law to require that every public or private institution employing more than 50 female workers must provide assistance with the care of their children. There were no laws prohibiting sexual harassment, and it occurred in practice.

Prior to unification, approximately half of the judges working in the PDRY were women. However, after the 1994 war of secession, conservative leaders of the judiciary reassigned many southern female judges to administrative or clerical duties. Although several female judges continued to practice in Aden, there were no female judges in northern courts.

In July 2001, the NWC completed a 6-month review of 58 significant national laws to find and rectify provisions that discriminated against women or violated equal status requirements agreed to by the Government in international conventions. The NWC’s seven-member legal committee identified problems and recommended legal changes. The Cabinet has approved the recommended changes in principle, with some revisions. Parliament passed several amendments relating to civil status by year’s end and efforts continued to amend further laws. During the year and in 2002, the NWC also pushed for a quota system to reserve at least 10 percent of parliament any seats for women, but failed.

There were a number of NGOs working for women’s advancement, including the Social Association for Productive Families, promoting vocational development for women; the Women and Children’s Department of the Center for Future Studies, organizing seminars and publishing studies on women and children; the Woman and Child Development Association, focusing on health education and illiteracy; and the Yemeni Council for Motherhood and Childhood, providing microcredit and vocational training to women.

Children.—While the Government asserted its commitment to protect children’s rights, it lacked the resources necessary to ensure adequate health care, education, and welfare services for children. Malnutrition was common. Most recent figures showed that the infant mortality rate in 1999 was 75 deaths per 1,000 births, down from 105 per 1,000 in 1998. Male children received preferential treatment and had better health and survival rates.

The law provides for universal, compulsory, and free education from ages 6 to 15; however, the provision regarding compulsory attendance was not enforced. Many children, especially girls, did not attend primary school. According to a UNDP report released during 2001, average student attendance in primary schools was 76 percent for boys and 40 percent for girls. In rural areas, 52 percent of children attended school; the rate in urban areas was 81 percent.

Child marriage was common in rural areas. Although the law requires that a girl be 15 years of age to marry, the law was not enforced, and marriages of girls as young as age 12 occurred.

The law does not prohibit child abuse and it was a problem.

FGM was practiced on a limited scale (see Section 5, Women).

In 2002, the Supreme Council for Childhood and Motherhood developed the Child Rights Law passed by Parliament, which explicitly prohibits child labor.

Persons with Disabilities.—Persons with mental and physical disabilities faced social prejudices, as well as discrimination in education and employment. The Government mandated the acceptance of persons with disabilities in universities, exempted them from paying tuition, and required that schools be made more accessible to persons with disabilities; however, it was unclear to what extent these laws have been implemented. There is no national law mandating the accessibility of buildings for persons with disabilities.

Public awareness regarding the need to address the concerns of persons with disabilities appeared to be increasing. In 2001, NGOs established a privately funded center for persons with hearing and speaking impairments in Taiz.

At times authorities arrested without charge imprisoned persons with mental disabilities (see Section 1.d.).

During the year, the Handicapped Society and the Challenge Society were involved in assisting persons with disabilities. These two NGOs provided rehabilitation assistance and vocational training and sponsored cultural and sports activities.

National/Racial/Ethnic Minorities.—A small group of persons claiming to be the descendants of ancient Ethiopian occupiers of the country, who later were enslaved, were considered the lowest social class. Known as the “Akhdam” (servants), they lived in poverty and endure persistent social discrimination. The Government’s Social Fund for Development for “special needs groups” focused particularly on the Akhdam. In 2001, several Akhdam-origin citizens in Taiz governorate established the Free Black People’s Charitable Organization to fight discrimination and improve conditions for their community.

Human rights groups have reported that some immigrants of African origin had difficulty in securing Interior Ministry permission to marry citizens. An Interior Ministry regulation requires that marriages of citizens and foreigners be approved in advance by the Ministry (see Section 1.f.).

Tribal violence continued to be a problem during the year, and the Government’s ability to control tribal elements responsible for acts of violence remained limited. Tensions, which periodically escalated into violent confrontations, continue between the Government and some tribes.

Citizens with a non-citizen parent, at times faced discrimination in employment and in other areas. Persons who sought employment at Sana’a University or admission to the military academy by law must demonstrate that they have two citizen parents. Nonetheless, many senior officials, including Members of Parliament and ministers, had only one citizen parent; at times, naturalization of the non-citizen parent fulfilled this requirement.

Section 6. Worker Rights

a. The Right of Association.—The Constitution and Labor Law provide that citizens have the right to form and join unions; however, this right was restricted in practice. The Government sought to place its own personnel in positions of influence inside unions and trade union federations.

The law permits trade unions to establish only under federation. The General Federation of Trade Unions of Yemen (GFWTUY) remained the sole national umbrella organization. The GFWTUY claimed approximately 350,000 members in 14 unions and denied any association with the Government, although it worked closely with the Government to resolve labor disputes through negotiation. Observers suggest that the Government likely would not tolerate the establishment of an alternative labor federation unless it believed such an establishment to be in its best interest.

Only the General Assembly of the GFWTUY may dissolve unions. The law provides equal labor rights for women, and it confirms the freedom of workers to associate. The Labor Law does not stipulate a minimum membership for unions, or limit them to a specific enterprise or firm. Thus citizens may associate by profession or trade.

The law generally protects employees from anti-union discrimination. Employers do not have the right to dismiss an employee for union activities. Employees may appeal any disputes, including cases of anti-union discrimination, to the Ministry of Social Affairs and Labor. Employees also may take a case to the Labor Arbitration Committee, which is chaired by the Ministry of Labor and also consists of an employer representative and a GFWTUY representative. Such cases often were disposed favorably toward workers, especially if the employer was a foreign company.

The GFWTUY is affiliated with the Confederation of Arab Trade Unions and the Brussels-based International Confederation of Free Trade Unions.

b. The Right to Organize and Bargain Collectively.—The Labor Law provides workers with the right to organize and bargain collectively. The Government permitted these activities; however, it sought to influence them by placing its own personnel inside groups and organizations. The Ministry of Labor has veto power over collective bargaining agreements, a practice criticized by the International Labor Organization (ILO). Several such agreements existed. Agreements may be invalidated if they are “likely to cause a breach of security or to damage the economic interests of the country.” Unions may negotiate wage settlements for their members and may resort to strikes or other actions to achieve their demands. Public sector employees must take their grievances to court.

The Labor Law provides for the right to strike; however, strikes were not permitted unless a dispute between workers and employers is “final” and “incontestable” (a prior attempt must have been made to settle through negotiation or arbitration). The proposal to strike must be submitted to at least 60 percent of all concerned workers, of whom 25 percent must vote in favor of the proposal. Permission to strike also must be obtained from the GFWTUY. Strikes for explicit “political purposes” were prohibited.

There were some peaceful strikes during the year.

There are reports that private sector employers discriminated against union members by transfers, demotions, and dismissals.

There are no export processing zones (EPZs) in operation.

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

d. Status of Child Labor Practices and Minimum Age for Employment.—The law prohibits child labor. The established minimum age for employment is 15 years in the private sector and 18 years in the public sector. By special permit, children between the ages of 12 and 15 may work. The Government rarely enforced these provisions, especially in rural and remote areas. The Government also did not enforce laws requiring 9 years of compulsory education for children.

Child labor was common, especially in rural areas. Many children were required to work in subsistence farming because of the poverty of their families. Even in urban areas, children worked in stores and workshops, sold goods on the streets, and begged. Many school-aged children worked instead of attending school, particularly in areas in which schools were not easily accessible.

In 2000, the Shura Council adopted the ILO’s Child Labor Strategy to address persistent child labor problems. A special council, under the leadership of the Minister of Social Affairs and Labor, used the strategy as a government-wide guideline for enforcing existing child labor laws and formulating and implementing new laws. In late 2002, the Supreme Council for Childhood and Motherhood developed the Child Rights Law later passed by Parliament that explicitly prohibits child labor.

The Child Labor Unit at the Ministry of Labor is responsible for implementing and enforcing child labor laws and regulations. The unit is responsible for investigating and addressing cases and issuing guidelines to prevent child labor. They had offices in 11 provinces and have established specific guidelines to prevent child labor under the age of 12. The Government was an active partner with the ILO’s International Program to Eliminate Child Labor.

e. Acceptable Conditions of Work.—There was no established minimum wage for any type of employment. The Labor Law provides equal wages for workers and civil servants. During the year, the Government again increased selected civil servants’ wages. Private sector workers, especially skilled technicians, earned a far higher wage. The average wage did not provide a decent standard of living for a worker and family. The minimum civil service wage during the year did not meet the country’s poverty level.

The law specifies a maximum 48-hour workweek with a maximum 8-hour workday, but many workshops and stores operate 10- to 12-hour shifts without penalty. The 35-hour workweek for government employees was 7 hours per day from Saturday through Wednesday.

The Ministry of Labor is responsible for regulating workplace health and safety conditions. The requisite legislation for regulating occupational health is contained in the Labor Law, but enforcement was weak to nonexistent. Many workers regularly were exposed to toxic industrial products and developed respiratory illnesses. Some foreign-owned companies and major manufacturers implemented higher health, safety, and environmental standards than the Government required. Workers have the right to remove themselves from dangerous work situations and may challenge dismissals in court. These laws were generally respected in practice.

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.

