

SOUTH ASIA

AFGHANISTAN

Afghanistan has experienced civil war and political instability for 23 years. The arrival of Operation Enduring Freedom (OEF) forces and the collapse of the Taliban in 2001 helped to begin to bring an end the decades-long pattern of serious human rights abuses. There was no functioning central government from 1996 until December 22, 2001, when the Afghan Interim Administration (AIA) took office. On December 5, 2001, a U.N.-sponsored Afghan peace conference in Bonn, Germany, approved a broad agreement for the establishment of transitional mechanisms, including a 6-month AIA to govern the country. There was a peaceful transfer of power from the AIA to the Transitional Islamic State of Afghanistan (TISA). As mandated by the Bonn Agreement, the AIA/TISA formed the Judicial Commission, the Human Rights Commission, and a Drafting Committee of the Constitutional Commission to begin the process of reform in these areas. A Civil Service Commission has yet to be named. In June the Emergency Loya Jirga, a gathering of Afghan representatives from throughout the country, elected Hamid Karzai as President of the Transitional Islamic State of Afghanistan. Karzai subsequently formed a cabinet including two female members and broad ethnic representation. The Loya Jirga was unable to reach a decision on formation of a legislative body and deferred its creation until elections scheduled for June 2004. Major provincial centers were under the control of regional commanders. With one significant exception in the southeast, these commanders acknowledged the Karzai administration as the legitimate central authority. Karzai appointed governors to all 32 provinces. The 1964 Constitution served as the interim Constitution. The legal framework of the country and judicial system of the country were also set forth in the Bonn Agreement. Existing laws, not inconsistent with the Bonn Agreement, the country's international obligations, or applicable provisions of the Constitution, remained in effect. Judicial power rested with the Supreme Court. Under the Karzai government, the rule of law applied throughout the country; however, in practice recognition of the rule of law, particularly outside of Kabul, was limited. Years of Soviet occupation and civil war resulted in the country's laws becoming a mix of codes. During these years, much of the formal judicial structure deteriorated. The judiciary continued to operate on an ad hoc basis.

During most of 2001, the Taliban, an ultra-conservative Islamic movement, controlled approximately 90 percent of the country. On October 7, 2001, OEF, a U.S.-led coalition, began military action aimed at toppling the Taliban regime and eliminating the al-Qa'ida network in the country. U.S. forces worked in concert with anti-Taliban forces of the Northern Alliance as well as others in the southern part of the country. By mid-November 2001, the Taliban had been removed from power. U.S. military operations continued during the year, especially in southern and eastern regions, to capture and detain remaining Taliban and al-Qa'ida fighters.

The International Security Assistance Force (ISAF), established on December 20, 2001, was responsible for the security of Kabul under the command of the United Kingdom and later Turkey. Outside the capital, regional commanders and warlords maintained local militias. Sporadic fighting continued across the north among rival commanders loyal to Jumbesh leader General Abdul Rashid Dostum and Jamiat-i Islami commander Mohammad Atta. There was also skirmishing in the west near Shindand between Herat leader Ismail Khan and Pashtun commander Amanullah Khan. In October Pacha Khan Zadran, a warlord in Khost/Paktia, fled from Khost after months of instigating attacks on forces loyal to the Karzai government and refusing to yield the governor's residence to a Karzai appointee.

The dislocations associated with more than 20 years of fighting, together with years of severe drought, reduced the country's economy to below subsistence level for a majority of the population. A U.N.-sponsored health survey in the north in January 2001 found alarming levels of malnutrition, especially among women and

children. Most of the population of approximately 25.8 million remained engaged in agriculture and animal husbandry. In previous years, opium poppy was the mainstay of the economy and largely financed the military operations of various provincial authorities. While production dropped dramatically in 2001 after a Taliban ban on poppy growth, cultivation resumed and produced one of the world's largest poppy harvests during the year. The severe drought affected more than half of the population and continued to affect severely approximately 5 to 6 million persons. The drought increased internal displacement and caused massive loss of livestock and loss of livelihood. Livestock losses were reported at approximately 50 percent. Crop loss in many areas averaged 75 percent. Additionally, a lack of resources and the prolonged civil war impeded reconstruction of irrigation systems, repair of market roads, and replanting of orchards. Since the AIA/TISA took office, rehabilitation efforts in these areas accelerated with international assistance. While the removal of the Taliban permitted increased mine clearance activity, millions of landmines and unexploded ordnance remained throughout the country, restricting areas available for cultivation. In October TISA successfully began introduction of a new currency. Formal economic activity consisted primarily of small to medium shops buying and selling a range of materials and goods transiting the country. There was little manufacturing or industrial activity. The country was dependent on international assistance, and large portions of the population required food aid to survive. Reconstruction, primarily in the areas of water and sanitation, hospitals, schools, and secondary roads, proceeded in differing degrees throughout the country.

The Government made significant progress in establishing democracy and good governance during its first full year of democratic government after prolonged civil war and political instability; however, reconstruction and recovery was the central focus of activity, and numerous problems remained. The Government allowed citizens the right to change their government through Loya Jirga elections that were deemed free and fair; however, there were some reports of intimidation and interference in the Loya Jirga process. Members of the security forces committed arbitrary, unlawful, and some extrajudicial killings, and officials used torture in jails and prisons. Prison conditions remained poor. Overcrowding and limited food and medical supplies contributed to deteriorating health and even death among prisoners. There were approximately 500,000 displaced persons. Sporadic fighting and related security concerns, as well as the drought, discouraged some refugees from returning to their country. The Karzai government generally provided for the freedom of speech, the press, assembly, association, religion, and movement; however, serious problems remained. Violence and societal discrimination against women and minorities were problems. Women and girls were subjected to rape and kidnaping, particularly in areas outside Kabul where security problems persisted. Local commanders in northern provinces targeted Pashtuns for murder, looting, rape, and destruction of property. Approximately 60,000 Pashtuns became displaced because of the violence. Worker rights were not defined, although the 1964 Constitution generally prohibited forced labor. Local reports indicated there was widespread disregard for and abuse of internationally recognized worker rights. Child labor persisted. Afghanistan was invited by the Community of Democracies' (CD) Convening Group to attend the November 2002 second CD Ministerial Meeting in Seoul, Republic of Korea, as an observer.

The remnants of the Taliban and rogue warlords sometimes threatened, robbed, attacked, and occasionally killed local villagers, political opponents, and prisoners. During the year, some efforts were made to bring to justice those persons responsible for serious abuses. On October 9, Abdul Shah, a Taliban commander, was convicted of mass murder and sentenced to 20 years in prison.

In addition, significant efforts were made to improve the situation for women. After the fall of the Taliban, some women, primarily in Kabul, were able to discard the burqa, a head-to-toe veil that the Taliban enforced rigidly. In December President Karzai decreed that women had the right to choose whether to wear the burqa. Female civil servants and teachers also were able to return to work. International organizations and non-governmental organizations (NGOs) were able to employ women. For example, on March 8, the country celebrated International Women's Day for the first time in many years. Hundreds of schools nationwide were opened or reopened for 3 million boys and girls beginning in March. In May a new primary school for 600 boys and 430 girls opened in the village of Nawabad. In Herat Province, nearly 100,000 girls enrolled in schools in grades 1-12 during the year. With the assistance of United Nations High Commissioner for Refugees (UNHCR) and the Ministry of Rural Reconstruction and Development, more than 2 million Afghan refugees returned to their home communities around the country.

RESPECT FOR HUMAN RIGHTS

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

a. Arbitrary or Unlawful Deprivation of Life.—The arrival of the OEF forces and the collapse of the Taliban in 2001 helped begin to bring an end to the decades-long pattern of serious human rights abuses, including extrajudicial killings. However, in the aftermath there continued to be reports of unlawful killings. In November police used excessive force and killed two persons to disperse demonstrations in Kabul when hundreds of students protested living conditions in dormitories (*see* Section 2.b.). The Government launched an investigation into the incident; however, no findings had been issued at year's end. According to Amnesty International (AI), there were reports of intimidation, attacks, and killings during the Loya Jirga process. One report stated that at least eight persons were killed during the delegate selection process, and in Herat, several candidates were arbitrarily detained, harassed, and threatened. At year's end, no investigation or arrests had been made in connection with the killings.

There were reports of deaths in custody. In November the U.N. reported that at least one potential witness to the events that surrounded the November 2001 transport of Taliban prisoners who died in September after being taken into custody by Jumbesh leader General Dostum's forces. Taliban fighters died in fighting, during the suppression of a riot and while in custody in Mazar-i Sharif (*see* Section 1.g.).

In 1998 the U.N. found several mass graves connected with the massacre of Taliban fighters near Mazar-i Sharif in 1997, which contained evidence consistent with mass executions. Independent investigations of these and other killings, including killings by the Taliban, were hindered by the continuing warfare and the unwillingness of local commanders to allow investigators to visit the areas in question. At year's end, mass killings from 1997 and 1998 had not been fully investigated.

During the year, there were instances of government forces killing civilians during the fight against Taliban supporters. In August 70 persons reportedly were killed in fighting between ethnic Tajik forces and ethnic Pashtuns forces in Herat.

An estimated 400,000 Afghans have been killed or wounded by landmines. Casualties caused by landmines and unexploded ordnance were estimated at 10 to 12 per day (*see* Section 1.g.).

There were numerous bombings during the year. For example, on April 8, 4 persons were killed and 12 injured when a bomb exploded near a car carrying the Defense Minister Mohammed Fahim in Jalalabad. On June 19, unknown assailants launched a rocket near the U.S. Embassy. There were no injuries. On September 5, approximately 35 persons were killed by a car bomb in Kabul. No one claimed responsibility for any of these acts.

The lack of an effective police force, poor infrastructure and communications, instability, and insecurity made it difficult to investigate unlawful killings, bombings, or civilian deaths, and there were no reliable estimates of the numbers involved.

Unknown assailants attacked and killed several senior officials. For example, in February Civil Aviation Minister Abdul Rahman was killed at Kabul airport. No suspect had been arrested and by year's end, no prosecution had taken place. In July Vice President and Public Works Minister Haji Abdul Qadir was killed in an ambush while leaving his office. At year's end, there had been no claim of responsibility. President Karzai appointed a five-member team of officials to investigate the killing. By year's end the case still was under investigation. On September 5, a 19-year-old assailant killed one person in an attempt to assassinate President Karzai.

In November 2001, Taliban prisoners staged a revolt at Qala-i Jangi near Mazar-i Sharif. Approximately 120 prisoners died during the uprising. There were reports that Northern Alliance fighters killed some of the prisoners after the uprising had been brought under control. No action was taken against those reportedly responsible for post-battle executions of prisoners.

There were no developments in the 2001 mass killings by the Taliban of mainly Shi'a Hazaras in Yawkowlang.

b. Disappearance.—There were reports of politically motivated disappearances. In September the U.N. reported the disappearance of several potential witnesses to the deaths of Taliban prisoners transported to Shiberghan prison in November 2001. There were allegations that forces loyal to northern leader General Dostum were responsible for these disappearances.

There were credible allegations of Taliban responsibility for disappearances, abductions, kidnappings, and hostage-takings between 1998 and 2001. Taliban forces reportedly abducted women and girls from Taloqan, the Shomali plain, and Hazara neighborhoods in Mazar-i Sharif. A number of accounts indicated that the Taliban forced women and girls into marriages or trafficked them to Pakistan and the Arab

Gulf states. The whereabouts of most of these women and girls remained unknown. By year's end, the whereabouts of thousands of persons detained by the Taliban, including those detained after the capture of Mazar-i Sharif in 1998, fighting in Taloqan in 2000, and occupation of Yakawlang in 2001, remained unknown.

There were no developments in the disappearances of General Abdul Rahman, General Farooq, Moulvi Shabuddin, Waliullah Dagarwal, General Syed Agha Rayees, engineer Nabi Shah, and Wolaswal Ismail.

Groups in Russia listed nearly 300 Soviet soldiers formerly serving in Afghanistan as missing in action or prisoners of war (POWs) from the Soviet-Afghan war (1979–1989). Most were thought to be dead or to have assimilated voluntarily into Afghan society, although some allegedly were held against their will. A number of persons from the former Soviet Union, missing since the period of the Soviet occupation, were presumed dead.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.—The 1964 Constitution, in effect under the Bonn Agreement, prohibits such practices, and torture did not appear to be systematic throughout the country, but there were reports of abuses. Some provincial authorities were believed to have used torture against opponents and POWs, although specific information generally was lacking. Some prison officials reportedly beat prisoners in Kabul. In November Human Rights Watch (HRW) alleged that some police authorities in Herat routinely employed electric shock on detainees. HRW also reported that some Herat security officials beat prisoners who were hung upside down. In late May, Herat Governor Ismail Khan's security forces arrested Mohammad Rafiq Shahir, and police reportedly beat Shahir so severely that cuts and bruises were still visible during the Loya Jirga in mid-June (see Section 3). According to a 2001 report, prison authorities in Badakhshan Province routinely used rubber and plastic-bound cables in beatings.

Prison conditions remained poor. According to AI, prisoners lived in overcrowded, unsanitary conditions in collective cells and were not sheltered from severe winter conditions. In January the Physicians for Human Rights (PHR) reported on the "deplorable conditions" at Shiberghan Prison. The PHR found severe overcrowding, non-existent sanitation, exposure to winter cold, inadequate food, and no medical supplies for the 3,500 prisoners. Dysentery, pneumonia, and yellow jaundice were epidemic. According to the PHR report, the cells in Shiberghan were constructed to house 10 to 15 prisoners, but they held 80 to 110 men during the year.

A number of regional leaders, particularly Ismail Khan in Herat and General Dostum in Shiberghan, maintained prisons that most likely held political detainees. Herat prison held 600 to 700 prisoners. Shiberghan prison held approximately 1,000 inmates, including Taliban fighters and a number of Pakistanis.

The International Committee of the Red Cross (ICRC) continued to visit detainees during the year; however, fighting and poor security for foreign personnel limited the ability of the ICRC to monitor prison conditions.

d. Arbitrary Arrest, Detention, or Exile.—Legal and law enforcement institutions existed but operated unevenly throughout the country due to lack of personnel and training. During the year, justice was administered on an ad hoc basis according to a mixture of codified law from earlier periods, Shari'a law, and local custom. Persons were subject to arbitrary detention. There were credible reports that local police authorities extorted bribes from civilians in return for their release from prison or to avoid arrest. Judicial and police procedures varied from locality to locality. Procedures for taking persons into custody and bringing them to justice followed no established code. Practices varied depending on the area and local authorities. Some areas had a more formal judicial structure than others.

There were unconfirmed reports of private detention facilities around Kabul and in northern regions of the country.

In the months preceding the Loya Jirga in June, Ismail Khan's officials reportedly arrested Loya Jirga candidates who were not his supporters.

In November 2001, supporters of former king Zahir Shah reportedly were arrested and severely beaten by Herat authorities. The arrests took place when the former king's supporters attempted to hold a political rally near Herat's main mosque.

A number of persons arrested by the Taliban for political reasons were believed still to be in detention until the fall of the Taliban late in 2001. The whereabouts of such detainees was uncertain at year's end.

There was no information available regarding forced exile.

e. Denial of Fair Public Trial.—With no functioning nationwide judicial system, many municipal and provincial authorities relied on some interpretation of Islamic law and traditional tribal codes of justice. The Bonn Agreement called for the establishment of a Judicial Commission to rebuild the domestic justice system in accordance with Islamic principles, international standards, the rule of law, and local legal

traditions. In November the Government inaugurated the Judicial Commission, and President Karzai appointed two women and various ethnic minorities to it. The judiciary operated with minimal training.

The administration and implementation of justice varied from area to area and depended on the inclinations of local authorities. In the cities, courts decided criminal and civil cases. There reportedly was a lower court and a higher court in every province. The Supreme Court was located in Kabul. In cases involving murder and rape, convicted prisoners generally were sentenced to execution, although relatives of the victim could instead choose to accept other restitution or could enforce the verdict themselves. Decisions of the courts reportedly were final. The courts reportedly heard cases in sessions that lasted only a few minutes. According to AI, some judges in these courts were untrained in law and at times based their judgments on a combination of their personal understanding of Islamic law and a tribal code of honor prevalent in Pashtun areas. In rural areas, local elders and shuras were the primary means of settling criminal matters and civil disputes.

In September a closed court convicted Abdullah Shah, a former commander, of mass murder, including the killing of 50 Hazaras during a bus hijacking. Before Shah's appeal was formally heard by the Supreme Court, Chief Justice Fazl Shinwari publicly stated that Shah should receive the death sentence. Shah subsequently received a death sentence at the conclusion of his appeal. Shah did not have legal representation during the appeal. In general defendants did not have the right to an attorney, although they were permitted attorneys in some instances.

Most provincial authorities likely held political prisoners, but there were no reliable estimates of the numbers involved.

f. Arbitrary Interference With Privacy, Family, Home, or Correspondence.—The 1964 Constitution, in effect under the Bonn Agreement, states that, "No one, including the State can enter or search a residence without the permission of the resident or the orders of a competent court." However, armed groups forcibly invaded and looted the homes and businesses of civilians. These gunmen reportedly acted with impunity, due to the absence of a responsive police force or legal protection for victims. In addition, it was unclear what authority controlled the actions of the local commanders, who patrolled the streets of cities and towns outside of the areas controlled by the ISAF. In the north, local commanders, particularly Jumbesh commander Lal, targeted Pashtuns, abusing female members of families, confiscating property, and destroying homes.

In the southeastern town of Gardez, unknown extremists began an intimidation campaign, leaving leaflets warning video shop owners to stop selling cassettes. In September a bomb exploded, destroying four shops and damaging eight others. On April 27, shells and rockets exploded destroying shops and killing 18 persons.

Kabul police authorities placed women under detention in prison, at the request of family members, for defying the family's wishes on the choice of a spouse.

There were reports of forcible conscription in the north by forces loyal to Jumbesh leader General Dostum (see Section 1.g.).

g. Use of Excessive Force and Violations of Humanitarian Law in Internal Conflicts.—The international community worked closely during the year with local officials in the delivery of humanitarian assistance. The Taliban's rapid fall from power averted a much-feared large-scale humanitarian disaster. After the fall of the Taliban, looting by armed groups and individuals, general insecurity, and harsh weather conditions at times hampered humanitarian assistance efforts. Primary limitations for the delivery of assistance remained logistical and centered on the difficulties in moving relief goods overland to geographically remote areas. Continued lawlessness and sporadic fighting in northern areas also impeded assistance efforts. Instability in the southeast, where Taliban and al-Qa'ida remnants remained at large and where local warlord Pacha Khan Zadran openly attacked forces loyal to the central government, limited delivery of assistance to this sector. In November President Karzai fired approximately 20 senior and 80 minor officials for corruption and facilitating insecurity on the roads.

A U.N. report released in late June catalogued the intimidation and violence directed at NGO workers including threats, accusations, kidnappings, attacks, murder, rape of family members of local NGO staff, and armed robbery. Some provincial governors extorted a "tax" from local NGOs. NGOs sometimes were forced to pay twice if district leaders were from different provincial authorities. Despite issuing a number of resolutions agreeing to cooperate and improve security conditions, senior factional leadership managed to take action only in a minority of cases and often with little commitment.

For example, on June 8, armed men in Mazar-i Sharif raped an NGO humanitarian assistance worker and beat the local staff who was accompanying her. North-

ern authorities detained three men and at year's end, charges against them were still pending. In June armed men in Takhar Province fired upon the vehicle of an international NGO when the occupants refused to provide a ride to the group. In June near Mazar-i Sharif, armed men shot at a convoy of international NGO vehicles. On June 10, armed men broke into an international NGO's office in Mazar-i Sharif and assaulted the guards on staff. Fighting between commanders loyal to General Dostum's Jumbesh party and Jamiat-i Islami's Mohammad Atta in Balkh Province forced an international NGO to cease its operations in an area to which 3,000 internally displaced persons (IDP) families had returned. The NGO's departure closed the only local health clinic. In Samangan and Jowzjan Provinces, local NGOs reported constant threats and intimidation from local authorities. In Aybak district, commander Almas told NGO staff managing distribution of IDP return assistance cards that unless a substantial number of cards were given to his men, he would halt all IDP returns going through his area. In Kaldar district, 400 workers from an international NGO project were taken hostage as part of a forced recruitment drive conducted by a local commander.

In April armed men killed a senior professional staff member of the U.N. Food and Agricultural Organization (FAO) in his home. At year's end, the alleged killer remained at large. In May fighters affiliated with General Dostum's Jumbesh party attacked IDPs, including the rape of females at a camp in Balkh after young men in the IDP families resisted conscription (*see* Section 1.f.). Armed men in police uniforms in Mazar-i Sharif forced their way into the home of a senior U.N. national staff member and took \$5,000, after claiming that they were searching for women in the house. Sporadic fighting and lawlessness remained a hindrance to assistance efforts in the north through the second half of the year.

During most of the year, continued internal conflict resulted in instances of the use of excessive force that caused the deaths of civilians, property damage, and the displacement of residents. For example, in November Ismail Khan reportedly ordered an attack on a village near Shindand that precipitated an exchange of rocket fire with rival Pashtun commander Amanullah Khan, killing at least seven persons including four children. During November and December, Ismail Khan and Amanullah Khan continued to fight, resulting in civilian casualties.

In general independent investigations of alleged killings were hindered by the unwillingness of local authorities to allow investigators to visit the areas in question. The Council of the North (General Dostum, Mohammad Atta, and Mohammad Saidi) issued a statement on August 28 denying the allegation and declaring that it was ready to cooperate with an investigation of the mass gravesite at Dasht-i Leili by professional and technical specialists drawn from the U.N. and coalition countries. However, local authorities suggested that there was no guarantee of security for investigators. By year's end, no investigation had taken place.

On November 25, Northern Alliance forces reportedly killed at least 120 prisoners at the Qala-i Jangi Fort, allegedly during the suppression of a riot. In November 2001, Northern Alliance forces reportedly killed 100 to 300 Taliban fighters in Mazar-i Sharif; there were conflicting reports as to whether some of the Taliban forces attempted to surrender before they were shelled.

In November 2001, following a prison revolt, different sources estimated that 200 to 1000 Taliban prisoners died while in the custody of General Abdul Rashid Dostum's forces while being transported in sealed containers from Mazar-i Sharif to Shiberghan prison. According to some accounts, Dostum's troops prevented drivers from making air holes in the containers or from offering water to the prisoners. In February and April, Physicians for Human Rights (PHR) and U.N. experts examined Dasht-i Leili, an area west of Shiberghan, allegedly containing the bodies of Taliban prisoners. U.N. experts found evidence of summary executions and death by suffocation.

The U.N. estimated that there were 5 to 7 million landmines and more than 750,000 pieces of unexploded ordnance throughout the country, planted mainly during the Soviet occupation. However, some NGOs estimated that there may be fewer than 1 million mines. There have been claims that 162 of 356 districts were mine-affected. The most heavily mined areas were the provinces bordering Iran and Pakistan. The landmines and unexploded ordnance caused deaths and injuries, restricted areas available for cultivation, and impeded the return of refugees to mine-affected regions. From 1995 to 1997, new mines were believed to have been laid over 90 square miles of land, reportedly mostly by the Northern Alliance in the western provinces of Badghis and Faryab. Additional newly-mined areas were reported but not confirmed in 2000 and, during the year in the conflict areas north of Kabul. The Northern Alliance reportedly laid these mines in response to the Taliban's summer 2000 offensive.

An estimated 400,000 persons have been killed or wounded by landmines. Casualties caused by landmines and unexploded ordnance were estimated at 10 to 12 per day. In some parts of the country, including in Herat and Kandahar, almost 90 percent of households were affected by the presence of landmines. An estimated 96 percent of civilian mine and unexploded ordnance casualties were male. Approximately 53 percent of mine and unexploded ordnance casualties occurred in the 18 to 40 age group, while 34 percent of the casualties involved children, according to the U.N. Mine Action Center. Landmines and unexploded ordnance resulted in death in approximately 30 percent of cases and in serious injuries and disability, including amputation and blindness, in approximately 20 percent of cases.

With funding from international donors, the U.N. organized and trained mine detection and clearance teams, which operated throughout the country. Nearly all areas that have been cleared were in productive use, and more than 1.5 million refugees and IDPs returned to areas cleared of mines and unexploded ordnance. Nonetheless, the mines and unexploded ordnance were expected to pose a threat for many years. Clearance rates and safety increased for clearance teams assisted by dogs. U.N. agencies and NGOs had instituted a number of educational programs and mine awareness campaigns for women and children in various parts of the country. Many were curtailed as a result of Taliban restrictions on women and girls but have been reinvigorated since the fall of the Taliban. Continued warfare, as well as prolonged and severe drought, also resulted in massive, forced displacement of civilians.

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Speech and Press.—The 1964 Constitution somewhat provided for freedom of speech and of the press; however, some senior officials attempted to intimidate journalists and influence their reporting. The draft press law contained articles that curtail press freedom, specifically information that “offends Islam” or “weakens Afghanistan’s army.” All information must follow Shari’a law, and a publication could be suspended when the article on forbidden content was violated, although there were no reports of that during the year. There were approximately 150 regular publications. The State owned at least 35 of these publications and almost all of the electronic news media. All other newspapers were published only sporadically and for the most part were affiliated with different provincial authorities. Some government officials through political party ties maintained their own communications facilities. Kabul and other major provincial cities had limited television broadcasts.

During the year, the Government maintained departments that were pre-disposed to crack down on journalists. For example, the security service (Amniat-i Milli) did not disband a section that was tasked with surveillance of the news media.

Government and factional control of television, radio, and most publications throughout the country effectively limited freedom of the press. During the year, the central government maintained a predominant role in the news media, and criticism of the authorities was rare. While some independent journalists and writers published magazines and newsletters, according to Reporters Without Borders (RWB), circulation largely was confined to Kabul and many were self-censored. In practice many persons listened to the dozen international stations that broadcast in Dari or Pashto. The BBC, Voice of America, Radio Liberty, and Radio Free Afghanistan were available throughout the country. In the countryside, local radio and television stations were under the control of the local authorities.

Journalists were subjected to harassment, intimidation, and violence during the year. For example, HRW reported that security officials in Herat detained and mistreated a local journalist, Rafiq Shaheer, to prevent him from covering the local Loya Jirga selection process. Herat authorities, according to HRW, also pressured journalists to avoid filing stories critical of Ismail Khan and his government. In August Herat officials reportedly prevented journalists from covering Ismail Khan’s military operations against Pashtun forces in the Ghorian and Shindand districts. However, at year’s end, there were reports that outside newspapers, including the Kabul Weekly, “Ebtakar,” and “Takhassos,” were circulating with greater frequency and in greater quantities than in earlier times.

According to RWB, reporters were the target of threats and intimidation from militants during the year. For example, one of Radio Solh station’s directors, Zakia Zaki, was threatened with death at the time of the station’s installation in Jebel-i Sharat. In March unidentified assailants in Gardez injured Toronto Star reporter Kathleen Kenna when a bomb was thrown into her car. Also in March, anonymous leaflets were circulating in the eastern part of the country calling for the abduction of foreign reporters. In October unidentified persons kidnaped and beat a cameraman after he helped a British journalist make a documentary that reported the

death of thousands of Taliban fighters at the hands of General Dostom (*see* Section 4).

A number of journalists were killed during the intensified fighting late in 2001. In November 2001, in Nangarhar Province, armed men forced four journalists, Harry Burton, Maria Grazia Cutuli, Julio Fuentes, and Azizullah Haidari, out of their convoy of vehicles and executed them. On February 9, an Interior Ministry official announced the arrest of two suspects in the killing; however, by year's end, no confirmation of those arrests had taken place.

There were a few reports that government forces prohibited music, movies, and television on religious grounds. For example, in August the head of Kabul Radio and TV Engineer Eshaq, who was affiliated with Jamiat-i Islami, briefly banned the appearance of women singers on television (*see* Section 5). However, unlike in previous years, televisions, radios, and other electronic goods were sold freely, and music was played widely.

The Government did not restrict academic freedom.

b. Freedom of Peaceful Assembly and Association.—The 1964 Constitution states that citizens have the right to assemble without prior permission and to form political parties; however, tenuous security and likely opposition from local authorities seriously inhibited freedom of assembly and association outside of Kabul during most of the year. In Kabul a spectrum of organizations and political parties operated. Citizens staged two civil society forums in Kabul with the assistance of the NGO Swisspeace. Progressive political parties and movements were able to meet without interference in Kabul.

In September an International Conference on Media and Law took place in Kabul. Approximately 300 citizens attended along with a number of international observers. The conference included Afghan officials who made themselves available during panel discussions for a wide-ranging set of questions from the conference participants. In November a group of journalists in Balkh Province reportedly formed an "independent writer's club."

The Government used harassment and excessive force against demonstrators during the year. For example, in November, Interior Ministry forces fired on Kabul University students protesting poor living conditions at the school and killed two demonstrators.

The Government allows for freedom of association; however, there were reports of harassment by officials during the year. In Herat HRW reported that Ismail Khan's officials harassed and interfered with the Professionals' Shura, the Herat Literary Society, and the Women's Shura. In September forces loyal to Ismail Khan prevented the Professionals' Shura from holding a seminar on the new currency. Authorities pressured the literary society to avoid the subject of women's rights. Ismail Khan's handpicked leadership for the Women's Shura reportedly criticized Shura members who openly disagreed with Khan's views on women's rights.

At year's end, NGOs and international organizations continued to report that local commanders were charging them for the relief supplies they were bringing into the country (*see* Sections 1.g. and 4).

c. Freedom of Religion.—The 1964 Constitution, in effect under the Bonn Agreement, states that Islam is the "sacred religion of Afghanistan" and states that religious rites of the state shall be performed according to the Hanafi doctrine. The Constitution also states that "non-Muslim citizens shall be free to perform their rituals within the limits determined by laws for public decency and public peace." The central government began to pursue a policy of religious tolerance during the year; however, custom and law required affiliation with some religion, and atheism was considered apostasy and was punishable by death.

Reliable sources estimated that 85 percent of the population were Sunni Muslim, and most of the remaining 15 percent were Shi'a. Shi'a, including the predominately Shi'a Hazara ethnic group, were among the most economically disadvantaged persons in the country. Relations between the different branches of Islam in the country were difficult. Historically, the minority Shi'a faced discrimination from the majority Sunni population. The Shi'a minority advocated a national government that would give them equal rights as citizens. There also were small numbers of Ismailis living in the central and northern parts of the country. Ismailis were Shi'a but consider the Aga Khan their spiritual leader.

Licensing and registration of religious groups do not appear to be required by the authorities in any part of the country. The small number of non-Muslim residents remaining in the country may practice their faith but may not proselytize.

Following the Emergency Loya Jirga in June, Dr. Sima Samar, the former Minister for Women's Affairs was charged with blasphemy for allegedly insulting Islam (*see* Section 5).

The parts of the country's educational system that survived more than 20 years of war placed considerable emphasis on religion. However, since the fall of the Taliban, public school curriculums have included religious subjects, but detailed religious study was conducted under the guidance of religious leaders. There is no restriction on parental religious teaching.

Before the October 2001 collapse of the Taliban, repression by the Taliban of the Hazara ethnic group, which is predominantly Shi'a Muslim, was particularly severe. Although the conflict between the Hazaras and the Taliban was political and military as well as religious, and it was not possible to state with certainty that the Taliban engaged in its campaign against the Hazaras solely because of their religious beliefs, the religious affiliation of the Hazaras apparently was a significant factor leading to their repression.

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

d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation.—The Constitution provides for these rights for men; however in practice their ability to travel within the country was hampered by sporadic fighting, brigandage, landmines, a road network in a state of disrepair, and limited domestic air service. Despite these obstacles, many men continued to travel relatively freely, with buses using routes in most parts of the country. The law also provides that women are required to obtain permission from a male family member before having an application for a passport processed (see Section. Women were forbidden to leave the home except in the company of a male relative. U.N. Security Council sanctions imposed because of the Taliban's links to international terrorism were lifted, and the Afghan airline Ariana's landing rights at non-foreign airports were reinstated. Ariana commenced international flights in September.

Commercial trade was impeded as local commanders and criminals continued to demand road tolls and at times close roads.

Afghan refugees returned home in record numbers during the year. Most of the 2 million returnees availed themselves of UNHCR's assistance, while a smaller number returned spontaneously. UNHCR estimates that more than 3 million Afghan refugees remained in Pakistan, Iran, and other neighboring countries at year's end. Iran and Pakistan forcibly repatriated approximately 38,500 refugees during the year. There were approximately 700,000 displaced persons. Women and children constituted 75 percent of the refugee population. The majority of refugee returnees have settled in urban areas, which placed additional strain on the cities' already overburdened infrastructures. There were further population movements from rural to urban areas due to drought, insecurity, and inadequate assistance in rural areas. Sporadic fighting and related security concerns, as well as the drought, discouraged some refugees from returning.

According to HRW, since the collapse of the Taliban regime in the northern part of the country, ethnic Pashtuns throughout the country have faced widespread abuses including killings, sexual violence, beatings, and extortion. Pashtuns reportedly were targeted because their ethnic group was closely associated with the Taliban regime. According to U.N. estimates, approximately 60,000 Pashtuns became displaced because of the violence. In late February, the UNHCR issued public reports that contained allegations by ethnic Pashtuns entering Pakistan that they were fleeing human rights abuses in the northern section of the country. The AIA's interlocutor on assistance issues established a commission to look into human rights problems faced by the Pashtuns in the north.

In October 2001, the Government of Iran set up two camps for Afghan IDPs who were attempting to flee to Iran from territory that was then controlled by the Taliban. The camps sheltered more than 10,000 refugees at year's end.

There was no available information on policies regarding refugees, asylum, provision of first asylum, or the forced return of refugees.

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

On December 5, 2001, a U.N.-sponsored Afghan peace conference in Bonn, Germany, approved a broad agreement for the establishment of transitional mechanisms, including a 6-month AIA to govern the country. There was a peaceful transfer of power from the AIA to the TISA during the June Emergency Loya Jirga. The Government allowed citizens the right to change their government through Loya Jirga elections that were deemed free and fair; however, there were some reports of intimidation and interference in the Loya Jirga process. President Karzai selected a cabinet of 5 vice presidents and 29 ministers. The Loya Jirga deferred a decision on the creation of a national legislature. Under the Bonn Agreement, elections will be held in June 2004.

Some violence marred the selection of Loya Jirga delegates in the provinces. In the Herat area, according to HRW, local authorities used arrests and violence to intimidate candidates in the Loya Jirga selection process who were not supporters of Ismail Khan, including Pashtuns, some women, and those associated with former king Zahir Shah. In late May, Ismail Khan's security forces arrested Mohammad Rafiq Shahir, head of Herat's Professionals' Shura, a civic group of intellectuals, lawyers, doctors, and teachers. Herat authorities reportedly warned Shahir not to participate in the Loya Jirga process.

There also were widespread reports of bribery throughout the country during the Loya Jirga selection process. A number of Loya Jirga delegates reported receiving threats after speaking out against the participation of warlords in the gathering. Other delegates, according to HRW, expressed alarm at the intrusive presence of agents from the Government's intelligence service.

Citizens had the opportunity to question senior leaders during the Loya Jirga. Inside and outside the Loya Jirga, political workers handed out posters and literature. Men and women were able to engage in discussions freely. U.N. observers estimated that 1,200 out of the 1,500 elected delegates turned out to witness the proceedings. Unlike in previous years, the Government encouraged the leaders of all ethnic minorities to engage in meaningful political dialog with opponents.

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

A wide variety of domestic and international human rights groups generally operated without government restriction, investigating and publishing their findings on human rights cases. Some of these were based in neighboring countries, mostly Pakistan, with branches inside the country; others were based in the country. The focus of their activities was primarily humanitarian assistance, rehabilitation, health, education, and agriculture. However, the lack of security and instability in the north and southeast severely reduced NGO activities in these areas. During the year, there were continued attacks on aid groups, including the gang rape of an international staff member, the robberies of two NGO offices, and the firing on NGO vehicles (see Section 1.g.). For example, on March 1, the World Food Program reported that it had been forced to temporarily suspend its food distribution in the north after fighting between unnamed parties made the area too dangerous for operations to continue.

Several international NGOs, including the International Human Rights Law Group (IHRLLG) and HRW, were run by local employees who monitored the situation inside the country. IHRLLG ran a series of legal education seminars for local attorneys.

In August, as mandated by the Bonn Agreement, an independent Afghan Human Rights Commission was formed. During the year, the Commission showed signs of independence from government control. By year's end, the Commission collected over 500 complaints or requests for assistance on human rights abuses. However, lack of financial resources and personnel confined the Commission's activities largely to Kabul.

In October the U.N. Special Rapporteur for Extra-Judicial, Arbitrary, or Summary Executions and the U.N. Special Rapporteur for Human Rights visited cities throughout the country.

In January and February, PHR conducted a survey of possible mass gravesites in the north, including Dasht-i Leli, where Taliban fighters who died in the custody of General Dostum's Jumbesh forces were allegedly buried. In April a U.N. team conducted a follow up visit to the Dasht-i Leli site and exhumed approximately 15 bodies. While General Dostum and other northern leaders issued public statements offering to cooperate with an investigation, northern authorities also indicated in the late summer and early fall that they could not provide security to investigators (see Section 1.g.).

Security conditions and instability in the north and southeast impeded NGO assistance activities. During the year, there were reports that commanders in the north were "taxing" humanitarian assistance, harassing NGO workers, obstructing aid convoys, and otherwise hindering the movement of humanitarian aid (see Sections 1.g. and 2.b.).

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

The 1964 Constitution, in effect under the Bonn Agreement, states that "The people of Afghanistan, without any discrimination or preference, have equal rights and obligations under the law." However, statutory law has not been modified to be consistent with anti-discrimination principles. At year's end, local custom and practices generally prevailed in much of the country. Discrimination against women was

widespread. However, its severity, varied from area to area, depending on the local leadership's attitude toward education for girls and employment for women and on local attitudes. Historically the minority Shi'a faced discrimination from the majority Sunni population. There was greater acceptance of persons with disabilities as the number of persons maimed by landmines and warfare increased and as the presence of persons with disabilities became more widespread.

Women.—Following the Taliban's fall from power, the arrival of the AIA, and easing of restrictions on women, the international community noted some improvements in the status of women; however, serious problems remained. HRW reported that advances in women's and girls' rights were tempered by growing government repression of social and political life. In December President Karzai decreed that women have the right to choose whether to wear the burqa. The central government named several women to cabinet positions and other areas of responsibility. Women in a number of places regained some measure of access to public life, health care, and employment; however, lack of education and limited employment possibilities continued to impede the ability of many women to improve their situation.

As lawlessness and sporadic fighting continued in areas outside Kabul, violence against women persisted, including beatings, rapes, forced marriages, and kidnappings. Such incidents generally went unreported, and most information was anecdotal. It was difficult to document rapes, in particular, in view of the social stigma that surrounds rape. Information on domestic violence and marital rape was limited. In a climate of secrecy and impunity, it was likely that domestic violence against women remained a serious problem.

Women actively participated in the Loya Jirga (*see* Section 3). Women were able to question leaders openly and discussed inter-gender issues during the Loya Jirga. Dr. Masouda Jalal, a woman, stood as a candidate for the presidency. However, some security officials attempted to intimidate female participants. For example, Defense Minister Fahim directly ordered a security official to desist when one guard tried to silence a woman questioner. During the Loya Jirga, AIA Minister for Women's Affairs Sima Samar received death threats for allegedly insulting Islam. Samar charged that fundamentalists who objected to her outspoken manner trumped up the allegation. The controversy did not end publicly until Supreme Court Chief Justice Fazl Shinwari exonerated her of the charge (*see* Section 2.c.).

Throughout the country, approximately 100 women were held in detention facilities. Many were imprisoned at the request of a family member. Some of those incarcerated opposed the wishes of the family in the choice of a marriage partner. Others had committed adultery. Some faced bigamy charges from husbands who granted a divorce only to change their minds when the divorced wife remarried. Other women faced similar charges from husbands who had deserted them and reappeared after the wife had remarried. In early November, President Karzai released 20 women in Kabul in an amnesty associated with Ramadan. However, Kabul's Police Chief Basir Salangi stated that the police would continue to arrest women if their husband or family brought a complaint to the authorities.

The law also provides that women are required to obtain permission from a male family member before having an application for a passport processed.

Women in the north, particularly from Pashtun families, were the targets of sexual violence throughout the year. According to HRW, Uzbek, Tajik, and Hazara commanders perpetrated many of the attacks. Local commanders, particularly in the north, used rape as a tool of intimidation against the international and local NGO community (*see* Section 2.c.).

There also were reports that minority women sometimes were subjected to forced marriage, which sometimes resulted in self-immolations. Although statistics were not available, hospital doctors reported that these self-immolations were increasingly common among young women in the western part of the country. For example, a 14-year-old arrived at the hospital in Herat in critical condition with burns over most of her body. She had been given in marriage to a 60-year-old man with grown children.

Discrimination against women in some areas was particularly harsh. Some local authorities excluded women from all employment outside the home, apart from the traditional work of women in agriculture; women were forbidden to leave the home except in the company of a male relative (*see* Section 2.d.). In November the Government revived the activities of the Department of Vice and Virtue, particularly in Kabul and Herat. During the year, that department changed its name to the Department of Accountability and Religious Affairs and planned to advocate only that women wear a headscarf in public. However, in December HRW alleged that women who were caught talking with men on the streets of Herat risked being seized by special moral police, taken to a hospital, and forced to undergo an exam to deter-

mine if they had sex. By year's end, these allegations had not been further substantiated.

According to NGOs, in Herat, the authorities in the spring and summer called in female NGO workers to instruct them to dress and behave "properly." There were no further reports of such meetings during the year; however, local authorities reportedly continued to exert strong pressure on women to conduct and dress themselves in accordance with a conservative interpretation of Islam and local customs. In November Judge Marzeya Basil was reportedly dismissed from her position in Kabul after local television broadcast pictures of her shaking hands with male foreign heads of state and not wearing a headscarf. The local broadcast of the visit also generated complaints from the public about women in the group appearing without headscarves. Court authorities in Kabul claimed that Basil was dismissed because she had been absent for more than 20 days from her position without permission.

In previous years, Taliban actions significantly reduced women's access to health care by excluding women from treatment by male physicians in most hospitals. During the year, some women continued to be denied access to adequate medical facilities. According to Management Sciences for Health, nearly 40 percent of the 756 basic primary-health facilities had no female workers, a major deterrent for women because societal barriers discouraged them from seeking care from male health workers. Life expectancy rates were estimated at 45 years for women and 46 years for men. Researchers found an average of 1,600 maternal deaths per 100,000 live births. In the same health survey, it was determined that only 10 percent of the country's hospitals had equipment to perform cesarean sections. In most regions, there was less than 1 physician per 10,000 persons. Health services reached only 29 percent of the population and only 17 percent of the rural population.

Since the fall of the Taliban, there were some improvements in the status of women, especially in the area of education. Unlike in previous years, girls were allowed to return to school and university; however, the lack of teachers, materials, and security concerns remained deterrents to girls' education. At year's end, education official in Herat Province reported that 97,906 girls enrolled in school during the year. According to the U.N., 500 of the 3,000 persons who took university entrance examinations were women.

Approximately 85 percent of women were illiterate and in rural areas, illiteracy rates among women often were nearly 100 percent.

Unlike in previous years, women in most areas were permitted to drive. In September an NGO that trains and counsels women in war-torn countries offered a driving school for women.

Children.—Local administrative bodies and international assistance organizations took action to ensure children's welfare to the extent possible; however, the situation of children was very poor. Approximately 45 percent of the population was made up of children age 14 or under. The infant mortality rate was 250 out of 1,000 births; Medecins Sans Frontieres reported in 2000 that 250,000 children per year die of malnutrition. One-quarter of children die before the age of 5. These figures most likely have increased due to another year of drought, intensified fighting, and massive displacement. A Management Sciences for Health study also found that only about one-fourth of all health facilities offer basic services for children, including immunization, antenatal care, postpartum care, and treatment of childhood diseases. An UNICEF study also reported that the majority of children were highly traumatized and expected to die before reaching adulthood. According to the study, some 90 percent have nightmares and suffer from acute anxiety, while 70 percent have seen acts of violence, including the killing of parents or relatives.

While girls throughout the country were able to attend school, the U.N. reported that in some areas a climate of insecurity persisted. In the spring, anonymous leaflets distributed at schools in the Kandahar area urged citizens not to cooperate with foreigners. On September 25, a girls' school near the northern town of Sar-i Pul was set on fire. In mid-September a small device reportedly detonated under a chair in a changing room in a coeducational primary school in Kandahar, causing minor injuries to a teacher. On October 25, in Wardak Province, unknown assailants fired rockets at the De Afghanan School. The school was badly damaged; however, no one was injured in the attack. A leaflet was left near the school denouncing the influence of foreigners on women and girls.

There were credible reports that both the Taliban and the Northern Alliance used child soldiers. Northern Alliance officials publicly stated that their soldiers must be at least 18 years of age, but press sources reported that preteen soldiers were used in Northern Alliance forces.

Persons with Disabilities.—The Government took no measures to protect the rights of persons with mental and physical disabilities or to mandate accessibility for them. In December hundreds of persons with disabilities protested against the State, claiming that the State was not doing enough to care for them. In addition, they demanded the resignation of the Minister of the Disabled, Abdullah Wardak, and accused him of not disbursing foreign aid meant for them. There reportedly has been increased public acceptance of persons with disabilities because of their increasing prevalence due to landmines or other war-related injuries. An estimated 800,000 persons suffered from disabilities requiring at least some form of assistance. Although community-based health and rehabilitation committees provided services to approximately 100,000 persons, their activities were restricted to 60 out of 330 districts, and they were able to assist only a small number of those in need.

Section 6. Worker Rights

a. The Right of Association.—The Bonn Agreement revived the 1964 Constitution's broad provisions for protection of workers and a mixture of labor laws from earlier periods; however, little is known about labor laws, their enforcement, or practices. Labor rights were not defined beyond the Ministry of Labor, and in the context of the breakdown of governmental authority there was no effective central authority to enforce them. The only large employers in Kabul were the Governmental structure of minimally functioning ministries and local and international NGOs.

b. The Right to Organize and Bargain Collectively.—Current law is not fully in compliance with internationally recognized workers rights to form free trade unions. The country lacks a tradition of genuine labor-management bargaining. There were no known labor courts or other mechanisms for resolving labor disputes. Wages were determined by market forces, or, in the case of government workers, dictated by the Government.

There were no reports of labor rallies or strikes.

There were no export processing zones.

c. Prohibition of Forced or Bonded Labor.—The 1964 Constitution prohibits forced or bonded labor, including by children; however, little information was available regarding forced or compulsory labor.

d. Status of Child Labor Practices and Minimum Age for Employment.—According to labor laws, children under the age of 15 were not allowed to work more than 30 hours per week. However, there was no evidence that authorities in any part of the country enforced labor laws relating to the employment of children. Children from the age of 6 often worked to help support their families by herding animals in rural areas and by collecting paper and firewood, shining shoes, begging, or collecting scrap metal among street debris in the cities. Some of these practices exposed children to the danger of landmines.

The Government was not a party to the ILO Convention 182 on Child Labor. However, according to the Ministry of Labor and Social Affairs, the country followed ILO standards regarding child labor.

e. Acceptable Conditions of Work.—According to labor laws, the average workweek for laborers was 40 hours. However, there was no available information regarding a statutory minimum wage or maximum workweek, or the enforcement of safe labor practices. Many workers apparently were allotted time off regularly for prayers and observance of religious holidays. Most persons worked in the informal sector.

f. Trafficking in Persons.—There was no legislation prohibiting trafficking in persons. A July U.N. report on Women and Human Rights reported increasing anecdotal evidence of trafficking in Afghan girls to Pakistan, Iran, and the Gulf States. Some girls reportedly were kept in brothels used by Afghans. The whereabouts of many of the girls, some as young as 10, reportedly kidnaped and trafficked by the Taliban remained unknown.

The U.N. July report also noted that many poor families were promising young girls in marriage to satisfy family debts.

There were a number of reports that children, particularly from the south and southeast, were trafficked to Pakistan to work in factories.

BANGLADESH

Bangladesh is a parliamentary democracy, with broad powers exercised by the Prime Minister (PM). PM Khaleda Zia, leader of the Bangladesh Nationalist Party (BNP), came to power in elections on October 1, 2001, deemed to be free and fair by international and domestic observers. The BNP formed a four-party alliance gov-

ernment with Jamaat-e-Islami, Bangladesh Jatiya Party (BJP), and Islami Oikko Jote (IOJ). Political competition is vigorous, and violence is a pervasive feature of politics, including political campaigns. The October 2001 elections, supervised by a non-party Caretaker government (CG), took place in a climate of sporadic violence and isolated irregularities. All of the major parties boycotted Parliament while in the opposition, claiming that they had little opportunity to engage in real debate on legislative and national issues. The higher levels of the judiciary displayed a significant degree of independence and often ruled against the Government; however, lower judicial officers were reluctant to challenge government decisions and suffered from corruption. The Official Secrets Act of 1923 can protect corrupt government officials from public scrutiny, hindering the transparency and accountability of the Government at all levels.

The Home Affairs Ministry controlled the police and paramilitary forces, which had primary responsibility for internal security. Police were often reluctant to pursue investigations against persons affiliated with the ruling party, and the Government frequently used the police for political purposes. There was widespread police corruption and lack of discipline. Security forces committed numerous serious human rights abuses and were rarely disciplined, even for the most egregious actions.

Annual per capita income among the population of approximately 131.2 million was approximately \$375. The economy is market-based, but the Government owned most utilities, many transport companies, and large manufacturing and distribution firms. A small elite controlled much of the private economy, but there was an emerging middle class. Foreign investment was concentrated in the gas sector and in electrical power generation facilities. Earnings from exports fell by 8 percent, but remittances from workers overseas increased. Foreign aid remained an important source of national income. Efforts to improve governance through reform have been unsuccessful, often blocked by bureaucratic intransigence, vested economic interests, endemic corruption, and political polarization.

The Government's commitment to economic reform was piecemeal, although it has taken some difficult decisions, including closing money-losing state-owned enterprises.

The Government's human rights record remained poor and it continued to commit numerous serious human rights abuses. Security forces committed a number of extrajudicial killings, and deaths in custody more than doubled from 2001. Both major political parties often employed violence, causing deaths and numerous injuries. According to press reports, vigilante justice resulted in numerous killings. Police routinely used torture, beatings, and other forms of abuse while interrogating suspects and frequently beat demonstrators. The Government rarely punished persons responsible for torture or unlawful deaths. Prison conditions were extremely poor.

The Government continued to arrest and detain persons arbitrarily, and to use the Special Powers Act (SPA) and Section 54 of the Code of Criminal Procedure, which allowed for warrantless arrest and preventive detention. The Government replaced the Public Safety Act (PSA), which lacked bail provisions, with the Speedy Trial Act (STA), which provided for quicker disposal of cases and bail. The lower judiciary was subject to executive influence and suffered from corruption. A large judicial case backlog existed and lengthy pretrial detention was a problem. Police searched homes without warrants, and the Government forcibly relocated illegal squatter settlements. Virtually all journalists practiced some self-censorship. Attacks on journalists and efforts to intimidate them by government officials, political party activists, and others increased. The Government limited freedom of assembly, particularly for political opponents, and on occasion, limited freedom of movement. The Government generally permitted a wide variety of human rights groups to conduct their activities, but it brought a number of nongovernmental organizations (NGOs) under intense scrutiny. Violence and discrimination against women remained serious problems. Abuse of children and child prostitution were problems. Societal discrimination against persons with disabilities, indigenous people, and religious minorities was a problem. The Government limited worker rights, especially in the Export Processing Zones (EPZs), and was ineffective in enforcing those workers' rights in place. Some domestic servants, including many children, worked in conditions that resembled servitude and many suffered abuse. Child labor and abuse of child workers remained widespread and were serious problems. Trafficking in women and children for the purpose of prostitution and at times for forced labor remained serious problems. Bangladesh was invited by the Community of Democracies' (CD) Convening Group to attend the November 2002 second CD Ministerial Meeting in Seoul, Republic of Korea, as a participant.

RESPECT FOR HUMAN RIGHTS

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

a. Arbitrary or Unlawful Deprivation of Life.—Security forces committed a number of extrajudicial killings. The police; the paramilitary organization, Bangladesh Rifles (BDR); the auxiliary organization, Ansar; and the army used unwarranted lethal force.

According to one human rights organization, 83 persons died as a result of the use of lethal force by the police and other security forces during the year. Fifteen of those deaths occurred during the army-led anti-crime drive “Operation Clean Heart” that began on October 16. An additional 148 deaths occurred in custody, 31 of those following arrest and interrogation by the army during Operation Clean Heart. Government statements regarding these deaths at first asserted that the deceased had died of heart attacks or of drowning while trying to escape. However, on November 18 the Government’s Principal Information Officer stated that there had been no deaths in army custody (as of that date the death toll was 36) and on November 24 he alleged that some newspaper reports on deaths related to Operation Clean Heart were baseless.

Jamaluddin Fakir, an Awami League (AL) student activist, died on April 19 as a result of police torture at the Kapsasia police station in the Gazipur district. Human rights organizations concluded that Fakir’s death was a result of torture while in police custody. The Government suspended two police officers and investigated the incident. Fakir’s mother filed murder charges with a local court after the police station refused to register the case.

On May 9, the Detective Branch (DB) police in Narayanganj arrested four persons, including Badal, suspected in a rape and murder incident. According to Badal’s mother, police tortured her son. On May 17, Badal became critically ill and died. A fellow detainee reported that the police blindfolded detainees and tortured them. He said Badal faced the most severe torture, including possibly electric shocks. Police denied having tortured Badal. Badal’s mother filed a murder case against the police but withdrew it under threats and pressure.

In early June, BDR personnel killed Mohammed Sohel during an anticrime drive in Dhaka. The BDR claimed that Sohel had died from falling off a roof; others disputed that claim. Human rights organizations asserted that Sohel died from torture.

On October 28, according to a newspaper report, army personnel assaulted Abul Hossain Litu at his poultry farm. According to Litu’s wife, army personnel claimed that Litu was a member of the criminal group “Seven Star.” When he did not produce firearms as they demanded, they tortured him until he died. After Litu’s wife filed murder charges against Major Kabir and his troops, a lower court ordered the police to investigate the charges.

On November 8, army personnel arrested Abu Sufain, a BNP activist, during Operation Clean Heart. According to newspaper reports, Sufain became ill during interrogation on November 9 and died. An inquest report was prepared and an autopsy was performed. Newspapers reported that the inquest report made mention of signs of injury on Sufain’s legs and hands. Investigation by a human rights NGO revealed that Abu Sufain died due to torture by army personnel.

In February 2001, after the High Court ruled that all “fatwas” (expert opinions on Islamic law) were illegal (*see* Section 2.c.), NGOs organized a rally in Dhaka to applaud the ruling. Some Islamic groups blocked roads into the city and tried to disrupt the rally. In the ensuing violence, a policeman was killed. Police arrested leaders of the IOJ a member of the four-party opposition alliance in connection with the killing. In Brahmanbaria some Muslim leaders called a “hartal” (general strikes which were often used by opposition parties and other groups) to demand the reversal of the High Court verdict and the release of the arrested IOJ leaders. Several thousand persons marched in a demonstration that became violent. When police and paramilitary forces opened fire, they killed 6 persons and injured 25 others. During the clash, 15 policemen were also injured. After a mob attacked the police station in retaliation, the police shot and killed three more persons.

According to one human rights organization, 117 persons died in prison and police custody during the year (*see* Section 1.c.). Moreover, an additional 31 deaths occurred after security forces detained suspects during the army-led anticrime drive “Operation Clean Heart.” Most abuses go unpunished, and the resulting climate of impunity remained a serious obstacle to ending abuse and killings. However, in some instances where there was evidence of police culpability for killings, the authorities took action.

On March 14, a district and sessions court in Natore convicted a police sub-inspector and nine others for the 1994 killing of a youth in custody. The court sentenced the police officer to a 10-year prison term and the others to life in prison.

Violence, often resulting in deaths, was a pervasive element in the country's politics (*see* Sections 1.c. and 3). Supporters of different political parties, and often supporters of different factions within one party, frequently clashed with each other and with police during rallies and demonstrations. According to human rights organizations, more than 420 persons were killed and nearly 8,741 others were injured in politically motivated violence throughout the year. BNP supporters, often with the connivance and support of the police, violently disrupted opposition party rallies and demonstrations (*see* Sections 2.b. and 3). However, there were no reports of deaths from violence related to hartals.

On May 2, the police filed charges against Alhaj Maqbul Hossain, former AL M.P. for the Dhanmondi area of Dhaka, Mohammed Sadeq Khan, former Dhaka City Commission ward commissioner, and 11 others for the 1999 murder of Sajal Chowdhury, a BNP activist. On November 23, Khan was denied bail and sent to the Dhaka Central Jail. Hossain and another accused were out on bail. The remaining 10 accused were still at large at year's end.

Between May and October, four newly elected BNP-backed ward commissioners of Dhaka City Corporation were shot and killed by unknown assailants. On October 4, police arrested eight persons for their alleged involvement in the murders.

On June 9, Sadequunnahar Sony, a student of Bangladesh University of Engineering and Technology (BUET), was killed in the crossfire between two factions of the JCD. Sony's death sparked protests from students and teachers, ultimately leading to the closure of BUET and the banning of student politics on campus. After the university reopened in August, student groups protested the ban.

In June 2001, an explosion during a meeting at an AL office in Narayanganj killed 20 and injured over 100 persons. The AL government accused 27 persons from the BNP and the Freedom Parties in connection with the bombing. Six persons were arrested and subsequently released on bail. In May the son of a woman who was killed in the bombing filed charges against 58 leaders and activists of the AL and Jatiya Party. The accused included local AL leader Khokon Shaha and former AL M.P. Shamim Osman. Most of the others accused have secured bail from the High Court. The Criminal Investigation Department (CID) was investigating the case. In mid-September a commission investigating bombings that took place during the previous administration submitted its report to the Government. In its report, the commission blamed Sheikh Hasina and some of her AL party colleagues for six of the seven bomb attacks in the second half of the AL administration (*see* Section 2.c.).

The trial of the July 2000 killing of eight persons, including six members of the Bangladesh Chhatra League (BCL) was ongoing.

In April 2001, the High Court upheld the 1998 convictions of 12 of the 15 persons sentenced to death for the 1975 murder of then-President Sheikh Mujibur Rahman (father of AL President and former Prime Minister Sheikh Hasina) and 21 of his family members. Of the 12 persons convicted, 4 were in custody. The 11 others, living outside of the country, were convicted in absentia. The appeals process has been stalled because three of the seven-member appellate panel of the Supreme Court have refused to hear the case and two other judges have been recused due to their participation in the hearing at the High Court level. The case could progress if the Government would appoint an ad hoc judge to the appellate division for the purpose of completing this case; however, by the end of the year, this has not happened.

Four of the eight persons accused of perpetrating the November 1975 killings in jail of four senior AL leaders remained in prison. Their trial began in April 2001. Thirteen others living outside of the country were being tried in absentia (*see* Section 1.e.). Four of the eight persons originally imprisoned were released on bail in December 2001. The case was still being actively pursued through the courts.

Press reports of vigilante killings by mobs were common. Newspapers on numerous occasions reported that mobs had beaten alleged muggers, sometimes to death. Press editorials and commentaries commented that the increasing mob violence reflected a breakdown of law and order and a popular perception that the criminal justice system did not function.

Violence along the border with India remained a problem. According to press accounts and human rights groups, border violence has claimed several hundred citizen lives during the last 5 years. Domestic human rights NGOs reported that Indian border forces killed as many as 105 citizens during the year.

b. Disappearance.—On November 11, police and army personnel arrested Mintoo Ghosh and, according to his mother, took him to an unknown location. Ghosh's mother had not seen him since then. On November 17, she filed a case requesting the officer-in-charge of the Sutrapur police station inform her of Ghosh's whereabouts.

In August 2001, Abu Taher, General Secretary of the AL in Laxmipur, and one other suspect were jailed for the alleged abduction in September 2000 of Nurul

Islam, a BNP official. In August charges were filed against 31 persons including Taher, his wife, and two of his sons following the jail cell confession of one of the other suspects. The suspect who confessed said that he and the others accused disposed of Nurul Islam's body in the Meghna River. On October 23, the trial began. Taher's wife, her eldest son, and 17 others accused were still at large. On December 25, it was announced that the court proceedings were likely to be switched to the Divisional Special Trial Tribunal in Chittagong.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.—The Constitution prohibits torture and cruel, inhuman, or degrading punishment; however, police routinely employed physical and psychological torture and other abuse during arrests and interrogations. Torture may consist of threats and beatings, and the use of electric shock. The Government rarely convicted or punished those responsible for torture, and a climate of impunity allowed such police abuses to continue.

On February 28, A.F.M. Bahauddin Nasim, aide to Sheikh Hasina, was arrested. Nasim's lawyers claimed Nasim suffered severe torture while in police and army custody, including having his hands and feet tied, his head covered, and being hung upside down and spun. The police also allegedly beat Nasim on various parts of his body with glass bottles filled with hot water and administered electric shocks. After meeting her husband in prison, Nasim's wife, Dr. Sultana Shamim Chowdhury, told reporters that she saw visible signs of torture on his body. Originally arrested under Section 54, the Government filed numerous charges against Nasim in an effort to keep him jailed as long as possible. On December 30, the High Court declared his detention illegal and ordered his release (*see* Section 1.d.).

On April 4, two policemen allegedly detained A.T. Shamsuzzaman, owner of a restaurant in the Mohakhali section of Dhaka and assaulted him for his failure to pay extortion. At the Gulshan police station, police kicked and beat him with a baton. Shamsuzzaman told human rights investigators that the policemen took money from him at his restaurant.

On July 24, male and female police officers entered a female student dormitory at Dhaka University (DU), dragged female students out of the dormitories, and beat them. Some of the victims alleged sexual harassment by male police officers. The police detained 18 students overnight. Thirty students were injured in the raid. A one-member judicial commission investigated the incident and found DU administrators and police officers responsible for the incident. The commission report recommended banning teacher participation in politics on campus. On October 13, the inquiry committee formed by DU authorities submitted its report October 13 to the university Vice Chancellor with nine recommendations, including transfer of all officers and employees of the hall and taking action against Zannatul Kanon, the individual who filed the charges, for filing cases against students. Police and BDR personnel conducted raids at DU dormitories several times throughout the year and recovered some weapons. They also arrested some students and outsiders on campus.

On August 21, BNP workers dragged AL leader Chhabi Rani Mondol into the BNP office at Rampal in Bagerhat. They beat her with hammers and clubs on the face, chest, and forehead. Her attackers allegedly took photographs of her nude before throwing her out onto the road. A local BNP chapter expelled four of the persons involved in the incident and dissolved the Rampal unit of the party. Officials were pursuing a case filed by Mondol against 15 persons in the incident. Police arrested 3 of the 15 accused. The Government suspended and then reassigned a police officer for negligence in the case.

During Operation Clean Heart in October, an individual was arrested by the police and taken into custody. Relatives and friends were not permitted to see him. While in custody he was blindfolded and taken to an unknown location. There he was hung upside down and beaten on his hips, buttocks and thighs for an extended amount of time. His interrogators accused him of being an agent of the Indian government and state enemy and instructed him to leave the country. Interrogators also ordered him to urinate into an electrified bucket. He remained confined in a very small cell for at least 2 more weeks.

Rape of female detainees in police or other official custody has been a problem in the past. While there were no reports of such rapes during the year, it was unclear whether the situation has improved or whether rapes continued and were not being reported.

Police have been known to rape women not in custody, as well. One human rights organization documented seven cases of rape and, during the first 6 months of the year, six cases of attempted rape by law enforcement officials against women not in custody.

In addition, after women reported that they were raped or involved in family disputes, they frequently were detained in "safe custody" (in reality, confined in jail

cells) where they endured poor conditions and were sometimes abused and raped (see Section 5). Although the law prohibits women in safe custody from being housed with criminals, in practice, no separate facilities existed. This year the Government began transferring women in safe custody to vagrant homes or NGO-run shelters, where available.

The police often employed excessive, sometimes lethal, force in dealing with opposition demonstrators (see Sections 1.a. and 2.b.).

Police corruption remained a problem, and there were credible reports that police facilitated or were involved in trafficking in women and children (see Section 6.f.). In July the Law Commission, an independent body, recommended amendments to Section 54 to curb police abuse. None of the recommendations had been adopted by the end of the year. Extortion from businesses and individuals by law enforcement personnel and persons with political backing was common, and businessmen on several occasions went on strikes to protest the extortion.

Human rights groups and press reports indicated that vigilantism against women for perceived moral transgressions occurred in rural areas, often under a fatwa (a proclamation from an Islamic leader) (see Section 2.c.), and included punishments such as whipping. One human rights organization recorded 32 such fatwa cases during the year. In these cases, 19 persons were lashed and others faced punishments ranging from physical assault to shunning of families by their communities.

Rejected suitors, angry husbands, or those seeking revenge sometimes threw acid on a woman's face (see Section 5).

Prison conditions were extremely poor and were a contributing factor in some custodial deaths. One human rights organization reported that 148 persons died in custody during the year (see Section 1.a.). Most prisons were overcrowded and lacked adequate facilities. Government figures indicated that the existing prison population of roughly 75,000 was 300 percent of the official prison capacity of approximately 25,000. Prison population figures included 2,000 women and approximately 1,200 children under the age of 16. Of the entire prison population, approximately 25 percent of those detained had been convicted and 71 percent were being tried or awaiting trial. In some cases, cells were so crowded that prisoners slept in shifts. At the end of the year the Dhaka Central Jail (DCJ) reportedly housed approximately 11,500 prisoners in a facility with a capacity of just over 2,600. A new prison facility in Kashimpur, north of Dhaka, opened in September 2001 although the first phase of construction for it had yet to be completed. Law Minister Moudud Ahmed told the official news agency that the first phase of the construction work for the Kashimpur jail would be completed soon, but did not provide a date for its completion.

There were reports of rampant corruption and irregularities in the prisons. In August the new Inspector General of Prisons found gross irregularities inside DCJ and transferred 17 officials from DCJ to other prisons. According to a newspaper report, a deputy inspector general (DIG) of prisons fled from Chittagong after receiving death threats because of his investigation of irregularities in the jail there. The DIG had confiscated two truckloads of unauthorized materials, including knives and liquor, intended for notorious criminals incarcerated there.

The treatment of prisoners in the jails was not equal. There were three classes of cells: A, B, and C. Common criminals and low-level political workers generally were held in C cells, which often have dirt floors, no furnishings, and poor quality food. The use of restraining devices on prisoners in these cells was common. Conditions in A and B cells were markedly better; A cells were reserved for prominent prisoners. B cells were considered 'second class' and were reserved for convicted individuals. Those confined to B cells received items like clothing that other detainees and prisoners being tried did not receive.

Juveniles were required by law to be detained separately from adults; however, due to a lack of facilities, in practice many were with adult prisoners.

In general the Government did not permit prison visits by independent human rights monitors, including the International Committee of the Red Cross (ICRC). Government-appointed committees of prominent private citizens in each prison locality monitored prisons monthly, but did not release their findings. District judges occasionally also visited prisons, but rarely disclosed their findings.

d. Arbitrary Arrest, Detention, or Exile.—The Government continued to arrest and to detain persons arbitrarily, as well as to use national security legislation such as the SPA of 1974 to detain citizens without formal charges or specific complaints being filed against them. The Constitution states that each person arrested shall be informed of the grounds for detention, provided access to a lawyer of his choice, brought before a magistrate within 24 hours, and freed unless the magistrate authorizes continued detention. However, the Constitution specifically allows preventive detention, with specified safeguards, outside these requirements. In practice au-

thorities frequently violated these constitutional provisions, even in nonpreventive detention cases. In an April 1999 ruling, a two-judge High Court panel criticized the police force for rampant abuse of detention laws and powers. There has been no change in police methods since that ruling.

Under Section 54 of the Code of Criminal Procedure, individuals may be detained for suspicion of criminal activity without an order from a magistrate or a warrant. Some persons initially detained under Section 54 subsequently were charged with a crime, while others were released without any charge. According to one human rights organization, a total of 755 persons were detained under the SPA during the first 6 months of 2001. Another human rights organization, quoting prison authorities, cited the number of SPA detainees at 655. No data is available for detentions this year; however, on December 23 two benches of the High Court Division of the Supreme Court declared 138 detentions illegal and ordered the release of the detainees. All the detained persons were arrested under Section 54 and were being held under the SPA. The Government frequently used Section 54 to harass and intimidate members of the political opposition and their families. Police sometimes detained opposition activists prior to and during demonstrations without citing any legal authority, holding them until the event was over. Newspapers reported instances of police detaining persons to extract money or for personal vengeance.

Under the SPA, the Government or a district magistrate may order a person detained for 30 days to prevent the commission of an act likely "to prejudice the security of the country." Other offenses subject to the SPA include smuggling, black market activity, or hoarding. The magistrate must inform the detainee of the grounds for detention within 15 days, and the Ministry of Home Affairs must agree with the grounds presented for detention within 30 days or release the detainee. The Government does not have to charge the detainee with a statutory crime. In practice detainees sometimes were held for longer periods. Detainees may appeal their detention, and the Government may grant early release.

An advisory board composed of two persons who have been, or are qualified to be, high court judges and one civil servant are supposed to examine the cases of SPA detainees after 4 months. On June 19, the High Court stated that the Government does not have any right to extend detention and, as such, SPA detainees must be released after 30 days unless the advisory board recommends an extension. The High Court judgment also made mandatory the requirement that authorities inform the court of the grounds for the detention order against the accused within 15 days and, if possible, earlier. On June 24, the Appellate Division of the Supreme Court concurred with the High Court judgment. If the Government adequately defends its detention order, the detainee remains imprisoned; if not, the detainee is released. If the defendant in an SPA case is able to present his case before the High Court in Dhaka, the High Court generally rules in favor of the defendant. However, many defendants either were too poor or, because of strict detention, were unable to obtain legal counsel and thereby moved the case beyond the magistrate level. Magistrates subject to the administrative controls of the Establishment Ministry were less likely to dismiss a case (*see* Section 1.e.). Detainees were allowed to consult with lawyers, although usually not until a charge was filed; however, they were not entitled to be represented by a lawyer before an advisory board. Detainees may receive visitors. The Government has held incommunicado prominent prisoners for extended amounts of time.

According to a September 2000 study by a parliamentary subcommittee, 98.8 percent of the 69,010 SPA detainees over a period of 26 years were released on orders from the High Court. The study asserted that SPA cases generally were so weak and vague that the court had no alternative but to grant bail. This situation continued at year's end.

On February 25, police arrested 10 leaders of BCL near the residence of the AL president without warrant or charges. The police filed a case against them under Section 54 and sought a 7-day custody period from the court. The magistrate rejected the custody request and granted bail. The individuals, however, could not be released because the police had requested their continued detention under the SPA. After successfully challenging the detention order, seven of these arrested were released from DCJ on March 27. The remaining were released later, but were re-arrested several times.

On March 4, the AL presidium expressed concern over the whereabouts of A.F.M. Bahauddin Nasim, personal assistant to Sheikh Hasina. The presidium stated that Nasim was arrested and accused in a number of criminal cases, was kept incommunicado and was tortured. In an April 3 ruling, the High Court ordered the Government to disclose where and under what authority they were holding Nasim. The Appellate Division of the Supreme Court stayed the order. Nasim faced criminal charges, including sedition and remained in prison. Originally arrested under Sec-

tion 54, he was charged with smuggling foreign currency. On April 12, he was charged with taking part in the June 2001 armed attack of Khaleda Zia's motorcade. The hearing on the sedition charges began on October 16. On September 17, the High Court ruled against the Government regarding Nasim's petition to have he smuggling charges dismissed. In November the High Court granted him bail on all charges and on December 30 declared his detention illegal and ordered his release (*see* Section 2.d.).

On March 15, police arrested former State Minister Dr. Mohiuddin Khan Alamgir under Section 54 and later detained him under the SPA. Alamgir was charged in a total of eight cases as of the end of the year ranging from misappropriating grant funding, corruption, and to sedition. On August 3, the High Court declared the SPA detention of Alamgir illegal. In total he had been detained for six months. Alamgir was granted bail on all eight of the alleged offenses while he awaited trial (*see* Section 2.d.).

On October 20, the army, during Operation Clean Heart, arrested Saber Hossain Chowdhury, political secretary to Sheikh Hasina. He was given 2 days remand and charged under Section 54. On October 24, he was charged in two cases, one in connection with the attack on Khaleda Zia's motorcade in June 2001 and the other for attempted embezzlement. The High Court declared his detention illegal in November and ordered him released from prison. On December 14, the High Court again issued a ruling questioning the legality of Chowdhury's detention.

The Government used Section 54 and the SPA to arrest and detain many other opposition activists, including former M.P.s Haji Selim and Kamal Ahmed Mujumder, as well as AL leader and activist Sayeed Kokon, and former General Secretary of BCL, Ashim Kumar Ukil.

On April 2, Parliament scrapped the Public Safety Act enacted by the AL government in January 2000. The BNP alleged widespread AL government misuse of the PSA to harass and detain political opponents.

Like the SPA, the PSA allowed police to circumvent normal procedures, which led to arrests based on little or no concrete evidence. A week after the repeal of PSA, Parliament passed the Law and Order Disruption Crimes Speedy Trial Act (STA) to remain in force for 2 years if not extended. It contains a provision for the trial of those accused of certain crimes in special courts from 30 to 60 days after arrest. Unlike the PSA, the STA has a bail provision, but made it mandatory for the court to record the grounds for granting bail. As a safeguard against misuse of the law, it provided punishment for bringing false charges with jail terms from 2 to 5 years. On June 23, in response to a writ filed by Lalmonirhat Bar Association President Matiur Rahman, who was charged under the STA on June 13, the High Court requested the Government to explain why the STA should not be declared unconstitutional. In general there have not been allegations of widespread misuse of the STA.

In November 2001, the police Special Branch detained Shariar Kabir and held him for 2 days before charging him with carrying out seditious acts abroad. On January 20, Kabir was released on bail and a sedition case against him remained pending. On December 8, police arrested Kabir, along with several other AL leaders, under Section 54 following a series of deadly bomb explosions in Mymensingh cinema halls. He was charged with involvement in acts of sabotage and subversion. Kabir was given 30 days' detention on December 12 and charged with antistate activities in another case, involving two foreign journalists associated with British TV and their local facilitators. On December 15, a High Court ruling questioned the legality of Kabir's SPA detention and directed the Government to pay compensation to Kabir as well as provide him with medical care. Kabir was granted ad interim bail on December 18 in connection with the British TV case, however the Government failed to produce him as ordered by the court and he remained in jail at year's end.

There was a system of bail for criminal offenses that was employed for both violent and nonviolent crimes. However, some provisions of the law precluded the granting of bail. The Women and Children Repression Prevention Act provides special procedures for persons accused of violence against women and children. The law calls for harsher penalties, provides compensation to victims, and requires action against investigating officers for negligence or willful failure in duty.

Some human rights groups expressed concern that the non-bailable period of detention was an effective tool for exacting personal vengeance.

In February, the Government released one Indian and four Burmese nationals from DCJ following a January High Court order to end their illegal detention (*see* Section 2.d.). The Burmese nationals were arrested in September 1994 under the Foreigners Act for entering the country without valid travel documents and were given jail sentences of a maximum of 5 months. The Indian national arrested under the same law in 1999 was sentenced to a 16-month prison term. The High Court

ordered the Government to grant the five's request for political asylum or to transport them to a third country. In April officials of the Ministry of Foreign Affairs decided to repatriate 731 foreigners who had served their jail terms.

In July 2 months after his death, Falu Miah won a compensation suit for his unlawful detention of more than 21 years. Police arrested Falu Miah in connection with a robbery in August 1972. He was never brought before a court during his imprisonment and was not informed of the reason for his detention. The court acquitted him 10 days after his release on bail.

On August 28, Faruk Miah, a victim of mistaken identity, was released from prison in Kishoreganj after 30 months of imprisonment. The police had arrested him in February 2000 in connection with a case in which he was not involved.

In June police arrested an 11-year-old boy and sent him to prison after a detained smuggler named the boy and other members of the boy's family as accomplices. The local chapter of a human rights organization filed a petition with the court to secure the boy's release.

On July 21, a High Court bench issued a ruling against a police officer in Manikganj after newspapers reported that the officer had filed charges against an 18-month-old boy in a case for allegedly taking part in a clash. The High Court ordered the child's acquittal on the charges.

The Government sometimes used serial detentions to prevent the release of political activists.

On March 27, the High Court declared the February 25 SPA detention of three top leaders of Bangladesh Chhatra League-Liaqat Shikder, Nazrul Islam Babu and Rafiqul Islam Kotowal-illegal and ordered their release. They were rearrested at the entrance of the jail and accused in a previously filed murder case. On April 1, the metropolitan sessions judge granted them interim bail but two more cases were filed against them and the police again arrested them. On September 9, in a written statement made by Shikder's mother, she claimed Shikder had become seriously ill due to continuous torture. In September all three were released from jail.

In March 2001, JP Chairman Ershad was detained under the SPA after the court ordered his release upon payment of a fine in a corruption case. He faced numerous other charges at year's end.

On July 15, AL President Sheikh Hasina told reporters that 450,000 of her supporters were implicated in false cases throughout the country since the Government took office in October 2001. Law Minister Moudud Ahmed stated that the AL government had filed 17,000 political cases and harassed about 425,000 opposition activists during its rule between 1996 and 2001, giving as examples the 154 cases the AL government filed against M.P. Sadeq Hossain Kholā and 114 cases filed against M.P. Amanullah Aman. On March 3, Home Minister Altaf Hossain Chowdhury said that since coming to power in October 2001, the Government had released 11,706 persons detained in 960 politically motivated cases filed under the previous government.

It is difficult to estimate the total number of detentions for political reasons. Many activists were charged for crimes, and many criminals claim to be political activists. Because of crowded court dockets and magistrates who were reluctant to challenge the Government, the judicial system did not deal effectively with criminal cases that may be political in origin. There was no independent body with the authority and ability to monitor detentions or to prevent, detect, or publicize cases of political harassment. Most such detentions appeared to last for several days or weeks. Defendants in most cases receive bail, but dismissal of wrongful charges or acquittal may take years.

The Constitution does not address exile, but does provide for the right of free movement within the country, foreign travel, emigration, and repatriation. The Government did not use forced exile.

e. Denial of Fair Public Trial.—The Constitution provides for an independent judiciary; however, under a longstanding "temporary" provision of the Constitution, the lower courts remained part of the executive and were subject to its influence. The higher levels of the judiciary displayed a significant degree of independence and often ruled against the Government in criminal, civil, and even politically controversial cases. However, there was corruption within the legal process, especially at lower levels. Corruption within the police force and lack of transparency of police investigations delayed or thwarted justice in many cases.

Victims of police abuse were generally reluctant to file cases against the police, as there was no independent body charged with investigation of criminal allegations against members of the police force. However, a December 2001 ruling of the High Court bench found that police presence during a judicial inquiry of alleged victims of police abuse was illegal.

The court system has two levels: the lower courts and the Supreme Court. Both hear civil and criminal cases. The lower courts consisted of magistrates, who were part of the executive branch of the Government, and session and district judges, who belonged to the judicial branch.

In June 2001, the Supreme Court reaffirmed a 1997 High Court order to separate the judiciary from the executive. The ruling declared which elements of the 1997 order could be implemented without constitutional amendment and ordered the Government to implement those elements within 8 weeks. The AL government did not implement the directive. In August 2001, Ishtiaq Ahmed, law advisor to the caretaker government, announced that the judiciary would be separated from the executive by promulgating an ordinance and left the job of implementing the ordinance to the next elected government. The newly elected government formed a cabinet committee to develop implementation plans. However, the committee has made slow progress, drawing criticism from the Appellate Division of the Supreme Court. The appellate panel has extended the period for implementation of its directives on several occasions at the request of the Government and the latest deadline for implementation is scheduled for January 26, 2003.

The Supreme Court is divided into two sections: the High Court and the Appellate Court. The High Court hears original cases and reviews cases from the lower courts. The Appellate Court has jurisdiction to hear appeals of judgments, decrees, orders, or sentences of the High Court. Rulings of the Appellate Court are binding on all other courts.

Due to the judicial system's million-case backlog, the Ministry of Law initiated a pilot program in the city of Comilla offering Alternative Dispute Resolution (ADR) in some civil cases. Citizens have the opportunity to have their cases mediated by persons with a background in law before filing their cases. According to government sources, the pilot program, initiated in family courts in 15 districts in 2001, was very successful and popular among citizens. According to the Law, Justice, and Parliamentary Affairs Minister Moudud Ahmed, the program was to be extended to all the remaining 49 district family courts by the end of the year.

Early in the year, the number of judges on the appellate panel of the Supreme Court was raised from five to seven so the appellate panel could split into two benches and more quickly dispose of cases. The Home Ministry formed a special committee to monitor progress of proceedings for more than 100 high-profile cases and provide directives to government agencies to speed up the trials. In one case, the Dhaka Metropolitan Sessions court completed a kidnaping/murder trial in 27 working days.

On October 24, President Iajuddin Ahmed signed an ordinance instituting a "Special Tribunal for Speedy Trial" system that would cover six major criminal offences. The new law deals with crimes including murder, rape, possession of illegal arms, narcotics and explosives, and hoarding. It was signed into law while Parliament was not in session, but was ratified in Parliament November 14 during an opposition walkout. Thirty cases were initially sent to the 'tribunals' for trial. The High Court issued a show cause notice concerning the constitutionality of the law on December 15.

Trials were public. The law provided the accused with the right to be represented by counsel, to review accusatory material, to call witnesses, and to appeal verdicts. State funded defense attorneys rarely were provided, and there were few legal aid programs to offer financial assistance. There is no mandated provision of counsel for accused indigents, but the Government does appoint lawyers to represent individuals tried in absentia. In rural areas, individuals often did not receive legal representation. In urban areas, legal counsel generally was available if individuals can afford the expense. However, sometimes detainees and suspects in police detention were denied access to legal counsel. Trials conducted under the SPA, the PSA, and the Women and Children Repression Prevention Act were similar to normal trials, but were tried without the lengthy adjournments typical in other cases. Under the provisions of the PSA, STA, and the Women and Children Repression Prevention Act, special tribunals heard cases and issued verdicts. Cases under these laws must be investigated and tried within specific time limits, although the law was unclear as to the disposition of the case if it is not finished before the time limit elapses (*see* Section 1.d.).

Persons may be tried in absentia, although this rarely occurred. Thirteen of the 21 persons accused in the 1975 "jail killing" case were being tried in absentia and eight of those convicted of killing Sheikh Mujibur Rahman and 21 members of his family were convicted in absentia in 1998 (*see* Section 1.a.). There is no automatic right to a retrial if a person convicted in absentia later returns. Absent defendants may be represented by state-appointed counsel but may not choose their own attorneys and, if convicted, may not file appeals until they return to the country.

A major problem of the court system was the overwhelming backlog of cases, and trials underway typically are marked by extended continuances while many accused persons remained in prison. These conditions, and the corruption encountered in the judicial process, effectively prevented many persons from obtaining a fair trial.

Transparency International estimated that more than 60 percent of the persons involved in court cases paid bribes to court officials.

In August 2001, Idris Ali was released after serving 5 years in prison in a case of mistaken identity. The High Court ordered his release on three separate occasions, but the orders did not reach the jail authorities. Idris's lawyer stated publicly that only bribery ensured proper processing of documents in court. Because of the difficulty in accessing the courts and because litigation is time consuming, alternative dispute resolution by traditional village leaders, which is regarded by some persons to be more transparent and swift, was popular in rural communities. However, these mechanisms were also subject to abuse.

The Government stated that it holds no political prisoners, but opposition parties and human rights monitors claimed that many opposition activists were arrested and convicted with criminal charges as a pretext for their political activities. Soon after assuming power in mid-July 2001, the CG formed a judicial commission to review cases of political prisoners and detentions under the SPA. The commission recommended that some cases be brought to trial and others dismissed. In December 2001, the new government formed its own judicial commission to look into political cases. On March 4, Home Minister Altaf Hossain Chowdhury said the Government had released 11,706 persons in politically motivated cases. In April the PSA Repeal Law became law and gave the Government authority to determine which cases filed under the SPA law would be withdrawn and which ones would be pursued (*see* Section 1.d.).

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence.—The law requires authorities to obtain a judicial warrant before entering a home; however, according to human rights monitors, police rarely obtained warrants, and officers violating the procedure were not punished. In addition, the SPA permits searches without a warrant.

Security forces raided the residence of a top AL leader, Amir Hossain Amu, three times between May and December. According to AL sources, security forces ransacked Amu's house and verbally abused his wife under the pretext of searching for illegal firearms.

On June 21, police in the Pakundia section of Kishoreganj district raided the home of an AL supporter, Abdul Malek, without warrant. The police harassed the occupants of the house, including Abdul Malek's wife, and reportedly tried to remove her clothes. The police allegedly told Malek's family that they would go if the family paid them money. A human rights organization reported that the authorities took no action against the police officers involved.

During the year, the police and the BDR conducted raids on the houses of political activists and alleged criminals without warrants during frequent anticrime drives. On May 29, BDR personnel broke into the house of a BNP leader and gas line contractor Nurul Haq and started beating him. Haq was rescued by the intervention of local police.

The Government periodically forcibly resettled persons. In March a High Court bench stayed, for 3 months, a Ministry of Housing and Public Works order to dismantle slums in the Amtali section of Dhaka and ordered the Government to explain why it should not be directed to resettle the slum residents.

In September 2001, 70 prostitutes tried to re-enter the vacant Tanbazar brothel and police resisted. Some women were injured, three of whom were hospitalized.

The Government sometimes punished family members for the alleged crimes of others. In May in Dhaka, having failed to arrest two alleged criminals, police arrested 12 of their relatives and detained them under the SPA, including the 60-year-old father and 53-year-old mother of one of the alleged criminals.

The police Special Branch, National Security Intelligence, and the Directorate General of Forces Intelligence (DGFI) employed informers to report on citizens perceived to be political opponents of the Government and to conduct surveillance of them. Political leaders, human rights activists, foreign NGOs, and journalists reported occasional harassment by these security organizations. In addition, foreign missionaries reported that internal security forces and others closely monitored their activities; however, no missionaries reported other harassment during the year.

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Speech and Press.—The Constitution provides for freedom of speech, expression, and the press, subject to "reasonable restrictions" in the interest of secu-

urity, friendly relations with foreign states, public order, decency and morality, or to prohibit defamation or incitement to an offense; however, there were numerous examples of the Government limiting these rights in practice. Some government leaders encouraged violence against journalists by ruling party members.

As in past years, journalists pressed for repeal of the Official Secrets Act of 1923. According to the act, a citizen must prove why he or she needs information before the Government will provide it. The act protected corrupt government officials from public scrutiny and hindered transparency and accountability of the Government at all levels.

The hundreds of daily and weekly publications provided a forum for a wide range of views. While some publications supported the overall policies of the Government, most newspapers reported critically on government policies and activities. In addition to an official government-owned wire service, there was one private wire service affiliated with overseas ownership.

Despite this proliferation of news articles, Reporters Without Borders (RSF), in their first publication of a worldwide index of countries according to their respect for press freedom, ranked the country 118 out of 139, stating that, "armed rebel movements, militias or political parties constantly endanger the lives of journalists. The state fails to do all it could to protect them and fight the immunity very often enjoyed by those responsible for such violence."

Newspaper ownership and content were not subject to direct government restriction. However, the Government influenced journalists through financial means such as government advertising and allocations of newsprint imported at favorable tariff rates. The Government stated that it considered circulation of the newspapers, compliance with wage board standards, objectivity in reporting, coverage of development activities, and "attitude towards the spirit of Bangladesh's War of Liberation" as factors in allocating advertising. In the past, commercial firms often were reluctant to advertise in newspapers critical of the Government; however, this appeared to no longer be the case.

The Government owned and controlled virtually all radio and television stations with the exception of a few privately owned cable stations, such as Ekushey Television (ETV), ATN Bangla, and private broadcaster Radio Metrowave.

On August 29, the Supreme Court, responding to a petition by two pro-BNP educators and a journalist, ordered ETV, the only full-fledged broadcast television station in the private sector, to be closed down. This was based on alleged irregularities in its license. No appeals are possible from this court. Petitions were filed, however, concerning the shutting down of ETV's transmission and seizure of its equipment. These petitions were rejected by the High Court on September 16.

The activities of the Prime Minister occupied the bulk of prime time news bulletins on both television and radio, followed by the activities of members of the Cabinet. Opposition party news received little coverage. As a condition of operation, both private stations were required to broadcast for free government news programs and national addresses by both the Prime Minister and the President. In July 2001, Parliament approved two bills granting autonomy to state-run Bangladesh Television (BTV) and Bangladesh Betar (Bangladesh Radio). Passage of these laws has not ensured real autonomy for them and the Government has not implemented the laws. Government intrusion into the selection of news remained a pervasive problem. Many journalists at private stations exercised self-censorship as well.

Journalists and others were subject to incarceration when private parties filed criminal libel proceedings against them. Ruling party M.P.s filed separate criminal libel suits against several newspapers after articles were published that the politicians viewed as false and defamatory. The journalists in all cases received anticipatory bail from the courts, and none of the cases moved to trial. Sedition charges remained pending, and those persons accused remained on bail.

While some journalists were critical, most practiced some degree of self-censorship. Many journalists cited fear of possible harassment, retaliation, or physical harm as a reason to avoid sensitive stories. Government leaders, political party activists, and others frequently launched violent attacks on journalists and newspapers, and violent physical attacks against journalists occurred during the year. Political parties and persons acting on their behalf conducted attacks both on media offices and on individual journalists targeted as a consequence of their news reporting. These crimes largely remained unsolved and the perpetrators, often identified by name or party affiliation in press reports, were not held accountable in many cases. Attacks by political activists on journalists also were common during times of political street violence, and some journalists were injured in police actions.

In March the management of the Government-run wire service Bangladesh Sangbad Sangstha (BSS) fired 20 journalists. Observers believe the journalists were fired because of their alleged allegiance to the AL. Colleagues of the journalists pro-

tested management's action and were in turn threatened with disciplinary action. BSS management hired 22 journalists who reportedly were sympathetic to the BNP.

On May 20, Matiur Rahman Chowdhury, editor of Manavzamin and stringer for the Voice of America (VOA) Bangla Service, was sentenced to 6 months in jail for publishing a recorded conversation between former president Hussain Muhammad Ershad and a judge of the High Court Division of the Supreme Court. Chowdhury appealed the verdict and the sentence has been stayed.

According to RSF during the year, 244 journalists faced repression, compared to 162 in 2001, and 126 in 2000. They also reported that during the year, 3 journalists were killed, 102 injured, 39 attacked, 30 arrested, and 147 threatened. On June 18, RSF stated that in the 8 months since the Government's assumption of power, "as many as 145 journalists were assaulted or threatened with death, 1 was murdered, 4 detained by the authorities, and 16 press clubs or newsrooms attacked." The figures reported by RSF were not independently verified and the Government protested the characterization portrayed in the statement.

On June 21, police and security personnel used sticks to assault journalists who converged at the residence of the President to gather news after President Professor A.Q.M. Badruddoza Chowdhury resigned. The officials dragged women journalists by their hair and kicked several photojournalists. They did not allow the journalists to speak with Chowdhury. When Chowdhury's son, a BNP M.P., told the police that his father would like to speak with the press, the security men declared that they had been instructed by higher authorities not to allow the journalists to speak with the outgoing President.

On July 2, armed BNP activists assaulted Monirul Haidar Iqbal, the Mongla correspondent of Dhaka's largest circulation Bangla-language daily, Jugantor. According to a complaint filed by Iqbal, the BNP activists assaulted him because of his stories on the illegal occupation of shrimp fields by supporters of the ruling coalition. Iqbal lodged a formal complaint with the police.

On July 5, members of a faction of the outlawed BCP allegedly kidnaped Shukur Ali, a reporter with Anirban, a Khulna daily newspaper. He remained missing and five BCP members have been charged in the case.

On July 5, the Government cancelled the publishing license of a Bangla language daily Dainik Uttarbanga Barta, published in Natore. The Government action followed the publication of a March 26 article that referred to the current Prime Minister Begum Khaleda Zia as leader of the opposition and to former Prime Minister Sheikh Hasina as the prime minister. The managing editor of the newspaper, who was also a local AL leader, apologized for what he claimed was an error due to incorrect data processing and a correction was published the following day. The newspaper management said that they would appeal against the Government's decision.

On July 13, a caller identifying himself as the son of Parliament's Chief Whip Khondokar Delwar Hossain made death threats against Arifu Rahman, a staff correspondent of Dhaka's Bangla-language daily Prothom Alo. Rahman lodged a formal complaint with the police.

On July 22, the Bangla-language daily Janakantha accused the Government of trying to suppress its reporting. The statement noted that soon after coming to office, the Government stopped placing advertisements in Janakantha. It then threatened to file a treason case against the daily for publishing a report about transfers in the police.

On September 7, JCD activists reportedly attacked a public pro-ETV meeting. The activists reportedly ransacked the podium and assaulted the organizers of the meeting. Ten persons were injured in the attack, two critically, including a correspondent of a Dhaka-based Bangla-language daily and a cultural activist belonging to the Sheikh Mujib Cultural Alliance. Seven pro-BNP student activists were suspended from the party for their role in the attack. Ten individuals accused of participating in the incident were granted anticipatory bail on September 11.

On November 25 police arrested two foreign journalists associated with British Television, Zeba Naz Malik and Leopold Bruno Sorentino, while crossing to India at the Benapole border. Two citizens, Moniza Pricila Raj and Meser Ali were taken into custody that same day in connection with the case. Ali was released after providing a witness statement in the Chief Metropolitan Magistrate's Court. Police confiscated videocassettes and U.S. currency from Raj when she was taken into custody. The three, plus Selim Samad, a freelance journalist, were charged with sedition and the three in custody were placed on 5-day remand on November 26. Sumi Khan, a journalist of the weekly Shaptahik 2000, was also arrested in Chittagong in connection with the incident. Khan was released on November 29 after 10 hours detention. In a press briefing on December 1, the Government's Principal Information Officer, Khondker Mairul Alam stated that the two foreigners were held as NGO activists for their suspected involvement in "subversive" and "anti-state acts."

The two foreign journalists were deported on December 11 after issuing statements expressing their regret for the incident.

Raj was granted ad interim bail on December 18, but remained in prison until December 22. Samad was granted bail on December 23 and the order sent via special messenger to ensure the delay in release that occurred with Raj was not repeated. Samad, however, was placed on 1-month detention under the SPA before the bail order was received at the jail. On December 31, the High Court issued a ruling questioning the legality of Samad's detention.

On December 7, Reuters released an article with a quote attributed to the Home Minister that stated the Mymensingh bombing attacks could be the work of Osama bin Laden's al-Qa'ida network and that he had ordered a national security alert. The Home Minister denied making the statement and Reuters retracted the story. On December 13, police arrested Enamul Haque Chowdhury, a stringer for Reuters, as the author of the article and searched the Reuters office in Dhaka. He remained in jail at year's end.

Political activists frequently attacked journalists. In January 2001, political activists, reportedly with the support and backing of AL M.P. Joynal Hazari, beat and stabbed the United News of Bangladesh's (UNB) correspondent in Feni, Tipu Sultan. Opponents of the AL blamed a pro-AL student front and AL activists for the attack. The AL government donated \$2,000 (Taka 100,000) for the injured journalist's treatment. The journalist initiated legal proceedings without any result to date. The case was under reinvestigation. The Committee to Protect Journalists (CPJ) cited Sultan for his exposure of official corruption, which resulted in his being assaulted.

In November 2001, the Government stopped buying advertising space in the popular Bangla language daily Janakantha following reports by the newspaper of alleged atrocities committed against minority community and activists of the AL.

Feminist author Taslima Nasreen remained abroad after being freed on bond while criminal charges were still pending against her for insulting religious beliefs of the country's Muslims. On May 26, the Government banned her latest book, *Utal Hawa* (Wild Wind). *Utal Hawa* is a sequel to her earlier novel, *Amar Meyebela* (My Girlhood), published in 1999, which was also banned in the country for being anti-Islamic. On October 13 a court sentenced Nasreen, in absentia, to one year in jail for her "derogatory remarks about Islam" in a case filed by a local Jamaat-e-Islami leader November 1999.

A government Film Censor Board reviewed local and foreign films and may censor or ban them on the grounds of state security, law and order, religious sentiment, obscenity, foreign relations, defamation, or plagiarism. The Board did not ban any locally produced films during the year; however, in April the Film Censor Board obliged a filmmaker to modify a film's dialogue before issuing a certificate for public screening. On December 14, the High Court stayed the screening of the film "Hason Raja" (a mystic philosopher who composed hundreds of songs) in response to a petition filed by Sadia Chowdhury Porag, a descendent of Hason Raja. In her petition, Porag asserted that the film bears no relationship to the truth, distorting the image of and placing a stigma on the memory of Hason Raja. The court also issued a show cause notice to the Film Censor Board to provide reason why screening of the film should be allowed. The Board banned the screenings of several imported English-language movies for their pornographic content. Video rental libraries provided a wide variety of films to their borrowers, and government efforts to enforce censorship on these rental films were sporadic and ineffectual. The Government did not limit citizens' access to the Internet.

Foreign publications were subject to review and censorship. Censorship most often was used in cases of immodest or obscene photographs, perceived misrepresentation or defamation of Islam, and objectionable comments about national leaders.

The Government banned the April 4 issue of the *Far Eastern Economic Review* for an article it contained on the rise of pro-Islamic movements in the country. Security services were instructed to closely monitor foreign journalists entering the country on tourist visas.

The Government generally respected academic freedom. Although teachers and students at all levels largely were free to pursue academic assignments, research on extremely sensitive religious and political topics was forbidden.

The situation on public university campuses seriously inhibited the ability of students to receive a university education and of teachers to teach. Armed clashes between student groups of different parties or of different factions within a particular party resulted in prolonged closures of colleges and universities in Dhaka, Chittagong, Sylhet, and Noakhali.

b. Freedom of Peaceful Assembly and Association.—The Constitution provides for freedom of assembly, subject to restrictions in the interest of public order and public

health; however, the Government frequently limited this right. Section 144 of the Criminal Procedure Code (CrPC) allows the Government to ban assemblies of more than four persons. According to one human rights organization, the Government imposed 24 such bans during the first 6 months of the year. The Government sometimes used bans to prohibit rallies for security reasons, but many independent observers believed that such explanations usually were a pretext. Supporters of the ruling party frequently will schedule their own rallies at the same venue and time, thus providing the Government a basis for imposing a ban.

On January 9, armed police fired teargas to disperse a peaceful AL sit-in demonstration near the AL central office in Dhaka in protest of a rise in the price of petroleum. Police charged the demonstrators with batons. The AL opted to stage the sit-in after the police refused to allow them to conduct a procession. In the same afternoon, police took similar action to break up another AL rally at Muktangon and picked up 10 AL student activists. Questioned by AL leaders, police replied they were acting on instructions from higher authorities.

On March 25, the Dhaka Metropolitan Police imposed Section 144 at the Osmany Udyan area to foil an AL scheduled hunger strike. The hunger strike was held to protest the passage of a law aimed at removing the portrait of late president Sheikh Mujibur Rahman, revered by AL supporters as the Father of the Nation, from government offices. When leaders and supporters started to gather at Osmany Udyan, defying the ban, police charged with clubs and teargas, assaulting key leaders. They included former Agriculture Minister Motia Chowdhury, the AL President's political secretary Saber Hossain Chowdhury, and noted television actor and politician Asaduzzaman Noor. These persons were detained for about 3 hours.

Violence also was endemic between the student political wings of the major national parties, and between rival factions within the parties.

On January 15, students of Bangladesh Agricultural University in Mymensingh rioted in protest of a reported government intention to change the name of the university. Approximately 100 students, as well as several teachers, were injured in clashes with the police.

During an August 27 nationwide student strike called by the Progressive Students' Unity (PSU), 12 students were injured in police action on the BUET campus. Escalating demonstrations led to an indefinite closure of the university.

In late 2001, PM Zia, who had suspended the central committee of the BNP student wing, Jatiyabadi Chhatra Dal (JCD) appealed to other political parties to reach a consensus on banning student politics. The AL and some students and teachers opposed the move. On September 9, PM Zia lifted her suspension order on the JCD central committee and announced the formation of a new convening committee.

Various political parties called numerous hartals during the year. Party activists enforced these strikes through threatened or actual violence against strikebreakers. Those persons who did not join the strike were coerced into observing prohibitions against vehicular transport and normal operation of businesses. Party activists mounted processions during the hartals. Although surveys indicated a majority of citizens were opposed to the use of hartals as a political weapon, all of the major parties continue to use them. In August 2001, leaders of all parties agreed to refrain from calling for hartals, but the agreement did not last, and there was no attempt this year to refrain from hartals. Police rarely interfered with ruling party processions on such occasions and often worked in tandem with ruling party activists to disrupt and to discourage opposition processions.

The Constitution provides for the right of every citizen to form associations, subject to "reasonable restrictions" in the interest of morality or public order, and in general the Government respected this right. Individuals were free to join private groups.

c. Freedom of Religion.—The Constitution establishes Islam as the state religion and also stipulates the right—subject to law, public order, and morality—to practice the religion of one's choice; however, the Government generally respected this provision in practice. Although the Government is secular, religion exerts a powerful influence on politics. The Government is sensitive to the Muslim consciousness of the majority of its citizens. It can fail to protect minority groups, contributing to an atmosphere of impunity. Approximately 88 percent of the population is Muslim. Some members of the Hindu, Christian, and Buddhist minorities experienced discrimination by those who regard minorities in general as politically vulnerable.

Religious minorities were disadvantaged in practice in such areas as access to government jobs and political office. Selection boards in the Government services often lacked minority group representation.

Religious organizations were not required to register with the Government; however, all NGOs, including religious organizations, were required to register with the NGO Affairs Bureau if they received foreign money for social development projects.

The Government has the legal ability to cancel the registration of an NGO or to take other actions such as dissolve the executive committee of the NGO, freeze its bank accounts, or cancel projects. However, such powers rarely were used and did not affect NGOs with religious affiliations.

The Government allowed various religions to establish places of worship, to train clergy, to travel for religious purposes, and to maintain links with co-religionists abroad. The law permitted citizens to proselytize. However, strong social resistance to conversion from Islam means that most missionary efforts by Christian groups were aimed at serving communities that have been Christian for several generations or longer. Foreign missionaries were allowed to work in the country, but their right to proselytize is not protected by the Constitution. Some missionaries faced problems in obtaining visas or renewing visas, which must be renewed annually. Some foreign missionaries reported that internal security forces and others closely monitored their activities; however, no missionaries reported other harassment during the year.

In January 2001, the High Court ruled illegal all fatwas, or expert opinions on Islamic law. Only those Muftis (religious scholars) who have expertise in Islamic law are authorized to declare a fatwa; however, in practice village religious leaders sometimes made declarations on individual cases, calling the declaration a fatwa. Fatwas commonly deal with marriage and divorce, or mete out punishments for perceived moral transgressions. Victims were sometimes lashed or shunned by their communities (*see* Section 1.c.). While the Court's intention was to end the extrajudicial enforcement of penalties by religious leaders, the 2001 ruling, which generated violent protests, declared all fatwas illegal (*see* Section 1.a.). Several weeks later, the Appellate Court stayed the High Court's ruling. No date has been set for rehearing the issue.

Many Hindus have been unable to recover landholdings lost because of discrimination in the application of the law, especially the Vested Property Act. Property ownership, particularly among Hindus, has been a contentious issue since partition in 1947. In April 2001 Parliament passed the Vested Property Return Act. This law required the Government to return land that was seized under the now-defunct Vested Property Act; a law that allowed "enemy" (in practice Hindu) lands to be expropriated by the State. The Government was tasked to prepare a list of vested property holdings by October 2001, and claims were to have been filed within 90 days of the publication date. No further claims were to be accepted after that period expired. The Government has yet to publish the list of vested properties.

On November 26, the Parliament passed an amendment to the Vested Property Act allowing the Government unlimited time to return the vested properties. The properties were to remain under the control of Deputy Commissioners until a tribunal settles ownership. The amendment also gives the Deputy Commissioners the right to lease such properties until they are returned to their owners. The Government claimed that this provision would prevent the properties from being stolen.

Since the October 2001 elections, some newspapers and NGOs, the Bangladesh Hindu Buddhist Christian Unity Council, and the AL have alleged that religious minorities have been targeted for attacks. The Government sometimes has failed to criticize, investigate, and prosecute the perpetrators of attacks by local gang leaders. However, targeted attacks, motivated solely by religious differences, could not be independently verified.

Violence, including killings and injuries, occurred both before and after the October 2001 election. There were reports of harassment of Hindus, including killings, rape, looting, and torture, also was related to post-election violence.

In late November 2001, the High Court ordered the Government to look into and report on attacks on religious minorities, and to demonstrate that it is taking adequate steps to protect minorities. The Government submitted its report later in the year.

According to one human rights organization, during the transition of power from the CG to the newly elected government in October 2001, BNP supporters raped at least 10 Hindu women in the island district of Bhola and looted several Hindu houses. Incidents of rape and looting were also reported in the southwestern district of Bagerhat. The situation improved after the new government members visited the areas and deployed additional police to troubled locations. In February an AL-backed Crime Against Humanity convention alleged "systematic persecution" of religious minorities and called for the perpetrators of the persecutions to be brought to trial under local and international laws.

In some cases, field investigations by independent human rights organizations into incidents of alleged religious persecution of minority communities found that newspapers exaggerated the stories and inflated common criminal incidents into stories of religious persecution. A BNWLA investigation team found that the June 4

Janakantha report of Jamaat-e-Islami supporters stripping and taking a nude photograph of a 60-year-old Hindu woman could not be substantiated.

In the past, the Ahmadiyas, whom many mainstream Muslims consider heretical, were the target of attacks and harassment. An Ahmadiya mosque in Kushtia which mainstream Muslims captured in 1999 remained under police control for approximately 3 years, preventing Ahmadiyas from worshipping.

In August, the Ahmadiyas regained control and starting using the mosque for prayers.

On April 22, unidentified assailants killed Ganojyoti Mohasthobir, a monk at a Buddhist temple and orphanage at Rauzan in Chittagong District. Media reports suggested that the killing might have been related to a land dispute. Home Minister Altaf Hossain Chowdhury and Foreign Minister Morshed Khan visited the temple and assured the public that the incident would be properly investigated and those involved in the killing would be brought to trial. On December 22, police arrested Alich Mohammad alias Mahmud in connection with the case. The case remained under investigation at the end of the reporting period.

On April 28, a criminal gang at Radha Madam Asram in Khagrachhari killed Modon Gopal, a Hindu priest. The criminals also looted gold statues from the temple.

On May 12, 12 unidentified persons broke into Dabua Benubon Bhiar Buddhist Monastery at Beltoli before the monastery occupants and local residents chased them away. Ain-O-Shalish Kendra, a human rights NGO, filed a petition with the High Court asking that the Government be ordered to investigate the incidents and submit its findings to the court. The Government submitted its report to the court in August stating that it had taken action against perpetrators of violence against members of the minority communities wherever such incidents took place. The Government report said investigations revealed that many of the reports were false or exaggerated.

In June 2001, in Baniachar, Gopalganj district, a bomb exploded inside a Catholic church during Sunday mass, killing 10 persons and injuring 20. The army investigated and concluded that the bomb was produced outside of the country. Police detained various persons for questioning, but as of year's end, no progress had been made on the case. A judicial commission, formed by the Government in December 2001 to probe politically motivated bombing incidents during the AL government period, investigated the Baniarchar bombing incident. In mid-September the commission submitted its report to the Government. The commission blamed Sheikh Hasina and some of her AL party colleagues for six of the seven bomb attacks in the second half of the AL administration. Two of the three commission members stated they could not identify the culprit of the bombings investigated and dissented, saying that the head of the commission, Judge Abdul Bari Sarkar inserted his personal views in the final report.

In November 2001, unidentified assailants killed Principal Gopal Krishna Muhuri of Nazirhat College in Chittagong. Following the murder, Hindus staged a violent demonstration, protesting that Muhuri was killed because he was a Hindu. Muhuri's family stated that he was unpopular with the Jammata-I-Islami party, as he had refused it and other political parties access to the college's campus. It is unclear whether the murder was religiously motivated. Three teachers at the college were arrested in connection with the murder and have since been granted bail. In July the police also arrested three known criminals on suspicion of their involvement in the killings, all of whom were in jail. On November 14, police filed a case against 12 persons in connection with the killing, including the three teachers, the three persons currently in jail, and an accountant at the college where Muhuri was Principal.

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

d. Freedom of Movement within the Country, Foreign Travel, Emigration, and Repatriation.—The Constitution does not address exile, but does provide for the right of free movement within the country, foreign travel, emigration, and repatriation. In practice, citizens generally were able to move freely within the country and to travel abroad, to emigrate, and to repatriate. There were, however, instances in which the Government restricted these rights.

On December 2, the High Court ordered the return of former State Minister for Planning, Alamgir's passport to allow him to travel abroad for 3 months seeking medical treatment. His passport was confiscated at Zia International Airport as he was departing for Singapore (see Section 1.d.).

On occasion, the movement of major opposition political leaders was restricted, and the Government did little to assist them.

On August 30, BNP activists barricaded a road in southwestern Satkhira district to obstruct a motorcade of AL Leader Sheikh Hasina. BNP activists allegedly threw bricks at the vehicle. Hasina's bodyguards overpowered the demonstrators and her motorcade passed unharmed. AL leaders alleged police inaction during the melee and called a countrywide hartal on September 1 to protest the incident (see Section 1.d.).

The country's passports were invalid for travel to Israel.

Approximately 300,000 Bihari Muslims live in various camps throughout the country; they have been in the camps since 1971 awaiting settlement in Pakistan. Biharis are non-Bengali Muslims who emigrated to what formerly was East Pakistan during the 1947 partition of British India. Most supported Pakistan during the country's 1971 War of Independence. They later declined to accept citizenship and asked to be repatriated to Pakistan. The Government of Pakistan historically has been reluctant to accept the Biharis.

Since 1992 approximately 232,000 Rohingya (Muslims from the northern Burmese state of Arakan) have been repatriated voluntarily to Burma. An additional 22,700 have left the camps and are living among the local citizens. More than 20,800 refugees remained in two camps administered by the Government in cooperation with the U.N. High Commissioner for Refugees (UNHCR). In April 1999, the UNHCR urged the Government to allow any refugees who could not return to Burma to be allowed to work in the country, benefit from local medical programs, and send their children to local schools. The Government refused these requests, insisting that all Rohingya refugees must remain in the camps until their return to Burma. According to Human Rights Watch, there were reports of violence by refugee camp officials against Rohingya. There were also claims of discrimination from the local population towards the Rohingya.

On April 24, in a clash involving refugees, police, and student activists, about 70 persons including 10 Rohingya were injured when student activists of the BNP converged on Kutupalong refugee camp demanding fees from a contractor who was building new sheds.

Despite senior level discussions with the Burmese government, the two governments remained unable to accelerate the rate of repatriation.

According to the UNHCR, the Government, and human rights groups, more than 100,000 Rohingya who entered the country since 1991 live in precarious circumstances outside the camps with no formal documentation. The Government effectively denied asylum to the new arrivals by categorizing them as illegal economic migrants and turned back as many persons as possible at the border. According to UNHCR, which has interviewed some of these migrants, at least some of them were fleeing persecution and were entitled to refugee status. Visits to refugee camps by foreign diplomats revealed that some unregistered persons, many of them having returned illegally after their official repatriation to Burma, live in the camps and share food with relatives who receive rations based on the number of registered members of the camps. On a number of occasions, camp officials have handed some of the unregistered persons over to the police who sent them to prison under the Foreigners' Act.

The law does not include provisions for granting refugee and asylee status in accordance with the provisions of the 1951 U.N. Convention Relating to the Status of Refugees and its 1967 Protocol. The Government generally cooperates with the UNHCR and other humanitarian organizations in assisting refugees. The law does not provide for first asylum or resettlement of asylum seekers. However, in practice the Government granted temporary asylum to individual asylum seekers whom the UNHCR interviewed and recognized as refugees on a case-by-case basis. At the request of UNHCR, the Government allowed approximately 125 refugees and asylum seekers, including non-Rohingya Burmese, Somalis, Iranians, and Sri Lankans, to remain in the country pending durable solutions such as voluntary repatriation or resettlement to other countries. The Government rejected asylum petitions from one Indian and four Burmese nationals who were released from prison in February (see Section 1.d.).

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

The country is a multiparty, parliamentary democracy in which elections by secret ballot are held on the basis of universal suffrage. M.P.s are elected at least every 5 years. The Parliament has 300 elected members. Party leaders appoint candidates for elections; many allege that some candidates effectively "purchase" nomination from party leaders with generous campaign contributions or personal "gifts."

Under a 1996 constitutional amendment, general parliamentary elections are presided over by a caretaker government, led by the most recently retired Chief Justice

of the Supreme Court. If he cannot or is unwilling, another senior retired justice or other neutral figure presides over the caretaker government. Sheikh Hasina, leader of the AL, was Prime Minister until Parliament's term of office expired in July 2001. At that time, in accordance with the Constitution, a CG was installed to oversee the holding of the elections and to manage the day-to-day operations of the Government until the next Prime Minister took office on October 10, 2001. Domestic and international observers deemed the eighth general election held on October 1, 2001 to be generally free and fair, in spite of sporadic violence and isolated irregularities. The AL president alleged "crude rigging" in the election. However, she eventually was sworn in as an M.P. and was subsequently elected the Leader of the Opposition in Parliament.

The AL, which has 58 members in the 300-seat parliament boycotted parliament from October 2001 until June 24, alleging harassment of party activists and attacks on minority community members by ruling party supporters in different areas of the country.

Violence, including killings and injuries, occurred both before and after the October 2001 election. In September an activist from the AL was killed as he was campaigning. Also in September, two bomb blasts killed at least 8 AL members and injured more than 100 others in the district of Bagerhat during an election rally. In response to the increased violence, the caretaker government deployed 50,000 troops. In the first 25 days of October, 266 murders and 213 rape cases related to post election violence were recorded around the country. Harassment of Hindus, including killings, rape, looting, and torture, also allegedly was related to post-election violence (see Sections 1.a. and 2.c.).

In July 2000, Parliament passed the "zilla" (district) council law, which provided for indirect election of the district council chairman by an electoral college of elected lower level representatives. The law empowered the Government to appoint these chairmen until the indirect elections can be held to date; the Government has not made such appointments.

In 1991 the Constitution was amended to change the country from a presidential system to a parliamentary system. The changes stipulated that an M.P. who resigned from his party or voted against it in Parliament automatically lost his seat. In practice this provision solidified the control of Parliament by the Government and the Prime Minister. The Prime Minister usually decides on major governmental policies, with little or no involvement by Parliament. Parliament's effectiveness as a deliberative body was undermined further by the country's relatively narrow partisan politics. Political activities were motivated by short-term benefits, often limited to the individual politician. All of the major parties have boycotted Parliament while in the opposition, claiming that they had little opportunity to engage in real debate on legislation and national issues. In August 2001, all of the major parties agreed that they would not boycott Parliament; however, the AL boycotted the first three sessions and part of the fourth session of the current Parliament.

M.P.s rather than the ministers concerned head parliamentary committees, which potentially allowed them to effectively oversee government work. However, most of the parliamentary committees, including standing committees for 37 ministries/divisions, were yet to be formed. The AL has demanded that the ruling party appoint opposition members as chairs of at least 10 of the 48 committees. Of the seventh Parliament's 46 committees, an opposition M.P. chaired only one.

On August 8, 2001 the CG passed the Representation of the People Amendment Ordinance that addressed much-needed election reform issues. The ordinance gave more independence to the Election Commission and law enforcement powers to specify military branches on election day. The Ordinance required political parties to maintain accounts and keep records of campaign contributions and expenses. It also codified rules for election observers, both international and domestic, in polling places. While a limited number of observers had been present in the polling booths during previous elections, there was no legal provision guaranteeing them access. Local NGOs and civil society organizations deployed a large number of observers for the October 2001 elections. The ordinance also contained a provision to expedite the process for adjudicating election fraud cases. At the time of the October 2001 elections, 21 of 22 election fraud cases from the 1996 elections were still pending. Under the new provisions, election fraud cases are tried in the High Court instead of a lower level court. The Election Commission was working on a draft to propose more reforms giving the Commission additional powers to ensure transparency of the election process, but has not made any notable progress.

Parliamentary by-elections in four constituencies were held in January, in a peaceful and generally orderly manner. Voter turnout was lower than normal. The AL also boycotted the April 25 elections to city offices in Dhaka, Khulna, and Rajshahi.

Until April 2001, when the constitutional provision that provided parliamentary participation for women expired, 30 legislative seats were reserved for women appointed by majority vote in Parliament; critics charged that these seats acted far less to empower women than to enhance the ruling party's majority. Women were free to contest any seat in Parliament, and in August 2001, the AL and the BNP agreed in principle to add at least 60 seats, exclusively for women M.P.s to the existing 300 in Parliament. However, neither the BNP nor the AL had taken any steps to introduce this election provision during the period covered by this report.

Seats were not specifically reserved for minority groups, such as tribal people. Members of minority groups held legislative seats. However, minorities were not represented proportionately. Minorities represented approximately 12 percent of the population and they held less than three percent of the Parliamentary seats.

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

The Government generally permitted human rights groups to conduct their activities. A wide variety of groups published reports, held press conferences, and issued appeals to the Government with regard to specific cases. While human rights groups were often sharply critical of the Government, they frequently practiced self-censorship, particularly on some politically sensitive cases and subjects. During the year, the Government requested that UNICEF finalize the Birth Registration Act in consultation with women and children's rights groups. In January 2000, Parliament passed the Women and Children Repression Prevention Act.

In June the Government granted registration to the Bangladesh Section of Amnesty International, under the Societies Registration Act. The application was originally filed in October 1990. Registration allows an NGO to receive funding from abroad.

The Government was defensive about international criticism regarding human rights problems. However, the Government was open to dialog with international organizations and foreign diplomatic missions regarding such issues. Despite their election pledge and repeated public announcements, the Government did not take action to enact legislation establishing an independent National Human Rights Commission. The previous government also failed to establish this commission despite repeated promises. The Government also has not taken any visible steps to make good its election pledge of forming an independent anticorruption commission.

The Government has not taken action on its promise to replace the Official Secrets Act with the Right to Information Act. In April, Law Minister Moudud Ahmed said that a Right to Information Bill would be brought to Parliament in 2 months, but no bill was introduced by year's end. Early in the year, the Government took action to bring into effect the decades-old Ombudsman Law, and the Law Minister announced that an ombudsman would be appointed soon; however, by year's end this had not occurred.

The Government pressured some individual human rights advocates, including by filing false allegations against them or by delaying reentry visas for international human rights activists. Missionaries who advocated for human rights faced similar problems. A few human rights activists reported harassment by the intelligence agencies.

From September through the end of the year the Government drafted a policy report regarding NGO operations inside the country, primarily aimed at restricting political activities by NGOs. Despite several statements of its impending release, the draft policy report had not been completed by year-end.

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

The Constitution states "all citizens are equal before the law and are entitled to equal protection by the law"; however, in practice the Government did not strongly enforce laws aimed at eliminating discrimination. Women, children, minority groups, and persons with disabilities often confronted social and economic disadvantages.

Women.—Recent reports indicated that domestic violence was widespread. However, violence against women was difficult to quantify because of unreliable statistics. A report released by the U.N. Fund for Population Activities (UNFPA) in September 2000 asserted that 47 percent of adult women reported physical abuse by their male partner. The Government, the media, and women's rights organizations fostered a growing awareness of the problem of violence against women. Much of the violence against women was related to disputes over dowries. According to the report of a human rights group, there were 190 dowry-related killings during the year. In addition to the killings, 28 women committed suicide, 1 attempted suicide, 90 underwent physical torture, 14 others were victims of acid attacks, at least 1 was

divorced by her husband, and 2 were driven out of their husbands' houses following disputes over dowries during the same period.

On May 14, a special tribunal judge in Jessore sentenced a man to death for beating his wife, Kohinoor, to death in January 1997 over a dowry dispute.

On July 1, K.M. Rashid "Jewel" allegedly beat his wife Noorjahan Akhter Bakul following Bakul's family's failure to meet Jewel's demand for dowry. Seriously injured, Bakul was rushed to Dhaka Medical College Hospital where she died.

On July 2, a district court in Kishoreganj sentenced Motiur Rahman to death for beating his wife, Hasne Ara, to death in June 1994 for her family's failure to meet his dowry demand.

In May 2001, the High Court confirmed the death sentence of three policemen convicted of the 1995 rape and killing of a 14-year-old girl.

The law prohibits rape and physical spousal abuse, but it makes no specific provision for spousal rape as a crime. According to one human rights organization, 1,350 women and girls were raped during the year. Prosecution of rapists was uneven. While some rapists received sentences of "life imprisonment" (in practice generally 22 ½ years), other cases were settled by village arbitration councils, which did not have the authority to prosecute criminals and therefore only levied fines. Many rapes go unreported. In some cases, rape victims committed suicide to escape the psychological aftermath including social stigma. According to an NGO report, 15 rape victims committed suicide in the first 6 months of the year.

According to one women's rights organization, courts sentenced 18 rapists to death and 61 rapists to life terms in prison through mid-August.

In some cases, rural arbitrators punished the rape victim along with or instead of punishing the rapist. On February 26, a union council member raped an indigenous woman at Miahpara near Rajshahi. Village leaders later whipped the rape victim and forced her to pay a fine of approximately \$25 (Taka 1,500).

The Government enacted laws specifically prohibiting certain forms of discrimination against women, including the Dowry Prohibition Act, the Cruelty to Women Law, and the Women and Children Repression Prevention Act (*see* Section 1.d.). However, enforcement of these laws was weak, especially in rural areas, and the Government seldom prosecuted those cases that were filed. According to government sources, the Social Welfare Department runs six vagrant homes and one training center for destitute persons, with a total capacity of 2,300. In July there were 1,986 persons, including 1,075 women, in those facilities. In addition, the Women Affairs Department runs six shelters, one each in the six divisional headquarters, for abused women and children.

On May 20, the Department opened a Safe Custody center in Dhaka. The Bangladesh National Women Lawyers' Association (BNWLA) also has two shelters in Dhaka, and a few other NGOs also run smaller facilities to provide shelter to destitute persons and distressed women and children. However, this was insufficient to meet victims' shelter needs; as a result, the Government often held women who filed rape complaints in "safe custody," usually in prison. Safe custody frequently resulted in further abuses against victims, discouraged the filing of complaints by other women, and often continued for extended periods during which women often were unable to gain release (*see* Section 1.c.).

Human rights groups and press reports indicated that incidents of vigilantism against women—sometimes led by religious leaders—at times occurred, particularly in rural areas. These included punishments such as the whipping of women accused of moral offenses (*see* Section 2.c.).

Acid attacks were a growing concern. Assailants throw acid in the faces of women and a growing number of men, leaving victims horribly disfigured and often blind. According to the Acid Survivors' Foundation, a local organization that offers assistance to acid attack victims, approximately 300 acid attacks occur each year. Over half of acid attack victims are female. The percentage of male acid attack victims has increased for the past three years.

Even after extensive treatment, victims remained severely scarred, making social reintegration very difficult. The most common motivation for acid throwing attacks against women was revenge by a rejected suitor; land disputes are another leading cause of the acid attacks. Few perpetrators of the acid attacks are prosecuted. Often the perpetrator flings the acid in through an open window during the night, making cases difficult to prove.

According to one human rights organization, 483 persons fell victim to acid attacks during the year, 247 women and 136 men. In the first eight months of the year the BNWLA pursued 26 cases involving acid crimes and three of them were resolved. In one case, the perpetrator was sentenced to death; three other perpetrators were sentenced to life in prison. Of approximately 750 reported assaults with acid between 1998 and 2001, 25 perpetrators were found guilty. Of the 25 guilty

verdicts, nine perpetrators were sentenced to death. Sentences are commensurate with the extent of the victim's burns.

In March the Government enacted two laws to control the availability of acid and address acid violence directed towards women. The acid crime control law has failed to have an impact primarily because of lack of awareness of the law among the public and law enforcement personnel and because of its poor application. In 2001 351 persons, mostly women, came under acid attacks and 153 cases were filed. However, the new acid crime control law provides for speedier prosecutions in special tribunals and generally does not allow bail for crimes charged under this law.

There was extensive trafficking in women for the purpose of prostitution within the country and to other countries in Asia, and there were credible reports that police facilitated or were involved in trafficking (*see* Section 6.f.).

For the most part, women remained in a subordinate position in society, and the Government had not acted effectively to protect their basic freedoms. Literacy rates were approximately 29 percent for women, compared with 52 percent for men. In recent years, female school enrollment had improved. Approximately 50 percent of primary and secondary school students were female. Women often were ignorant of their rights because of continued high illiteracy rates and unequal educational opportunities. Strong social stigmas and lack of means to obtain legal assistance frequently keep women from seeking redress in the courts. Many NGOs operated programs to raise women's awareness of their rights, and to encourage and assist them in exercising those rights. The Government also has expanded its program of incentives for female education by making education free for girls up to grade 12 (approximately age 18) using a stipend system from grades six to 12. By comparison, boys received free education up to grade five. Prime Minister Khaleda Zia inaugurated a stipend program for female students in grades 11 and 12 on August 1 and hinted that the program might be expanded up to a higher level.

Under the Muslim Family Ordinance, female heirs inherit less than male relatives do, and wives have fewer divorce rights than husbands. Men are permitted to have up to four wives, although this right was rarely exercised. Laws provide some protection for women against arbitrary divorce and the taking of additional wives by husbands without the first wife's consent, but the protections generally applied only to registered marriages. Marriages in rural areas sometimes are not registered because of ignorance of the law. Under the law, a Muslim husband is required to pay his ex-wife alimony for only 3 months, but this was not always paid for the required amount of time and not paid at all in some instances.

Employment opportunities have been greater for women than for men in the last decade, largely due to the growth of the export garment industry in Dhaka and Chittagong. Approximately 80 percent of the 1.4 million garment sector workers were women. Programs extending micro-credit to rural women also have contributed to greater economic power for them. However, women still filled only a small fraction of other wage-earning jobs. According to a Public Administration Reforms Commission report of October 2000, women held only 12 percent of government jobs, and only 2 percent of senior positions. The Government policy to include more women in government jobs has had only limited effect. In recent years, approximately 15 percent of all recruits into government service were women. According to a government survey released in May 2001, women made up only 2.1 percent of the workforce in the Home Ministry, which is responsible for police and internal security and 1.77 percent of the workforce in the Ministry of Local government and Rural Development.

The garment and shrimp processing industries employed the largest proportions of female laborers. Forty-three percent of women worked in the agriculture, fisheries, and livestock sectors, but 70 percent of them were unpaid family laborers. Many women work as manual laborers on construction projects as well; women constitute nearly 25 percent of all manufacturing workers. Women also were found in the electronics, food processing, beverage, and handicraft industries. Pay was generally comparable for men and women performing similar work.

Children.—The Government undertook programs in the areas of primary education, health, and nutrition. Many of these efforts were supplemented by local and foreign NGOs. These joint efforts have allowed the country to begin making significant progress in improving health, nutrition, and education; however, slightly more than half of all children were still chronically malnourished.

The Bangladesh Rural Advancement Committee (BRAC), the country's largest NGO, provided primary education to more than 1.2 million children. In cooperation with the Nonformal Education Directorate of the Government and some NGO partners, UNICEF implemented a program to provide education to 350,000 (primarily working) children in urban slum areas around the country.

In addition, the ILO has undertaken education and social welfare programs for more than 50,000 children. The Government made universal primary education between the ages of 6 and 10 years mandatory in 1991, but has not implemented the law fully.

According to Education Ministry statistics, more than 80 percent of children between the ages of 6 and 10 years were enrolled in school. Enrollment of boys and girls was roughly equal. Approximately 70 percent of all children completed grade five. Most schools have two shifts. Most children in grades one and two spend 2½ hours a day in school; children in grades three to five are in school for 4 hours. The Government provided incentives for rural female children between the ages of 12 and 16 years to remain in school. These incentives were effective in increasing the number of girls in school.

Because of widespread poverty, many children were compelled to work at a very young age. This frequently results in abuse of children, mainly through mistreatment by employers during domestic service and may include servitude and prostitution; this labor-related child abuse occurred commonly at all levels of society and throughout the country (see Sections 6.c. and 6.d.). Sometimes children were seriously injured or killed in workplaces (see Section 6.d.). Reports from human rights monitors indicate that child abandonment, kidnaping, and trafficking continued to be serious and widespread problems. There was extensive trafficking of children, primarily to India, Pakistan, and destinations within the country, largely for the purpose of prostitution and forced labor (see Section 6.f.).

According to a report published by the Government news agency BSS on September 5 there were about 400,000 homeless children in the country; as many as 150,000 of whom have no knowledge of their parents.

UNICEF estimated that there are approximately 10,000 child prostitutes in the country; other estimates have been as high as 29,000. Prostitution is legal, but only for those over 18 years of age and with government certification. However, this minimum age requirement commonly is ignored by authorities, and is circumvented easily by false statements of age. Procurers of minors rarely were prosecuted, and large numbers of child prostitutes worked in brothels.

Few facilities existed for children whose parents are incarcerated. According to one NGO, about 1,200 children under 16 years of age were in prisons throughout the country as of September.

According to a children's rights organization, 538 children were abducted during the year. Abductors killed at least two of the children when their guardians' failed to meet demands for ransom. In one case, a district court in Dhaka sentenced an abductor to death. According to this organization, nearly 1,500 children suffered unnatural deaths during the year.

Persons with Disabilities.—The law provides for equal treatment and freedom from discrimination for persons with disabilities; however, in practice, persons with disabilities faced social and economic discrimination. The Bangladesh Persons with Disability Welfare Act of 2001 provides for equal rights for disabled persons. The act focuses on prevention of disability, treatment, education, rehabilitation and employment, transport accessibility and advocacy. Government facilities for treating persons with mental handicaps were inadequate.

According to the National Forum of Organizations Working With the Disabled, an umbrella organization consisting of more than 80 NGOs working in various fields of disability, approximately 14 percent of the country's population had some form of disability. The economic condition of most families limited their ability to assist with the special needs of a person with disabilities, and superstition and fear of persons with disabilities in society sometimes resulted in their isolation.

However, there have been a number of private initiatives in the areas of medical and vocational rehabilitation, as well as employment of persons with disabilities. The Center for Rehabilitation of the Paralyzed, a privately-funded facility, provided both in-patient and out-patient medical services for both children and adults with various physical disabilities, and an educational facility for training professionals specializing in treating persons with disabilities. It ran a model village to enable the disabled to adjust to village life before reintegration, helped to integrate residents back into society and provided vocational training, micro-credits, and employment generation opportunities. The Center also offered advocacy, networking, and accident prevention programs. In addition, The Center was also involved with a 3-year research project to develop policies to ensure a safe and healthy workplace environment in the country. It focused on identification of high-risk work sites, developing a database for work-related injuries, and developing a network of spinal cord lesion management service providers. Some employers, both in the private for-profit and nonprofit sectors, have hired individuals with hearing impairments and phys-

ical disabilities for professional and nonprofessional positions, including as clerical workers, therapists, trainers, and computer-aided design operators.

Indigenous Persons.—Tribal people have had a marginal ability to influence decisions concerning the use of their lands. The 1997 Chittagong Hill Tracts (CHT) Peace Accord ended 25 years of insurgency in the CHT, although law and order problems continued. The Land Commission that is to deal with land disputes between tribal individuals and Bengali settlers did not function effectively in addressing critical land disputes. Tribal leaders also expressed disappointment at the lack of progress in providing assistance to tribals who left the area during the insurgency.

Until 1985 the Government regularly allotted land in the CHT to non-tribal Bangladeshi settlers, including land that was claimed by indigenous people under traditional concepts of land ownership. This led to the displacement of many tribal groups, such as the Chakmas and Marmas. Bangladeshi inhabitants in the CHT increased from 3 percent of the region's population in 1947 to approximately 50 percent of the area's 1 million persons in 1997. The Shanti-Bahini, a tribal group, waged a low-level conflict in the CHT from the early 1970s until the signing of the CHT Peace Accord with the Government in December 1997. During the periods of violence, all of those involved, including indigenous tribes, settlers, and security forces, accused each other of human rights violations. Such accusations continue to this day.

The terms of the 1997 pact provided for a strong local government, consisting of mostly tribal representatives; reduction of the military presence in the CHT region; and a substantial compensation package for displaced tribal families. Under the pact, the Government established a Land Commission to deal with land disputes between Bangladeshis and tribals. According to the Peace Accord, the Commission's verdict was to be final and appeal would not be possible; however, until July 2001 there was no legal basis for the Commission. Moreover, tribal leaders continued to express disappointment in the lack of progress in providing assistance to tribals who left the area during the insurgency. Shantu Larma, the former insurgent leader, held talks with the Prime Minister in April and with the Law Minister in July to discuss implementation of the Peace Accord, setting up of district courts in the three hill districts, and ways to improve law and order.

Extortion and kidnaping for ransom were rampant in the CHT. On January 19, alleged members of United People's Democratic Front (UPDF) abducted three persons in Matiranga in the sub-district of Khagrachhari. On February 13 armed youths kidnaped 10 businessmen. A committee formed by the local administration negotiated the release of eight victims on February 21. On February 13, the kidnapers of two businessmen who were abducted from Naniarchar received a ransom payment and released their victims. On July 19, alleged UPDF members kidnaped two jeep drivers from near Tarabunia Bridge in Rangamati and demanded ransom. On August 3, masked men said to be from a rival tribal group kidnaped six tribal persons, shooting and killing them on the bank of the Shongu River in Bandarban district.

In February 2001, three foreign engineers were abducted at gunpoint from a road in Rangamati District in the CHT. After their release in March of 2001 one of the hostages told a newspaper reporter that one of his abductors had confided that the motive was not political but rather, they wanted money for the benefit of Chakma people. Donor-assisted development activities in the CHT came to a halt following this incident.

Beginning June 1, a mission comprising government representatives and donor agencies under the coordination of the United National Development Program (UNDP) carried out an 11-day assessment of the CHT security situation and the possibility of renewed development assistance. In its report, the mission said kidnapings and extortion of development workers had continued, mostly due to regional party conflicts and extortion rackets. The mission report further stated that the security situation throughout most of the region was good enough to resume development assistance. However, tribal and non-tribal differences, unresolved issues relating to land, elections, and the law and order situation all continued to create tension and the potential for conflicts.

In June 2001, an alleged tribal member killed a Bangladeshi truck driver in Khagrachhari District in the CHT. Bangladeshis formed a procession to protest the killing and to demand action against those responsible. A bomb exploded during the procession. Clashes between Bangladeshis and tribals ensued, injuring 18 persons, including 1 policeman. Bangladeshis later set fire to more than 100 houses belonging to tribals. The Government imposed provisions of Section 144 of the Penal Code, which permitted arrest for unlawful assemblies that threatened public safety. Police

arrested 6 tribals in connection with the murder of the truck driver, and 15 others for arson.

According to one human rights organization, in August 2000, some Bangladeshis allegedly killed Alfred Soren, a leader of the Santal tribe over a land dispute. Although ninety-one persons were accused of involvement in the attack, four were arrested. In February 2001, the Government paid approximately \$926 (Taka 50,000) in compensation to Soren's family and approximately \$185 (Taka 10,000) to each of the families of nine injured persons.

Tribal people in other areas have also reported problems of loss of land to Bengali Muslims. The Garos of the Modhupur forest region continued to face problems in maintaining their cultural traditions and livelihoods in the face of deforestation and encroachment. The pressure on the Garo community had resulted in greater migration to urban areas and to the Indian state of Meghalaya, threatening the existence of 16,000 persons.

On Easter Sunday 2001, the Forestry Department inaugurated an eco-park on the lands inhabited by the predominantly Christian Khasi tribals in Mouluvibazar. Although indigenous Khasis had lived on these lands for generations, the Government did not recognize their ownership. The Government claimed ownership and stated that the Khasis were occupying the land illegally. The Government did not undertake any activities to implement the eco-park project this year, but the project has not been officially cancelled.

On July 21, Forest Department officials evicted the Khasi members living in a village in Moulvibazar. On July 26, Forest Department guards shot and killed a Khasi member, Abinash, and injured 10 others in an attempt to evict the Khasis after they had returned to the village. Two Forest Department guards sustained arrow wounds. At year's end, police did not arrest anyone in connection with the killing.

In April 2001, in a clash over land between Khasi and Bengalis in Moulavibazar, 1 person died and 10 were injured. Later in 2001 a group of 50 to 60 Bengalis led by a former union council member attacked a Khasi village. Fifty persons, mostly Khasi, were injured in the attack.

Section 6. Worker Rights

a. The Right of Association.—The Constitution provides for the right to join unions and—with government approval—the right to form a union; however the Government did not always respect this right in practice. The total work force was approximately 58 million persons, of whom 1.8 million belonged to unions, most of which were affiliated with political parties. There were no reliable labor statistics for the large informal sector, in which the vast majority (75 to 80 percent) of citizens worked.

A workplace requires 30 percent union participation for union registration. Moreover, would-be unionists technically were forbidden to engage in many activities prior to registration, and legally are not protected from employer retaliation during this period. Labor activists have protested that this requirement severely restricted workers' freedom to organize, particularly in small enterprises and the private sector, and the International Labor Organization (ILO) has requested the Government to amend the 30 percent provision. The ILO also had requested that the Government amend provisions that bar registration of a union composed of workers from different workplaces owned by different employers. An estimated 15 percent of the approximately 5,450 labor unions were affiliated with 25 officially registered National Trade Union (NTU) centers. There were also several unregistered NTUs.

Railway, postal, telegraph, and telephone department workers may join unions; other civil servants, police, and military personnel were forbidden to join unions in large part because of the highly political nature of those unions. Many civil servants who were forbidden to join unions, such as teachers and nurses, formed associations that performed functions similar to labor unions, such as providing for members' welfare, offering legal services, and airing grievances. Some workers formed unregistered unions, particularly university employees and workers in the construction and transport (both public and private) industries.

In 1999 the ILO Committee of Experts stated that the Government's rejections of several applications for registration by trade unions in the textile, metal, and garment sectors was unjustified. The Ministry of Labor contended that these cases lacked the necessary documentation.

There were no legal restrictions on political activities by labor unions, although the calling of nationwide hartals or transportation blockades by unions was considered a criminal rather than a political act and was forbidden.

Unions were highly politicized, and were strongest in state-owned enterprises and in such institutions as the Government-run port in Chittagong. Virtually all the NTU centers were affiliated with political parties. Some unions engaged in intimidat-

tion and vandalism. Fighting often was over the control of rackets or extortion pay-offs and typically involved knives, guns, and homemade bombs. According to the ICFTU, Iqbal Majumder, the General Secretary of the Workers Trade Union Federation was shot dead on August 2, 2001.

Workers were eligible for membership on their union's executive staff, the size of which is set by law in proportion to the number of union members. The Registrar of Trade Unions may cancel registration of a union with the concurrence of the Labor Court, but no such actions were known to have taken place during the year.

There were provisions in the Industrial Relations Ordinance for the immunity of registered unions or union officers from civil liability. Enforcement of these provisions was uneven. In past illegal work actions, such as transportation blockades, police officers had arrested union members under the SPA or regular criminal codes.

There were no restrictions on affiliation with international labor organizations, and unions and federations maintained a variety of such links. Trade unionists are required to obtain government clearance to travel to ILO meetings, but there were no reports that clearances were denied during the year.

In a November report, the ILO Committee on Freedom of Association reviewed complaints that the president and other members of the Bangladesh Diploma Nurses Association had been harassed and persecuted on trade union activities. According to the ILO, Taposhi Bhattacharee was suspended from her hospital post because of alleged participation in an illegal October 2001 meeting.

The ILO Committee of Experts Report on ILO Freedom of Association noted certain exclusions from the Industrial Relations Ordinance, restrictions regarding membership in unions and election of union officials, restrictions on activities of public servants' associations, right to organize and bargain collectively in export processing zones, and restrictions on the right to strike.

b. The Right to Organize and Bargain Collectively.—Under the Industrial Relations Ordinance, there is considerable leeway for discrimination against union members and organizers by employers. For example, the ordinance allows the arbitrary transfer of workers suspected of union activities or termination with payment of mandatory severance benefits (2 weeks salary). In practice private sector employers usually discouraged any union activity, sometimes working in collaboration with local police.

The Registrar of Trade Unions rules on discrimination complaints. In a number of cases, the Labor Court ordered the reinstatement of workers fired for union activities. However, the Labor Court's overall effectiveness was hampered by a serious case backlog, and in the past there had been allegations that employers had corrupted some of its deliberations.

Collective bargaining by workers is legal on the condition that unions legally registered as collective bargaining agents by the Registrar of Trade Unions represent them. Labor unions were affiliated with the various political parties; therefore, each industry generally had more than one labor union (one or more for each political party). To engage in collective bargaining, each union must nominate representatives to a Collective Bargaining Authority (CBA) committee, which the Registrar of Trade Unions must approve after reviewing the selection process. Collective bargaining occurred on occasion in large private enterprises such as pharmaceuticals, jute, or textiles but because of high unemployment, workers may forgo collective bargaining due to concerns over job security. Collective bargaining in small private enterprises generally did not occur. The International Confederation of Free Trade Unions (ICFTU) had criticized the country for what it viewed as legal impediments that hampered such bargaining.

Public sector workers' pay levels and the National Pay and Wages Commission, whose recommendations were binding and may not be disputed except on the issue of implementation, set other benefits.

The right to strike is not recognized specifically in the law, but strikes were a common form of workers' protest. In addition, political opposition parties used general strikes to pressure the Government to meet political demands. Workers at Chittagong port, the country's major harbor, conducted several work stoppages to protest a proposed new private container port. The process of conducting work stoppages was habitual until the Government designated this sector as essential during the year. Some employees organized in professional associations or unregistered unions also went on strike during the year. Wildcat strikes are illegal but did occur, with varying government responses. Wildcat strikes in the transportation sector were particularly common.

The Essential Services Ordinance of 1958 permitted the Government to bar strikes for 3 months in any sector that it declared essential. During the year, the Government applied this to the Power Development Board, the Dhaka Electric Supply Authority, Chittagong Port, and nine companies in the gas and energy sectors.

In the past, the Government had applied this ban to national airline pilots, water supply workers, and shipping employees. The ban may be renewed for 3-month periods. The Government is empowered to prohibit a strike or lockout at any time before or after the strike or lockout begins and to refer the dispute to the Labor Court.

Mechanisms for conciliation, arbitration, and labor court dispute resolution were established under the Industrial Relations Ordinance. Workers have the right to strike in the event of a failure to settle. If the strike lasts 30 days or longer, the Government may prohibit it and refer the dispute to the Labor Court for adjudication, although this has not happened in recent years. The ILO has criticized the provisions of the Industrial Relations Ordinance that require three-quarters of a worker's organization to consent to a strike and that grant the Government authority to prohibit a strike at any time.

The country's five Export Processing Zones (EPZs) were exempt from the application of the Employment of Labor (Standing Orders) Act, the Industrial Relations Ordinance, and the Factories Act. These laws established the freedom of association and the right to bargain collectively, and set forth wage, hour, and occupational safety and health standards. While substitutes for some of the provisions of these laws were implemented through EPZ regulations, which the Bangladesh EPZ Authority is charged with enforcing, professional and industry-based unions are prohibited in the zones. A small number of workers in the EPZs skirted prohibitions on forming unions by setting up associations. The Bangladesh Export Processing Zone Authority (BEPZA) reported that workers selected representatives for workers' welfare committees and dispute resolution tribunals, each intended to provide workers and managers more experience in resolving workplace disputes. In 2000 the Government pledged to apply all sections of the labor law to the EPZs by January 1, 2004.

According to BEPZA there were approximately 44,000 persons employed in EPZs in Dhaka, 76,000 in Chittagong, and 1,400 in other areas. The ILO, in its 2001 report on the application of International Labor Conventions, deplored the lack of progress and discrepancies between legislation and certain ILO Conventions, including freedom of association and collective bargaining. During the year, the ILO Committee of Experts Report noted that there were particular problems with voluntary bargaining in the private sector, a lack of legal protection against acts of interference, and a denial of protection against anti-union discrimination and the right to bargain collectively.

c. Prohibition of Forced or Bonded Labor.—The Constitution prohibits forced or bonded labor, including that performed by children; however, the Government did not enforce this prohibition effectively. The Factories Act and Shops and Establishments Act established inspection mechanisms to enforce laws against forced labor; however, these laws were not enforced rigorously, partly because resources for enforcement were scarce. There was no bonded or forced labor in large-scale enterprises; however, numerous domestic servants, including many children worked in conditions that resembled servitude and many suffered physical abuse, sometimes resulting in death. A local NGO released a study of various forms of violence against domestic workers in 2001. The study found that 7 children were tortured, 3 died from physical torture, 2 were raped, and 19 were otherwise victimized. In the past, the Government has brought criminal charges against employers who abuse domestic servants; however, many impoverished families settled for financial compensation.

In 2000 the ILO noted that certain provisions of the Penal Code, the Special Powers Act, the Industrial Relations Ordinance, and the Control of Employment Ordinance, allowed for the imposition of forced labor as punishment for expressing political views or views opposed to the established political system, as a punishment for various breaches of labor discipline, and as punishment for participating in strikes in a wide range of circumstances. For example, sentences of up to 14 years of forced labor can be imposed for offenses such as "obstruction of transport," a commonly used tactic in strikes. In addition, under the Merchant Shipping Ordinance, seafarers may be forced on board ship to perform their duties. There were no reports of the use of these provisions during the year.

d. Status of Child Labor Practices and Minimum Age for Employment.—There is no law that uniformly prohibits the employment of children, and child labor was a serious problem. Some laws prohibit labor by children in certain sectors. The Factories Act bars children under the age of 14 from working in factories. This law also stipulates that children and adolescents are allowed to work only a maximum 5-hour day and only between the hours of 7 a.m. and 7 p.m. The Shops and Establishments Act prohibits the employment of children younger than the age of 12 in com-

mercial workplaces. The Employment of Children Act prohibited the employment of children under the age of 15 in the railways or in goods' handling within ports.

Because of widespread poverty, many children began to work at a very young age. The Government estimated that approximately 6.6 million children between the ages of 5 and 14 years worked. Working children were found in 200 different types of activities, of which 49 were regarded as harmful to children's physical and mental well being. Sometimes children were seriously injured or killed in workplaces.

For example, in October a 12-year old domestic servant was severely beaten and locked in the toilet for taking a spoon of milk without permission. Also in October, a 14-year old girl was taken to the hospital for burns and other injuries following severe beatings by her employer. There were no reports of deaths of children domestic workers although there were some of adult domestic workers. A November 2000 garment factory fire resulted in the death of 10 child workers.

Children often worked alongside other family members in small-scale and subsistence agriculture. Hours usually were long, the pay usually was low, and the conditions were sometimes hazardous. Children drove rickshaws; broke bricks at construction sites; carried fruit, vegetables, and dry goods for shoppers at markets; worked at tea stalls; and worked in the shrimp processing industry as "fry catchers", depot workers, and de-headers. Many children worked in the beedi (hand-rolled cigarette) industry, and children under 18 years old sometimes worked in hazardous circumstances in the leather industry. Children routinely performed domestic work. In the past, the Government brought criminal charges against employers who abused domestic servants. Under the law, every child must attend school through the fifth grade, or the age of 10 years. However, there was no effective mechanism to enforce this provision.

There was virtually no enforcement of child labor law enforcement outside the export garment sector. Penalties for child labor violations were nominal fines ranging from about \$4 to \$10 (Taka 228 to 570). The Ministry of Labor had fewer than 110 inspectors to monitor 180,000 registered factories and establishments. These inspectors were charged with enforcing labor laws pertaining to more than 1.5 million workers. Most child workers were employed in agriculture and other informal sectors, where no government oversight occurred.

The Bangladesh Garment Manufacturers' and Exporters Association (BGMEA) inspects member factories to eliminate child labor in the garment sector. Among the 3,340 garment factories they inspected during the year, the team found 71 member factories employing a total of 155 children. According to the ICFTU, there was a significant reduction of child labor in the garment industry; while 43 percent of exporting factories used child labor in 1995, by 2001, the figure had fallen 5 percent. The BGMEA fined each factory about \$100 (Taka 5,700). Former child employees were also offered a small monthly stipend to help replace their lost income while attending UNICEF-sponsored schools.

In cooperation with the Non-Formal Education Directorate of the Government and some NGO partners, UNICEF implemented a "hard-to-reach" program to provide education to 350,000 (primarily working) children in urban slum areas around the country. Working with the Government, NGOs, and some trade unions, International Program for the Elimination of Child Labor (ILO/IPEC) had 20 action programs, targeting approximately 6,000 children working in hazardous conditions, designed to ensure that children received an education, rather than removing children from work. The largest ILO project focused on children working in hazardous occupations, ranging from exposure to chemicals and other harmful substances to long tedious working hours. The first phase of the project began in August 2001. Aimed at removing 30,000 children from hazardous occupations and preventing another 15,000 younger siblings from taking their place, the project focused on the beedi industry, the construction sector, leather tanneries, match factories, and the domestic work sector. The ILO has contracted with 24 NGO partners to create child labor monitoring community resource centers. So far, over 18,000 working children are attending non-formal education classes and 2,000 have been mainstreamed to formal schools. 1,681 have been withdrawn from hazardous work while 6 beedi factories have signed memoranda of understanding with the local communities declaring themselves "child labor free."

The Constitution prohibits forced or bonded labor, including that performed by children; however, the Government did not enforce this prohibition effectively.

e. Acceptable Conditions of Work.—There was no national minimum wage. Instead, the Wage Commission, which convenes every several years, sets wages and benefits industry by industry, using a range based on skill level. In most cases, private sector employers ignored this wage structure. For example, in the garment industry, many factories did not pay legal minimum wages, and it was common for workers of smaller factories to experience delays in receiving their pay or to receive

“trainee” wages well past the maximum 3 months. According to the ICFTU, an international trade union study from February 2001 indicated that 21.7 percent of textile workers in the country earned the minimum wage. Wages in the EPZs were generally higher than outside the zones. The declared minimum monthly wage for a skilled industrial worker was approximately \$63 (Taka 3,400) for a worker in an EPZ and approximately \$49 (Taka 2,650) for a worker outside an EPZ. This was sufficient to provide an individual with a minimal standard of living, but was not sufficient to provide a decent standard of living for a worker and family.

The law sets a standard 48-hour workweek with 1 day off mandated. A 60-hour workweek, inclusive of a maximum 12 hours of overtime, was allowed. The law was enforced poorly in industries such as hosiery and ready-made garments.

The Factories Act nominally sets occupational health and safety standards. The law is comprehensive but largely was ignored by employers. For example, there are many fire safety violations in the garment industry. Many factories were located in structures that were not designed adequately for industrial use, nor for the easy evacuation of large work forces. In November 2000, 48 garment workers, including 10 children, were killed and more than 100 persons were injured when they were unable to escape from a factory fire due to locked exits.

In August 2001, 18 garment workers were trampled to death because an exit gate jammed as they were fleeing a factory after a fire alarm. Workers may resort to legal action for enforcement of the law's provisions, but few cases actually were prosecuted. Enforcement by the Labor Ministry's industrial inspectors was weak, due both to the low number of labor inspectors, and to endemic corruption and inefficiency among inspectors. Due to a high unemployment rate and inadequate enforcement of the laws, workers demanding correction of dangerous working conditions or refusing to participate in perceived dangerous activities risked losing their jobs.

f. Trafficking in Persons.—The law prohibits trafficking in persons; however, trafficking was a serious problem. There was extensive trafficking in both women and children, primarily to India, Pakistan, and destinations within the country, mainly for the purpose of prostitution and in some instances for labor servitude. Some children also were trafficked to the Middle East to be used as camel jockeys.

Trafficking in children for immoral or illegal purposes carries the death penalty or life imprisonment. However, few perpetrators were punished. Besides law enforcement agencies, a number of NGOs, including BNWLA, Odhikar, ACD, Ahasania Mission and INCIDIN, recovered and assisted victims of trafficking. In the first six months of the year, law enforcement agencies rescued 103 victims while the BNMLA rescued 25 victims from inside the country and 14 others from outside the country. During this period, 163 alleged traffickers were arrested and detained in prisons. The BNMLA conducted 129 cases related to trafficking in women and children and 23 traffickers were convicted in nine cases resolved in the first half of the year.

The number of persons arrested for trafficking was difficult to obtain as charges against traffickers usually are for lesser crimes, such as crossing borders without proper documents. A September 6 newspaper report quoting statistics from the Center for Women and Children Studies (CWCS) said only 1 percent of trafficked children and 55 percent of kidnaped children were rescued between January 2000 and June. According to CWCS most trafficked boys were under 10 years of age while most trafficked girls were between 11–16 years old.

The Government developed a set of policies and plans regarding the trafficking issue, and initiated a program across a number of ministries to address the problem. Arrests and prosecutions increased significantly and a major national anti-trafficking prevention campaign was launched to increase awareness of the problem among vulnerable groups. However, government capacity to address this issue remained limited. Government projects included conducting awareness campaigns, research, lobbying, and rescue and rehabilitation programs. While the Government provided support for returning trafficking victims, government-run shelters were generally inadequate and poorly run.

In June 2000, the Government signed a 3-year, approximately \$2 million (Taka 108 million) project with the Norwegian government aid organization, NORAD, to develop an interministerial infrastructure for addressing the trafficking problem. This project, based in the Department of Women and Children's Affairs, was intended to be the focal point for addressing the prosecution, protection, and prevention activities carried out by the Government. A goal of the project was for the Government to become more involved in arresting and prosecuting traffickers. However, because the Government did not keep records of births and marriages at the village level, it was very difficult for authorities to detect false claims of marriage or family

ties. Despite this, there was some prosecution of these cases. Increasing shelter capacity and rehabilitation programs was another feature of the NORAD project.

The exact number of women and children trafficked was unknown; however, human rights monitors estimated that more than 20,000 women and children were trafficked annually from the country for the purpose of prostitution. Most trafficked persons were lured by promises of good jobs or marriage, and some were forced into involuntary servitude outside of the country. Parents sometimes willingly sent their children away to escape poverty. Unwed mothers, orphans, and others outside of the normal family support system were also susceptible. Traffickers living abroad often arrived in a village to "marry" a woman, only to dispose of her upon arrival in the destination country, where women were sold by their new "friends" or "husbands" into bonded labor, menial jobs, or prostitution. Criminal gangs conducted some of the trafficking. The border with India was loosely controlled, especially around Jessore and Benapole, making illegal border crossings easy.

The number of child prostitutes was difficult to determine. Prostitution is legal, but only for persons over 18 years of age with government certification; however, this minimum age requirement commonly was ignored by authorities, and was circumvented easily by false statements of age. Procurers of minors rarely were prosecuted, and large numbers of child prostitutes worked in brothels. Trafficking in women for purposes of prostitution carries a sentence varying from 10 years in prison to the death penalty. Human rights monitors also credibly reported that police and local government officials often ignored trafficking in women and children for prostitution, and were easily bribed to look the other way (*see* Sections 1.c. and 5).

Children, usually young boys, also were trafficked into the Middle East to work as camel jockeys. It was estimated that there were anywhere from 100 to more than 1,000 underage South Asian camel jockeys working in the United Arab Emirates (UAE) alone; while many come from India and Pakistan, a growing number came from the country. Criminal gangs procured most of the youths. The majority of such children worked with the knowledge of their parents, who received as much as approximately \$200 (Taka 10,000) for their child's labor, although a significant minority simply were kidnaped. The gangs bringing the jockeys earned approximately \$150 (Taka 7,500) per month from the labor of each child. The usual procedure used was to add the children's names to the passport of a Bangladeshi or Indian woman who already has a visa for the Middle East. During the year, police made arrests in several incidents for trafficking in young boys to the Middle East and at year's end these cases were pending before the courts.

There were credible reports that police facilitated trafficking of women and children. When perpetrators were caught trafficking persons across the border, police involvement was low level, consisting primarily of falsifying documents with statements like "passport fraud" rather than "trafficking." The law stipulates a maximum sentence of life imprisonment for persons found guilty of trafficking a child into prostitution.

Many NGOs and community-based organizations are working on the trafficking problem through prevention efforts, research, data collection, documentation, advocacy, awareness creation and networking, crossborder collaboration, legal enforcement, rescue, rehabilitation, reintegration, income generation and low-interest loan programs, vocational training, and legislative reform.

Action Against Trafficking and Sexual Exploitation of Children (ATSEC), a national antitrafficking network, recently began to implement several antitrafficking activities. These activities included linking NGOs and government entities into a strong partnership, establishing a focal point for moving the national antitrafficking agenda forward, establishing a resource center to disseminate data on the subject, and providing technical support to grassroots organizations. In addition, ATSEC developed culturally sensitive prevention and awareness messages that will reach persons at the community level. The program has developed and tested materials used for a national campaign using all media. This included conducting awareness-raising workshops and meetings at all levels, launching school programs, establishing a mobile campaign throughout the country, and launching an advertising campaign in border areas.

The Association for Community Development conducted a study on trafficking issues and conducted workshops and outreach programs aimed at reaching potential victims of trafficking before they are trafficked. The BNWLA conducted awareness programs aimed at alerting poor persons to the dangers of trafficking through leaflets, stickers, and posters. The BNWLA also provided legal assistance to trafficking victims, and initiated legal action against traffickers. The BNWLA ran a shelter home for trafficked women and children that provided health care, counseling, and training. CWCS monitored trafficking across the country, conducted awareness meetings, and had a pilot project to make police aware of the rights of women and

children. Awareness of trafficking is increasing, and the topic received frequent press coverage. Two umbrella organizations of antitrafficking NGOs existed and sought to improve coordination and planning of efforts against the problem.

Over the past year a number of important breakthroughs have been made in the trafficking sector. All of the major actors, including the Government, have come together to develop a common, unified umbrella program. In addition, agencies have developed a proposed plan of action to address the trafficking issue regionally.

BHUTAN

Bhutan is ruled by a hereditary monarch, King Jigme Singye Wangchuk, who governs with the support of a National Assembly, a Cabinet, a Council of Ministers (the Royal Advisory Council), and the Monastic Body, a 5,000-member body that is headed by four representatives with the consent of the King. There is no written constitution to protect fundamental political and human rights; however, during the year a constitution was being drafted and debated by the National Assembly. In recent years, the Government has adopted some measures to increase the power of the National Assembly. Since ascending to the throne in 1972, the King has continued the efforts toward social and political modernization begun by his father. In the last few years, the Government has improved rapidly services in education, health care, sanitation, and communications, with parallel but slower development of representative governance and decisionmaking. The judiciary is not independent of the King.

The Royal Bhutan Police (RBP), assisted by the Royal Bhutan Army (including those assigned to the Royal Body Guard), and a national militia maintain internal security. Some members of these forces committed human rights abuses.

The economy is predominately a government-controlled economy. It is based on agriculture and forestry, which provide the main livelihood for 90 percent of the population and account for approximately half of the gross domestic product (GDP); the population is 698,950. Agriculture largely consists of subsistence farming and animal husbandry. Citrus fruit, cardamom, and other spices are the leading agricultural exports. Cement and electricity are the other important exports. Strong trade and monetary ties link the economy closely to that of India. Income distribution remained very unequal, with the approximately 10 percent of the population receiving about 70 percent of the national income. Hydroelectric power production potential and tourism are key resources, although the Government limits tourism because of inadequate infrastructure and environmental and cultural concerns. Tourist arrivals also are limited by a requirement that tourists purchase a high priced minimum daily rate holiday package before visiting the country. Visas are required of all persons other than Indian nationals. Unemployment for the population under the age of 20 increased during the year.

The Government's human rights record remained poor, and problems remained in several areas. Citizens do not have the right to change their government, although citizens voted for 105 out of the 150 representatives in the National Assembly during the year. The King exercised strong, active, and direct power over the Government. The Government prohibits political parties, and none operate legally. Arbitrary arrest and detention remained problems, and reports continued of torture and abuse of detainees. Impunity for those who commit abuses also was a problem. Judges serve at the King's pleasure, and the Government limited significantly the right to a fair trial. In April 2000, the Government established the Department of Legal Affairs. Programs to build a body of written law and to train lawyers were progressing. The Government limited significantly citizens' right to privacy. The Government restricted freedom of speech, press, assembly, and association. Citizens faced limitations on freedom of religion. Approximately three-fourths of population is composed of Buddhists with cultural traditions akin to those of Tibet. The Buddhist majority consisted of two principal ethnic and linguistic groups: The Ngalongs of the western part of the country and the Sharchops of the eastern part of the country. The remaining one fourth of the population, ethnic Nepalese, most of whom are Hindus, primarily live in the country's southern districts. Government efforts to institute policies designed to preserve the cultural dominance of the Ngalong ethnic group, to change citizenship requirements, and to control illegal immigration resulted in political protests, ethnic conflict, and repression of ethnic Nepalese in southern districts during the late 1980s and early 1990s. Since 1998 the Government began resettling Buddhist Bhutanese from other regions of the country on land in southern districts vacated by the ethnic Nepalese living in refugee camps in Nepal, which is likely to complicate any future return of the ethnic Nepalese.

Tens of thousands of ethnic Nepalese left the country in 1991–92, many of whom were expelled forcibly. According to the U.N. High Commissioner for Refugees (UNHCR), as of March, 101,160 ethnic Nepalese remained in 7 refugee camps in eastern Nepal; upwards of 15,000 reside outside of the camps in the Indian states of Assam and West Bengal. The Government maintained that some of those in the camps never were citizens, and therefore have no right to return. The Government continued its negotiation with the Government of Nepal on repatriation of ethnic Nepalese in the refugee camps. A bilateral meeting of Foreign Secretaries in November 2001 failed to resolve disputes concerning the categorization of refugees in terms of eligibility for their eventual repatriation. The Government restricted worker rights.

The Government claimed that it has prosecuted government personnel for unspecified abuses committed in the early 1990s; however, there is little indication that the Government has investigated adequately or punished any security force officials involved in torture, rape, and other abuses committed against ethnic Nepalese residents.

RESPECT FOR HUMAN RIGHTS

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

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

Domestic human rights groups alleged that the Government has taken no action to punish a government official for the 1998 killing of Buddhist monk Gomchen Karma. The Government stated that the shooting was accidental and that the official responsible has been suspended from duty and charged in connection with the incident. The opposition Druk National Congress claimed that the official responsible reportedly was forced to resign from his government job; however, he was never tried.

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

c. *Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.*—The laws proscribe torture and abuse in general; however, human rights advocates stated that in practice the security forces ignored these provisions. No one was prosecuted in connection with violating prohibitions against torture during the year. In 2000 there were reports that security forces stopped ethnic Nepalese refugees attempting to return to the country, beat them or tortured them, and sent them back across the border. Refugee groups state that this has discouraged others from trying to return to the country.

Refugee groups credibly claimed that persons detained as suspected dissidents in the early 1990s were tortured and/or raped by security forces. During those years, the Government's ethnic policies and the crackdown on ethnic Nepalese political agitation created a climate of impunity in which the Government tacitly condoned the physical abuse of ethnic Nepalese. The Government indicated that members of the RBP engaged in "overzealous" behavior in dealing with the ethnic Nepalese political agitation, and the Government prosecuted three government officials for unspecified abuses of authority during that period; however, the Government failed to provide further details of these cases to the public.

Prison conditions reportedly were adequate, if austere. Visits by the International Committee of the Red Cross (ICRC) and the opening of a prison in Thimphu contributed to improving conditions of detention. However, human rights groups active outside the country maintained that prison conditions outside of the capital city of Thimphu remained oppressive.

The Government and the ICRC signed a new Memorandum of Understanding in 1998, extending the ICRC prison visits program for another 5 years. The ICRC conducted one prison visit during the year, as it has done for each of the past 8 years, and was allowed unhindered access.

d. *Arbitrary Arrest, Detention, or Exile.*—Arbitrary arrest and detention remained problems. Under the law, police may not arrest a person without a warrant and must bring an arrested person before a court within 24 hours, exclusive of travel time from place of arrest. However, legal protections were incomplete, due to the lack of a fully developed criminal procedure code and to deficiencies in police training and practice. Incommunicado detention, particularly of Nepalese refugees returning without authorization, was still known to occur. Incommunicado detention of suspected militants was a serious problem in the early 1990s, but the initiation of ICRC prison visits and the establishment of an ICRC mail service between detainees and family members has helped to allay this problem. Of those detained in connection with political dissidence and violence in southern areas in 1991–92, 70

continued to serve sentences after conviction by the High Court, according to the ICRC.

In May 2001, Damber Singh Pulami, a refugee who had lived in a camp in Nepal, was arrested in the country. Pulami reportedly was a member of the Youth Organization of Bhutan (the youth wing of the banned Bhutan People's Party) and had gone to the country to check on the internal resettlement of non-Nepalese to the south. Amnesty International (AI) still has not received a response to queries about the charges against him, his whereabouts, and his physical condition, although according to one human rights group Pulami is in Chemgang Jail in Thimphu. The Government admitted that it had arrested Pulami in May 2001; however, it alleged that Pulami was a criminal and was arrested in connection with extortion, kidnaping, killing, and subversive activities. According to AI, Tul Man Tamang, a 30-year-old construction worker was arrested in June 2001 on suspicion of organizing political activities. He reportedly was taken to a police station at Chimakothi in Chhukha district where he allegedly was tortured, held incommunicado in a dark cell, and forced to sign a statement saying he was leaving the country voluntarily before being forcibly exiled to India. During the year, the Government continued to deny that it had arrested Tul Man Tamang.

There were no developments in the June 2001 arrest of Ugyen Tenzing, a member of the Druk-Yul Peoples' Democratic Party, in Samtse district. N.L. Katwal, a central committee member of the Bhutan Gorkha National Liberation Front, was 1 of more than 55 persons arrested during a demonstration in Phuntsholing in 2000. In December 2000, he was sentenced to 13 years and 6 months in prison. He was serving his sentence in Chamgang Jail at year's end.

Rongthong Kunley Dorji, leader of the Druk National Congress (DNC) and United Front for Democracy in Bhutan (UFD), was arrested in India in 1997, following the issuance of an extradition request by Bhutanese authorities. Human rights groups contend that the charges brought against Dorji by the Government are motivated politically and constitute an attempt to suppress his prodemocracy activities. In 1998 an Indian court released Dorji on bail but placed restrictions on his movements. Dorji's extradition case still was pending in the Indian courts and is proceeding slowly. According to a refugee-based human rights group, only one prosecution witness, a Joint Secretary in India's Ministry of External Affairs, has been cross-examined in the last 40 months. The next witness, another Indian government official, was scheduled to testify in January 2003.

In the past, according to AI, many persons have been detained on suspicion of being members or supporters of the DNC. Human rights groups alleged that arrest and abuse of refugees returning to the country without authorization continued to occur but went unreported by the Government. The Government acknowledged that 58 persons whom it described as terrorists were serving sentences at the end of 1998 for crimes including rape, murder, and robbery. There were no peaceful protest marches from India to Bhutan during the year, perhaps due to fear of arrests and deportation, as occurred in previous years after such marches. Persons holding peaceful marches from India to Bhutan charged that in 1999 the Bhutanese police assaulted them, injuring several demonstrators, and then arrested and deported all of the marchers to Nepal (*see* Section 5).

Although the Government does not use exile formally as punishment, many accused political dissidents freed under government amnesties state that they were released on the condition that they depart the country. Many of them subsequently registered at refugee camps in Nepal. The Government denied this.

e. Denial of Fair Public Trial.—There is no written constitution and the judiciary is not independent of the King; however, during 2001 the King commanded a 39-member committee to draft a constitution, which is intended to pave the way for a constitutional monarchy in upcoming years (*see* Section 3). The judicial system consisted of three branches, the Sub-Divisional Court, the District Court, and a High Court. Only the King can pardon or commute a sentence. Judges were appointed by the King on the recommendation of the Chief Justice and may be removed by the King. There was no uniform system of qualifications for judge appointments. For example, a nongovernmental organization (NGO) reported that the Chief Justice had not completed formal high school studies before his judicial appointment. Village headmen adjudicate minor offenses and administrative matters.

The Office of Legal Affairs (OLA) conducted state prosecutions, drafted and reviewed legislation, and rendered legal counsel. The OLA was composed of a Legal Services Division (which eventually was to become the Ministry of Law and Justice) with domestic, international, and human rights sections; and a Prosecution Division, with a criminal section and a civil section.

Criminal cases and a variety of civil matters were adjudicated under a legal code established in the 17th century and revised in 1958 and 1965. State-appointed pros-

ecutors filed charges and prosecuted cases for offenses against the State. In other cases, the relevant organizations and departments of government filed charges and conducted the prosecution. Defendants were supposed to be presented with written charges in languages that they understood and given time to prepare their own defense. However, according to some political dissidents, this practice was not always followed. There were reports that defendants received legal representation at trial, and that they could choose from a list of 150 government-licensed and employed advocates to assist with their defense; however, it was not known how many defendants actually received such assistance. A legal education program gradually was building a body of persons who have received formal training abroad in the law. For example, the Government sends many lawyers to India and other countries for legal training; 54 persons have completed legal studies abroad, and 43 more were enrolled. Village headmen, who had the power to arbitrate disputes, constitute the bottom rung of the judicial system. Magistrates, each with responsibility for a block of villages, could review their decisions. Magistrates' decisions could be appealed to district judges, of which there was one for each of the country's 20 districts. The High Court in Thimphu is the country's Supreme Court.

Defendants have the right to appeal to the High Court and may make a final appeal to the King, who traditionally delegated the decision to the Royal Advisory Council. Trials were supposed to be conducted in open hearings, but NGOs alleged that this was not always the case in practice. Courts decisions were not published and public access to the country's laws was limited. The National Library houses the legal codes in the national language, but other copies or volumes were not available to the public. There was a legal requirement that citizens pay for their own legal counsel; however, many citizens were unable to afford representation and thus in practice did not receive legal assistance in court.

Questions of family law, such as marriage, divorce, and adoption, traditionally are resolved according to a citizen's religion: Buddhist tradition for the majority of the population and Hindu tradition for the ethnic Nepalese. Nonetheless the Government states that there is one formal law that governs these matters.

Some or all of the approximately 106 prisoners serving sentences for offenses related to political dissidence or violence, primarily by ethnic Nepalese during 1991-92, may be political prisoners (*see* Section 1.e.).

In 1999 the King pardoned prisoner Tek Nath Rizal, a prominent ethnic Nepalese dissident and internationally recognized political prisoner. In 2000 Rizal was granted permission to leave the country to receive medical treatment in India; however, at year's end, NGOs reported that the Government has failed to restore his house and land, which in effect, forced him to lead a migratory life and move from one place to the next.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence.—There are no laws providing for these rights. According to human rights groups, police regularly conducted house-to-house searches for suspected dissidents without explanation or legal justification. The Government requires all citizens, including minorities, to wear the traditional dress of the Buddhist majority in all public places, and strictly enforced this law for visits to Buddhist religious buildings, monasteries, or government offices; in schools, and when attending official functions and public ceremonies; however, some citizens commented that enforcement of this law was arbitrary and sporadic.

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Speech and Press.—The Government restricts freedom of speech, and to a lesser extent freedom of the press. The country's only regular publication is Kuensel, a weekly newspaper with a circulation of 15,000. It also reports stories on a daily basis through its on-line edition. Kuensel was formerly government-run and human rights groups have stated that government ministries reviewed editorial material and suppressed or changed content. According to the Government, Kuensel was independent and was funded entirely through advertising and subscription revenue. Its board consists of senior civil servants and private individuals. Kuensel, was published in English, Dzongkha, and Nepali languages, and it supported the Government but did occasionally report criticism of the King and of government policies in the National Assembly. For example, the Kuensel published a series of articles that exposed corrupt practices of some Ministers during the year. Some journalists who worked for Kuensel were reportedly subjected to threats and harassment by the Ministers and their activists. The Government maintained that there were no restrictions on individuals starting new publications, but that the market was too small to support any. Nepalese, Indian, and other foreign newspapers and magazines were available, but readership was in the hundreds and primarily limited to government officials.

After a 10-year ban on private television reception, in 2000 the Government began to allow broadcasts of locally produced and foreign programs. There were more than 33 cable providers in the country with more than 10,000 subscribers. A large variety of programming was available, including CNN and BBC. The Government did not censor cable content. The Government radio station broadcasts each day for two hours in the four major languages (Dzongkha, Nepali, English, and Sharchop).

The Government inaugurated the country's first Internet service provider, Druknet, in 1999; it had 1,820 subscribers as of late 2000. There were Internet cafes in Thimphu, Phuentsholing and Bumthang. The Government did not censor any content on Druknet except for pornography, which was blocked.

There were no reported restrictions on academic freedom.

b. Freedom of Peaceful Assembly and Association.—The Government restricted freedom of assembly and association. Citizens may engage in peaceful assembly and association only for purposes approved by the Government. NGOs and political parties were illegal under the law. Although the Government allowed civic and business organizations, there were no legally recognized political parties. The Government regarded parties organized by ethnic Nepalese exiles—the Bhutan People's Party (BPP), the Bhutan National Democratic Party (BNDP), and the Druk National Congress—as “terrorist and antinational” organizations and declared them illegal. These parties, which seek the repatriation of refugees and democratic reform, did not conduct activities inside the country.

c. Freedom of Religion.—The law provides for freedom of religion; however, the Government restricted this right in practice. The Drukpa branch of the Kagyupa School of Mahayana Buddhism was the state religion. Approximately two-thirds of the population practiced either Drukpa Kagyupa or Nyingmapa Buddhism.

The Drukpa discipline was practiced predominantly in the western and central parts of the country, which was inhabited mainly by ethnic Ngalongs (descendants of Tibetan immigrants who predominate in government and the civil service, and whose cultural norms have been declared to be the standard for all citizens). The Nyingmapa school was practiced predominantly in the eastern part of the country, although there were adherents, including the royal family, in other areas. Most of those living in the east are ethnic Sharchops—the descendants of those thought to be the country's original inhabitants. The Government subsidized monasteries and shrines of the Drukpa sect and provided aid to approximately one-third of the Kingdom's 12,000 monks. The Government also provided financial assistance for the construction of Drukpa Kagyupa and Nyingmapa Buddhist temples and shrines. NGOs reported that permission from the Government to build a Hindu temple was required but rarely granted. There were no Hindu temples in Thumphu, despite the migration of many ethnic Nepalese to Thumphu. The Drukpa branch of Buddhism enjoyed statutory representation in the National Assembly (Drukpa monks occupy 10 seats in the 150-member National Assembly) and in the Royal Advisory Council (Drukpa monks hold 2 of the 11 seats on the Council); the Drukpa branch was an influential voice on public policy. Citizens of other faiths, mostly Hindus, enjoy freedom of worship but may not proselytize. Followers of religions other than Buddhism and Hinduism generally were free to worship in private homes but may not erect religious buildings or congregate in public. Under the law, conversions were illegal. Some of the country's few Christians, mostly ethnic Nepalese living in the south, state that they were subject to harassment and discrimination by the Government, local authorities, and non-Christian citizens.

The King declared major Hindu festivals to be national holidays, and the royal family participates in them. Foreign missionaries are not permitted to proselytize, but international Christian relief organizations and Jesuit priests were active in education and humanitarian activities. The Government restricted the import into the country of printed religious matter; only Buddhist religious texts can be imported. According to dissidents living outside of the country, Buddhist religious teaching, of both the Drukpa Kagyupa and Nyingmapa sects was permitted in the schools, but the teaching of other religious faiths was not. Applicants for government services sometimes were asked their religion before services are rendered. All government civil servants, regardless of religion, were required to take an oath of allegiance to the King, the country, and the people. The oath does not have religious content, but was administered by a Buddhist lama.

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

d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation.—Citizens traveling in border regions were required to show their citizenship identity cards at immigration check points, which in some cases were located

at a considerable distance from what is in effect an open border with India. By treaty citizens may reside and work in India.

The country was not a signatory to the 1951 U.N. Convention Relating to the Status of Refugees or its 1967 Protocol (*see* Section 5). The Government states that it recognizes the right to asylum in accordance with international refugee law; however, the Government has not formulated a policy regarding refugees, asylees, first asylum, or the return of refugees to countries in which they fear persecution.

According to one credible human rights source, until recently the Government systematically arrested and imprisoned Tibetan refugees crossing the border with Tibet. This policy was followed under a tacit agreement with China. So invariable was this policy that Tibetan leaders advised refugees not to use routes of escape through the country, and refugees have not done so for several years. Since Tibetans effectively were the only refugee population seeking first asylum in the country, the issue of first asylum did not arise during the year.

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

Citizens do not have the right to change their government. The country is a monarchy with sovereign power vested in the King. However, during 2001 a draft constitution was written. A newspaper quoted the Chief Justice of the Supreme Court as saying that the committee discussed the merits of multiparty politics. The drafting committee was chaired by the Chief Justice of the High Court and was, according to the Government, composed of representatives of the Monastic body, the people, the judiciary, and the Royal government. The Government indicated that the Constitution would be a codification of existing Buddhist-influenced societal standards. In 1998 the King devolved his day-to-day executive powers to the Council of Ministers, who were elected by the National Assembly from among themselves, but reserved control of "matters of national sovereignty and national security" for himself. He also introduced term limits for his Council of Ministers and proposed measures to increase the role of the National Assembly in the formation of his government. The National Assembly elected a new Council of Ministers and government in July 1998 to a 5-year term. In July 2001, the National Assembly elected six Royal Advisory Councilors. There were elected or partially elected assemblies at the local, district, and national levels, and the Government claimed to encourage decentralization and citizen participation. These elections were conducted in much the same way as National Assembly elections. Since 1969 the National Assembly has had the power to remove ministers whom the King appoints, but it never has done so. Political authority ultimately resided in the King, and decisionmaking involves only a small number of officials. Officials subject to questioning by the National Assembly routinely make major decisions, but the National Assembly is not known to have overturned any decisions reached by the King and government officials.

Political parties do not exist legally. The Government has banned parties established abroad by ethnic Nepalese, Sarchops, or Eastern Bhutanese (*see* Section 2.b.).

The National Assembly had 150 members. Of these, 105 were elected by citizens, 10 were selected by a part of the Buddhist clergy, and the remaining 35 were appointed by the King to represent the Government. The National Assembly, which meets irregularly, had little independent authority. However, there were efforts underway to have the National Assembly meet on a more regular basis, and in recent years the King and the Council of Ministers have been more responsive to the National Assembly's concerns. The procedures for the nomination and election of National Assembly members state that in order to be eligible for nomination as a candidate, a person must be a citizen; be at least 25 years of age; not be married to a foreign national; not have been terminated or compulsorily retired for misconduct from government service; not have committed any act of treason against the King, the populace, and country; have no criminal record or any criminal case pending against him; have respect for the nation's laws; and be able to read and write in Dzongkha (the language, in several dialects, spoken by Bhutanese Buddhists).

Each National Assembly constituency consists of a number of villages. Each village was permitted to nominate one candidate but must do so by consensus. There was no provision for self-nomination, and the law states that no person may campaign for the candidacy or canvass through other means. If more than one village within a constituency puts forward a candidate, an election was conducted by the district development committee, and the candidate obtaining a simple majority of votes cast was declared the winner. During the year, the law allowed individuals over the age of 18 the right to vote. The law did not make clear how a candidate was selected if none achieves a simple majority. However, it did state that in case of a tie among the candidates in the election, selection shall be made through the

drawing of lots. The candidate whose name was drawn shall be deemed to be elected.

Human rights activists claim that the only time individual citizens have any involvement in choosing a National Assembly representative was when they are asked for consensus approval of a village candidate by the village headman. The name put to villagers for consensus approval by the headman is suggested to him by district officials, who in turn take their direction from the central government. Consensus approval took place at a public gathering. Human rights activists stated that there was no secret ballot.

The National Assembly enacted laws, approved senior government appointments, and advised the King on matters of national importance. Voting was by secret ballot, with a simple majority needed to pass a measure. The King may not formally veto legislation, but may return bills for further consideration. The Assembly occasionally rejected the King's recommendations or delayed implementing them, but in general, the King had enough influence to persuade the Assembly to approve legislation that he considered essential or to withdraw proposals he opposed. The Assembly may question government officials and force them to resign by a two-thirds vote of no confidence; however, the National Assembly never has compelled any government official to resign. The Royal Civil Service Commission was responsible for disciplining subministerial level government officials and has removed several following their convictions for crimes, including embezzlement.

The 1998 decree provided that all cabinet ministers were to be elected by the National Assembly and that the roles and responsibilities of the cabinet ministries were to be spelled out. Each cabinet minister was to be elected by simple majority in a secret ballot in the National Assembly from among candidates nominated by the King. The King was to select nominees for cabinet office from among senior government officials holding the rank of secretary or above. The King was to determine the portfolios of his ministers, whose terms were limited to 5 years, after which they must pass a vote of confidence in the National Assembly in order to remain in office. Finally, the decree provided that the National Assembly, by a two-thirds vote of no confidence, can require the King to abdicate and to be replaced by the next person in the line of succession. After adopting the decree, the National Assembly elected a new council of ministers consistent with it. Human rights groups maintained that since only the King may nominate candidates for cabinet office, their election by the National Assembly was not a significant democratic reform. The King removed himself as Chairman of the Council of Ministers in 1998. Based on an election held in the National Assembly in 1998, Cabinet Ministers who received the most votes rotate the position on a yearly basis. The Chairman of the Council of Ministers serves as Prime Minister and Head of government. At year's end, Trade and Industry Minister Khundu Wangchuk served as Chairman.

The Monastic Body comprised of 5,000 monks was financed by an annual government grant and was the sole arbiter on religious matters in the country. The body also played an advisory role in the National Assembly, the Royal Advisory Council, and with the King. The King almost consistently deferred to the body's pronouncements on religious matters and many decisions affecting the state.

There are 15 women in the National Assembly. There are 2 women in the Supreme Court, 23 percent of civil service employees are women, and women hold more than 30 percent of positions at the Ministry of Foreign Affairs. The persistence of traditional gender roles apparently accounted for a low proportion of women in government, although women have made visible gains.

There are 105 elected people's representatives in the National Assembly. All major ethnic groups are represented in the National Assembly, including 14 ethnic Nepalese.

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

There were no legal human rights NGOs in the country. The Government regarded human rights groups established by ethnic Nepalese exiles—the Human Rights Organization of Bhutan, the People's Forum for Human Rights in Bhutan, and the Association of Human Rights Activists-Bhutan—as political organizations and did not permit them to operate in the country. AI was permitted to visit in 1998, and later released a report.

ICRC representatives conducted a yearly prison visit, and the Government allowed them unhindered access to detention facilities, including those in southern districts inhabited by ethnic Nepalese. The chairman and members of the U.N. Human Rights Commission Working Group on Arbitrary Detention have made two visits to the country.

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

Ongoing government efforts to cultivate a national identity rooted in the language, religion, and culture of the Ngalong ethnic group restricted cultural expression by other ethnic groups. In the late 1980s and early 1990s, the Government instituted policies designed to preserve the cultural dominance of the Ngalong ethnic group. It also committed many abuses against the ethnic Nepalese, which led to the departure of tens of thousands of them. Many ethnic Nepalese were expelled forcibly, and almost 100,000 of them remain in refugee camps in Nepal. At the time, the Government claimed that it was concerned about the rapid population growth of and political agitation by the ethnic Nepalese. The Government claimed ethnic and gender discrimination in employment was not a problem. It claims that ethnic Nepalese fill 16 percent the civic service or government employment, which was less than their proportion of the total population. Bhutanese human rights groups active outside the country claim that ethnic Nepalese actually make up approximately one third of the country's population and that the Government underreports their number. Women were accorded respect in the traditions of most ethnic groups, although some exile groups claim that gender discrimination was a problem.

Women.—There was no evidence that rape or spousal abuse were extensive problems. However, NGOs reported that many women did not report rape either because of the cultural issues or because they were unaware of the legal options.

The Rape Act contained a clear definition of criminal sexual assault and specified penalties. In cases of rape involving minors, sentences range from 5 to 17 years. In extreme cases, a rapist may be imprisoned for life. There were few known instances of sexual harassment.

Women constitute 48 percent of the population and participate freely in the social and economic life of the country. Approximately 43 percent of enrollment in school was female. Inheritance law provides for equal inheritance among all sons and daughters, but traditional inheritance practices, which vary among ethnic groups, may be observed if the heirs choose to forego legal challenges. Dowries were not customary, even among ethnic Nepalese Hindus. Among some groups, inheritance practices favoring daughters reportedly account for the large numbers of women who own shops and businesses and for an accompanying tendency of women to drop out of higher education to go into business. However, female school enrollment has been growing in response to government policies. Women increasingly were found among senior officials and private sector entrepreneurs, especially in the tourism industry. Women in unskilled jobs generally are paid slightly less than men. Women constitute approximately 30 percent of the formal work force.

In questions related to family law, including divorce, child custody, and inheritance, were adjudicated by the customary law of each ethnic or religious group. The minimum age of marriage for women was 16 years, except in the case of Muslims, who continue to follow their customary marriage practices. The application of different legal practices based on membership in a religious or ethnic group often results in discrimination against women. Polygyny was allowed, provided the first wife gives her permission. Polyandry was permitted but did not often occur. Marriages may be arranged by the marriage partners themselves as well as by their parents. Divorce was common. Existing legislation requires that all marriages must be registered; it also favors women in matters of alimony.

Children.—The Government demonstrated its commitment to child welfare by rapid expansion of primary schools, healthcare facilities, and immunization programs. Mortality rates for both infants and children under 5 years dropped significantly since 1989. The Government provided free and compulsory primary school education, and primary school enrollment increased 9 percent per year since 1991, with enrollment of girls increasing at an even higher rate. Government policies aimed at increasing enrollment of girls increased the proportion of girls in primary schools from 39 percent in 1990 to 45 percent during 2001. In 2001 the participation rate for children in primary schools was estimated at 72 percent, with the rate of completion of 7 years of schooling at 60 percent for girls and at 59 percent for boys. The number of children enrolled in school has grown to 126,718 in 2001. There was no law barring ethnic Nepalese children from attending school. However, most of the 75 primary schools in southern areas heavily populated by ethnic Nepalese that were closed in 1990 remain closed. The closure of the schools acts as an effective barrier to the ability of the ethnic Nepalese in southern areas to obtain a primary education. In addition, ethnic Nepalese also claimed that the Security Clearance Form, which is a prerequisite for taking one's passport out of the Foreign Ministry, was biased against ethnic Nepalese. The ethnic Nepalese said that since the forms are based on the security clearance of their parents, it frequently excludes children of ethnic Nepalese. Exile groups claim that Nepalese students scoring highly on na-

tional exams were not always given the same advantages as other students (such as the chance to study abroad at government expense), particularly if they are related to prominent dissidents or refugees.

There was no societal pattern of abuse against children. Children enjoy a privileged position in society and benefit from international development programs focused on maternal and child welfare. A study by the U.N. Children's Fund (UNICEF) found that boys and girls received equal treatment regarding nutrition and health care and that there is little difference in child mortality rates between the sexes.

Persons with Disabilities.—There was no evidence of official discrimination toward persons with disabilities, but the Government has not passed legislation mandating accessibility for persons with disabilities. Societal discrimination against persons with disabilities remained a problem.

National/Racial/Ethnic Minorities.—Ethnic Nepalese have lived in the southern part of the country for centuries, and the early phases of economic development at the turn of the century brought a large influx of additional ethnic Nepalese. Early efforts at national integration focused on assimilation, including financial incentives for intermarriage, education for some students in regions other than their own, and an increase in development funds for the south. However, in the late 1980s, concern over the increase in the population of and political agitation among ethnic Nepalese prompted aggressive government efforts to assert a national culture, to tighten control over southern regions, to control illegal immigration, to expel ethnic Nepalese, and to promote national integration.

Discriminatory measures, introduced in 1989, continued during the year. Measures included a requirement that national dress be worn for official occasions and as a school uniform, the teaching of Dzongkha as a second language in all schools, and an end to instruction in Nepali as a second language.

During the mid- and late 1980s, citizenship became a highly contentious matter. Requirements for citizenship first were formalized in the Citizenship Law of 1958, which granted citizenship to all adults who owned land and had lived in the country for at least 10 years. However, the law significantly tightened requirements and resulted in the denaturalization of many ethnic Nepalese. The 1985 law required that both parents be citizens in order to confer citizenship on a child, and that persons seeking to prove citizenship through their own or their parents' residency in 1958 be able to prove residency in the country at that time. In many cases, persons were unable to produce the documentation necessary, such as land tax receipts from 1958, to show residency. The law permits residents who lost citizenship under the 1985 law to apply for naturalization if they can prove residence during the 15 years prior to that time. The Government declared all residents who could not meet the new citizenship requirements to be illegal immigrants. Beginning in 1988, the Government expelled large numbers of ethnic Nepalese through enforcement of the new citizenship laws.

The Citizenship Act also provided for the revocation of the citizenship of any naturalized citizen who "has shown by act or speech to be disloyal in any manner whatsoever to the King, country, and people of Bhutan." The Home Ministry later declared in a circular that any nationals leaving the country to assist "antinationalists," and the families of such persons, would forfeit their citizenship. Human rights groups alleged that these provisions were used widely to revoke the citizenship of ethnic Nepalese who subsequently were expelled or otherwise departed from the country. In response to the perceived repression, ethnic Nepalese protested, sometimes violently. The protests were led by the BPP, which advocated full citizenship rights for ethnic Nepalese and for democratic reforms. Characterizing the BPP as a "terrorist" movement backed by Indian sympathizers, the authorities cracked down on its activities and ordered the closure of local Nepalese schools, clinics, and development programs after several were raided or bombed by dissidents. There were credible reports that many ethnic Nepalese activists were beaten and tortured while in custody, and that security forces committed acts of rape. There also were credible reports that militants, including BPP members, attacked and killed census officers and other officials, and engaged in bombings.

Local officials took advantage of the climate of repression to coerce ethnic Nepalese to sell their land below its fair value and to emigrate. Beginning in 1991, ethnic Nepalese began to leave southern areas of the country in large numbers and take refuge in Nepal. Many ethnic Nepalese claimed they also were forced to sign "voluntary migration forms" and leave the country, after local officials threatened to fine or imprison them for failing to comply. According to UNHCR, there were 102,800 ethnic Nepalese refugees in seven refugee camps in eastern Nepal as of De-

ember. An additional 15,000 refugees, according to UNHCR estimates, were living outside the camps in Nepal and India.

Ethnic Nepalese political groups in exile complain that the revision of the country's citizenship laws in 1985 denaturalized tens of thousands of former residents of the country. They also complained that the new laws have been applied selectively and made unfair demands for documentation on a largely illiterate group when the country only recently adopted basic administrative procedures. They claimed that many ethnic Nepalese whose families have been in the country for generations were expelled because they were unable to document their claims to residence. The Government denies this and asserts that a three-member village committee, typically ethnic Nepalese in southern districts, certifies in writing that a resident is a citizen in cases where documents cannot be produced.

Since 1994 there have been a series of negotiations between Nepal and Bhutan to resolve the Bhutanese refugee problem. In December 2000, the two countries agreed upon a system to verify the Bhutanese refugees in Nepal in preparation for their return to the country. Refugee verifications began in March 2001. By December 2001, all the residents of the first camp had been interviewed, and the Bhutanese verification team went back to Thimphu pending the start of verification at the next camp. Refugee groups are concerned that at the present rate, verification will take several years. Bilateral negotiations on repatriation issues in November 2001 failed to arrive at an agreement, and the matter was deferred to a proposed future session of ministerial-level talks. The talks' earlier lack of progress frustrated refugees, and some held "peace marches" to protest their plight.

The UNHCR monitored the conditions of the Bhutanese refugees in camps in eastern Nepal and provided for their basic needs. U.N. officials, diplomats and NGO representative visitors to the camps had described conditions as generally very good, largely as a result of efficient UNHCR administration, conscientious government oversight and the refugees taking responsibility for their surroundings. However, there were reports by refugee women and children that some of the Bhutanese refugee workers at the camps had committed sexual assault. The UNHCR responded by conducting an investigation and the Government of Nepal provided more police protection to the camps.

The Government contended that many of the documents presented by refugees in the camps were fraudulent. NGOs claimed that these assertions by the Government represented an attempt to eliminate the majority of the refugees from qualifying as citizens.

In 1998 the Government expanded its program of resettling Buddhist Bhutanese from other regions of the country on land in the southern part of the country vacated by the ethnic Nepalese living in refugee camps in Nepal. Human rights groups maintained that this action prejudices any eventual outcome of negotiations over the return of the refugees to the country. The Government maintained that citizens who are ethnic Nepalese from the south sometimes were resettled on more fertile land in other parts of the country. The failure of the Government to permit the return of ethnic Nepalese refugees has tended to reinforce societal prejudices against this group, as has the Government's policy on the forced retirement of refugee family members in government service and the resettlement of Buddhists on land vacated by expelled ethnic Nepalese in the south.

Section 6. Worker Rights

a. The Right of Association.—Trade unions were not permitted, and there were no labor unions. The Government maintained that, with very little industrialization, there was little labor to be organized.

b. The Right to Organize and Bargain Collectively.—There was no collective bargaining in industry. Workers did not have the right to strike, and the Government was not a member of the International Labor Organization (ILO). Industry accounted for approximately 25 percent of the GDP, but employed only a minute fraction of the total work force. The Government affected wages in the manufacturing sector through its control over wages in state-owned industries.

There are no export processing zones.

c. Prohibition of Forced or Bonded Labor.—The Government prohibits forced or bonded labor, and there were no reports that such practices occurred. However, mandatory national service was practiced. Agricultural workers were required to work in state service for 15 days per year. NGOs stated that this practice was administered selectively. For instance, NGOs believe the practice often selected poor agricultural workers at the height of their harvesting season. There was no evidence to suggest that domestic workers were subjected to coerced or bonded labor.

d. Status of Child Labor Practices and Minimum Age for Employment.—The law sets the minimum age for employment at 18 years for citizens and 20 years for non-citizens. A UNICEF study suggested that children as young as 11 years sometimes are employed with roadbuilding teams, which usually were made up of non-citizen guest workers. Children often do agricultural work and chores on family farms. The law specifically does not prohibit forced and bonded labor by children, but there were no reports that such practices occurred. The country has not ratified ILO Convention 182 on preventing the Worst Forms of Child Labor; however, as a state party to the U.N. Convention on the Rights of the Child, the Government supports the provisions contained therein. The country lacks a large pool of ready labor; for major projects, such as road works, the Government brings in hired laborers from India.

e. Acceptable Conditions of Work.—A circular that went into effect in 1994 established wage rates, rules and regulations for labor recruiting agencies, and the regulations for payment of worker's compensation. Wage rates were revised periodically, and range upward from a minimum of roughly \$2.50 (100 ngultrums) per day plus various allowances paid in cash or kind. This minimum wage provided a decent standard of living for a worker and family. The workday was defined as 8 hours with a 1-hour lunch break. Work in excess of this must be paid at one and one-half times normal rates. Workers paid on a monthly basis are entitled to 1 day's paid leave for 6 days of work and 15 days of leave annually. The largest salaried work force was the Government service, which has an administered wage structure last revised in 1988 but supplemented by special allowances and increases. The last such increase was in 1999. According to the latest Census of Manufacturing Industries, only 38 industrial establishments employed more than 50 workers. Smaller industrial units included 39 plants of medium size, 345 small units, 832 cottage industry units, and 2,154 "mini" units. The Government favored family-owned farms. Land laws prohibited a farmer from selling his or her last 5 acres and required the sale of holdings in excess of 25 acres. This, along with the country's rugged geography, results in a predominantly self-employed agricultural workforce. Workers were entitled to free medical care within the country. Cases that cannot be dealt with in the country were flown to other countries (usually India) for treatment. Workers were eligible for compensation for partial or total disability, and in the event of death their families were entitled to compensation. Existing labor regulations did not grant workers the right to remove themselves from work situations that endanger health and safety without jeopardizing their continued employment.

f. Trafficking in Persons.—The law does not specifically prohibit trafficking in persons; however, there were no reports that persons were trafficked to, from, or within the country.

INDIA

India is a longstanding parliamentary democracy with a bicameral parliament. Prime Minister Atal Bihari Vajpayee, whose Bharatiya Janata Party (BJP) leads a multi party coalition, heads the Government. President A.P.J. Abdul Kalam, who was elected in July by an electoral college consisting of Members of Parliament and members of state assemblies, is Head of State and also has special emergency powers. State Assembly elections held earlier in the year in Uttar Pradesh, Punjab, Uttaranchal, Manipur, and Goa were conducted generally in a free and transparent manner with little violence. In December elections were held in Gujarat where the BJP won a closely watched election following accusations of government failure to control riots in February to March that killed over 2,000 persons, mostly Muslims. The judiciary is independent.

Although the 28 state governments have primary responsibility for maintaining law and order, the central government provides guidance and support through the use of paramilitary forces throughout the country. The Union Ministry for Home Affairs controls most of the paramilitary forces, the internal intelligence bureaus, and the nationwide police service; it provides training for senior police officers of the state-organized police forces. The armed forces are under civilian control. Members of the security forces committed numerous serious human rights abuses.

The country is in transition from a government-controlled to a largely market-oriented economy. The private sector is predominant in agriculture, most nonfinancial services, consumer goods manufacturing, and some heavy industrial sectors. Economic liberalization and structural reforms begun in 1991 continued, although momentum slowed. The country's economic problems were compounded by a population growth rate of 1.7 percent annually and a population of more than 1.2 billion. In-

come distribution remained very unequal, with the top 20 percent of the population receiving 34.4 percent of national income and the bottom 20 percent receiving 10 percent. According to a government survey, 23.6 percent of the urban population and 27.1 percent of the rural population lived below the poverty level.

The Government generally respected the human rights of its citizens; however, numerous serious problems remained. Significant human rights abuses included: Extrajudicial killings, including faked encounter killings, deaths of suspects in police custody throughout the country, and excessive use of force by security forces combating active insurgencies in Jammu and Kashmir and several northeastern states; torture and rape by police and other agents of the Government; poor prison conditions; arbitrary arrest and incommunicado detention in Jammu and Kashmir and the northeast; continued detention throughout the country of thousands arrested under special security legislation; lengthy pretrial detention without charge; prolonged detention while undergoing trial; occasional limits on freedom of the press and freedom of movement; harassment and arrest of human rights monitors; extensive societal violence against women; legal and societal discrimination against women; forced prostitution; child prostitution and female infanticide; discrimination against persons with disabilities; serious discrimination and violence against indigenous people and scheduled castes and tribes; widespread intercaste and communal violence; religiously motivated violence against Muslims and Christians; widespread exploitation of indentured, bonded, and child labor; and trafficking in women and children. India was invited by the Community of Democracies' (CD) Convening Group to attend the November 2002 second CD Ministerial Meeting in Seoul, Republic of Korea, as a participant.

Many of these abuses are generated by a traditionally hierarchical social structure, deeply rooted tensions among the country's many ethnic and religious communities, violent secessionist movements and the authorities' attempts to repress them, and deficient police methods and training. These problems are acute in Jammu and Kashmir, where judicial tolerance of the Government's heavy-handed counterinsurgency tactics, the refusal of security forces to obey court orders, and terrorist threats have disrupted the judicial system. In the northeast, there was no clear decrease in the number of killings, despite negotiated ceasefires between the Government and some insurgent forces and between some tribal groups.

In November State Assembly elections in Jammu and Kashmir transferred power to a coalition composed of the People's Democratic Party and the Congress Party. International observers stated that the election took place in a somewhat fair and transparent manner; however, some nongovernmental organizations (NGOs) alleged that there were some flaws in the election, including that all major separatist groups boycotted the elections and there was an widespread fear of attacks by militants. These two parties defeated the National Conference, a political party that has dominated state-level politics since Indian independence in 1947. Violence remained a pervasive feature of politics in Jammu and Kashmir. The fall elections took place in a climate of sporadic violence and isolated irregularities. Election-related violence killed more than 800 persons.

Terrorist attacks remained problems. The concerted campaign of execution-style killings of civilians by Kashmiri and foreign-based militant groups continued and included several killings of political leaders and party workers. Separatist militants were responsible for numerous, serious abuses, including killing of armed forces personnel, police, government officials, and civilians; torture; rape; and other forms of brutality. Separatist militants also were responsible for kidnaping and extortion in Jammu and Kashmir and the northeastern states. The Government accused the terrorist groups Lashkar-e-Tayyiba (LET) and Jaish-e-Muhammad of responsibility for carrying out many of the attacks on civilians and military personnel.

RESPECT FOR HUMAN RIGHTS

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

a. Arbitrary or Unlawful Deprivation of Life.—Arbitrary and unlawful deprivations of life by government forces (including deaths in custody and faked encounter killings) continued to occur frequently in the State of Jammu and Kashmir and in several northeastern states, where separatist insurgencies continued. Security forces offered bounties for wanted militants. Extrajudicial killings of criminals and suspected criminals by police or prison officers also occurred in a number of states. Militant groups active in Jammu and Kashmir, several northeast states, and parts of Andhra Pradesh, killed members of rival factions, government security forces, government officials, and civilians.

Official government figures indicated that militant activity increased notably during the year in Jammu and Kashmir. (Kashmir has been at the center of a terri-

torial dispute between India and Pakistan since the two nations gained their independence in 1947; both claim Kashmir.) According to the Kashmir Times, security forces killed 1,606 militants in encounters as of September, compared with 1,520 militants killed during the same period in 2000. In addition, human rights groups alleged that during the year security forces killed a number of captured non-Kashmiri militants in Jammu and Kashmir. During conflicts with armed militants, security forces allegedly responded indiscriminately to gunfire. Kashmiri separatist groups claimed that in many instances "encounters" were faked and that security forces summarily executed suspected militants and civilians offering no resistance. Statements by senior police and army officials confirmed that the security forces were under instructions to kill foreign militants, rather than attempt to capture them alive. Human rights groups alleged that this particularly was true in the case of security force encounters with non-Kashmiri militants who crossed into Jammu and Kashmir illegally. According to one prominent human rights activist, the armed forces were under orders to shoot any person who was within 12 miles of the Line of Control (the ceasefire line delineating parts of India from Pakistan in Jammu and Kashmir) or to shoot any person who was unable to quickly justify their presence in the area.

According to press reports and anecdotal accounts, persons killed in disputed encounters typically were detained by security forces, and their bodies, often bearing multiple bullet wounds and often marks of torture, were returned to relatives or otherwise were discovered shortly afterwards. For example, in January Ali Muhammad Bhat was beaten, shot, and killed allegedly in retribution for filing a complaint against the security forces. In March Mubarak Shah and his wife were killed in Dushar Gool. Security forces allegedly detained the pair a few days before they were killed.

In December in Srinagar Mohammad Ahsan Untoo, chairman of the Kashmir Human Rights forum, protested human rights violations by security forces in Kashmir, by dousing himself in kerosene and lighting himself on fire.

There reportedly was no action taken against members of the security forces responsible for the following killings in Jammu and Kashmir: The February 2001 "encounter" killing of Azam Ali in Nalgonda; the May 2001 alleged custody killing of Aijaz Ahmad Kitab; the January 2000 alleged custody killing of Mohammad Tahir Shah; the March 2000 alleged custody killing of Gulab Muhammad Chechi.

According to local press reports, the number of persons killed in encounter deaths varied widely throughout the country. In Delhi there were eight reported encounter deaths; in Chennai there were six; in Gujarat there were three. However, in Uttar Pradesh, there were 260; in Bihar there were 68, and in Mumbai there were 47.

The National Human Rights Commission (NHRC), called for all alleged encounter deaths to be investigated immediately by an independent agency; however, such an agency was not established during the year. In addition, members of the security forces rarely were held accountable for these killings. The NHRC may inquire into alleged security force abuses in Jammu and Kashmir but does not have the statutory power to investigate such allegations. Human rights activists maintained that the Government increasingly substituted financial compensation to victims' families for punishment of those found guilty of illegal conduct. In an overwhelming majority of cases where compensation was recommended, it never was delivered. In some cases, victims or victims' families distrusted the military judicial system and petitioned to transfer a particular case from a military to a civil court. The authorities generally did not report encounter deaths that occurred in Jammu and Kashmir to the NHRC; however, private citizens informed the Commission of various abuses.

The security forces killed many civilians during military counterinsurgency operations in Jammu and Kashmir. For example, in October security forces killed nine persons following a gun battle between militants and security officials in Kashmir.

The Armed Forces Special Powers Act and the Disturbed Areas Act remained in effect in several states in which active secessionist movements exist, namely, in Jammu and Kashmir, Nagaland, Manipur, Assam, and parts of Tripura. The Disturbed Areas Act gives police extraordinary powers of arrest and detention, which, according to human rights groups, allowed security forces to operate with virtual impunity in areas under the act. The Armed Forces Special Powers Act provides search and arrest powers without warrants (*see* Section 1.d.).

Accountability remained a serious problem in Jammu and Kashmir. Security forces committed thousands of serious human rights violations over the course of the conflict, including extrajudicial killings, disappearances, and torture (*see* Sections 1.b. and 1.c.). Despite this record of abuse, only a few hundred members of the security forces have been prosecuted and punished since 1990 for human rights violations or other crimes. Punishments ranged from reduction in rank to imprisonment for up to 10 years.

In order to get greater accountability for abuses committed by security forces members in Jammu and Kashmir, the NHRC recommended that the Government allow the NHRC to investigate complaints of the army and paramilitary forces excesses; however, the Government decided that the paramilitary forces were part of the armed forces. As such, paramilitary forces were protected from investigation by the NHRC and from criminal prosecution for certain acts under various emergency statutes. Under the Human Rights Protection Act, the NHRC cannot directly investigate allegations of human rights abuses by the armed and paramilitary forces.

Violence, often resulting in deaths, was a pervasive element in Jammu and Kashmir politics (see Section 3). According to the Jammu and Kashmir Director General of Police, shootings, explosions, and suicide attacks during the election killed more than 800 persons. More than 260 civilians, 250 security personnel, and 370 militants were killed in politically motivated violence during the year. For example, between August and October militants killed 44 persons from the National Conference Party, Congress Party, People's Democratic Party and independent activists and two candidates, Jammu and Kashmir Law Minister Mushtaq Ahmed Lone and Abdul Rehman. Supporters of different political parties, and supporters of different factions within one party, frequently clashed with each other and with police during the election.

There were many allegations that military and paramilitary forces engaged in abduction, torture, rape, arbitrary detention, and the extrajudicial killing of militants and noncombatant civilians, particularly in areas of insurgencies (see Sections 1.b., 1.c., 1.d., and 1.g.). The majority of complaints during the year involved individual cases; while there had been complaints of individual houses being destroyed, there were no reports of entire villages being burned by armed forces or of mass killings, as in past years. Human rights groups alleged that police often faked encounters to cover up the torture and subsequent killing of both militants and noncombatants. For example, in May police arrested Bhujangrao Bhandari in Nerul. Police asserted that Bhandari had hung himself; however, since Bhandari only had one arm, human rights observers said the police version lacked credibility. By year's end, no inquiry had been ordered in Bhandari's case. The number of persons killed and injured in militant violence in the northeastern states was significant but was much lower than the numbers killed in similar violence in Kashmir. The Home Ministry reported that during 2001, 107 members of the security forces, 429 civilians, and 517 militants were killed in the northeast. According to India Today, deaths in Mumbai in police encounters from January to July were 39, compared with 92 in 2001. Numerous incidents of encounters involving security forces and militant organizations such as the United Liberation Front of Assam (ULFA), the National Democratic Front of Bodoland (NDFB), and the United People's Democratic Solidarity (UPDS) continued. For example, on October 30 in Guwahati two militants allegedly involved in a mortar attack on Dispur on October 27 were killed by state police. An investigation by the Assam Human Rights Commission resulted in the transfer of two senior police officials. In November police shot and killed two men they claimed were Pakistani terrorists. A witness challenged the police account of the shooting, alleged the encounter was fake, and later filed a petition in the Delhi High Court seeking an independent inquiry into the incident. At year's end, the witness claimed that the Government put pressure on him to change his statement.

No action reportedly was taken by the Chief Minister of Andhra Pradesh in the 2001 killing of Azam Ali or Purushotham. The Andhra Pradesh Civil Liberties Commission (APCLC) believed that the police, not the PWG, were involved in the killings. In 2001 Amnesty International (AI) had asked the Chief Minister of Andhra Pradesh to order an impartial investigation into the killing of Purushotham and Azam Ali. There were no reports of any action taken against the responsible members of the police who killed six PWG activists and one civilian in June 2001.

The NHRC investigated 285 reported cases of encounter deaths allegedly committed by the Andhra Pradesh police in connection with anti-People's War Group (PWG) operations. According to the Andhra Pradesh Civil Liberties Committee, the NHRC had evidence of police culpability in several cases. However, such cases had not been adjudicated in the courts or otherwise acted on by the state government. The Government's failure to act expeditiously on NHRC findings discouraged local human rights groups from filing additional encounter death cases with the NHRC. As evidence that encounters often were faked by police, human rights groups cited the refusal of police officials to turn over the bodies of suspects killed. The bodies often were cremated before families could view them. The trial continued in the 2001 NHRC investigation of 285 reported cases of encounter deaths allegedly committed by the Andhra Pradesh police in connection with anti-PWG operations.

In Andhra Pradesh, the Disturbed Areas Act had been in force in a number of districts for more than 4 years. Human rights groups alleged that security forces

were able to operate with virtual impunity under the act. They further alleged that Andhra Pradesh police officers trained and provided weapons to an armed vigilante group known as the "Green Tigers," whose mission was to combat the Naxalite group in the state. In November, two alleged LTTE terrorists were killed by the police in Tamil Nadu. Little was known about the size, composition, or activities of this group.

Court action in cases of extrajudicial killings was slow and uncertain. In one case, Army Major Avtar Singh was arrested in 1998 for the 1996 killing of human rights monitor Jalil Andrabi in Kashmir. Singh and 11 countermilitants were charged with Andrabi's killing and 10 other unlawful killings. Criminal charges and a court martial still were pending against Singh at year's end. Human rights workers alleged that the central government and the Jammu and Kashmir state government both attempted to subvert the judicial process by withholding evidence in the case. There were no developments in the 1996 killing of human rights monitor Parag Kumar Das, who allegedly was killed by a militant who previously had surrendered and was supported by the Government.

Police frequently used excessive force indiscriminately against demonstrators, killing citizens (*see* Section 2.b.).

In July the Supreme Court ordered regular checks on police stations to ascertain the incidence of custodial violence against persons. The Court directed state human rights commissions and other civic rights protection committees to conduct surprise checks. These checks were conducted in a small number of police stations in the States of Madhya Pradesh and West Bengal.

Deaths in custody were common both for suspected militants and other criminals. According to the NHRC, there were 1,305 reported deaths in custody nationwide during 2001, the latest year for which data were available. Many died from natural causes aggravated by poor prison conditions (*see* Section 1.c.).

For example, in April Karna Chetri was found dead in the Sardar Police Station in Assam following a reported scuffle and a bullet injury. In May several police officers reportedly beat to death a retired police officer at the Gauripur police station in Guwahati, Assam. The retired police officer had entered the station to seek the release of his son who had been arrested for reckless driving. The son was also tortured by the police, but no one was held accountable. In May police detained and beat to death Amit Arora at the police station in Jaipur, Rajasthan. Arora reportedly had planned to expose a corrupt police unit in Jaipur. Citizens protested local police after police denied the death. The police ordered an inquiry into the death, filed charges against some of police responsible, and transferred 37 police officers to another station by year's end. In August the police detained a member of the CPI (ML) in Janashakti under suspicion of Naxalite activities. When he was taken to the hospital one day later, doctors declared that he had died in custody. After an investigation by the police, the Andhra Pradesh Home Minister Goud ordered the installation of video cameras in jails; however, by year's end the order had not been implemented.

The NHRC focused on torture and deaths in custody by directing district magistrates to report all deaths in police and judicial custody to the commission and stating that failure to do so would be interpreted as an attempted coverup. Magistrates appeared to be complying with this directive, although states varied in their adherence to NHRC directives on custodial deaths. However, security forces were not required to report custodial deaths in Jammu and Kashmir or the northeastern states to the NHRC and did not do so. The final Criminal Investigation Department report of Uttar Pradesh concluded that the cause of Ram Kishore's 1993 death was natural, due to heart problems. There reportedly was no action taken or formal investigation into the July 2001 death of the Masood in Jammu and Kashmir. In addition, there was no report from the Home Ministry and Defense Ministry regarding media reports of custodial deaths, which the NHRC requested in 2001.

During the year, some state governments took some measures regarding custodial deaths. Following NHRC guidelines, in 2001 the state government of Maharashtra mandated automatic post-mortem examinations and inquiries by a magistrate following all cases of custodial deaths. The district jail in Pune, the state's second largest city, became the first in the country to adopt video-conferencing to help magistrates determine the health and well-being of persons in judicial custody (*see* Section 1.c.).

In Bihar the NHRC recorded 144 custodial deaths in its 2001-2002 reporting period. According to the NHRC, the Bihar government had not been responsive to NHRC directives and reports addressing police training and accountability. However, the Bihar Inspector General of Prisons reportedly stated that of the 144 cases, only 15 were "unnatural deaths." Human rights sources claimed that the number was higher. The NHRC Chairperson stated that Bihar had the second highest num-

ber of human rights violations in the country, and it had not yet formed a State Human Rights Commission.

Killings and abductions of suspected militants and other persons by progovernment countermilitants continued to be a significant problem in Jammu and Kashmir. Countermilitants were members of police auxiliary units consisting of former separatists who surrendered to government forces, but who retained their weapons and paramilitary organization. Government agencies funded, exchanged intelligence with, and directed the operations of countermilitants as part of the counterinsurgency effort. The Government also recruited countermilitants into the Special Operations Group of the Jammu and Kashmir police and into the Border Security Force. Countermilitants were known to search persons at roadblocks (*see* Section 2.d.) and guard large areas of the Kashmir Valley from attacks by militants. The Government, through its sponsoring and condoning of extrajudicial countermilitant activities, was responsible for killings, abductions, and other abuses committed by these militant groups. According to a 2000 estimate, as many as 3,000 countermilitants continued to operate in Jammu and Kashmir, particularly in the countryside, outside major towns.

Insurgency and ethnic violence was a problem in the seven northeastern states. The main insurgent groups in the northeast included two factions of the National Socialist Council of Nagaland (NSCN) in Nagaland; Meitei extremists in Manipur; the ULFA and the Bodo security forces in Assam; and the All Tripura Tiger Force (ATTF) and the National Liberation Front of Tripura (NLFT) in Tripura. The proclaimed objective of many of these groups was to secede from the country. Their stated grievances against the Government ranged from charges of neglect and indifference to the widespread poverty of the region to allegations of active discrimination against the tribal and nontribal people of the region by the central government (*see* Section 5). The oldest of these conflicts, involving the Nagas, dates back to the country's independence in 1947. During the year, talks continued between various insurgent groups and central and state government officials. In July the Government and the National Socialist Council of Nagaland-Isaac and Muivah (NSCN-IM) announced the extension of the unilateral August 2001 cease-fire, which was extended until August 2003. The talks between the Government and the NSCN-IM continued when representatives of the two met in Malaysia. Subsequently, the talks also led to the withdrawal of arrest warrants against NSCN-IM leaders by the Nagaland Chief Minister. Unlike in previous years, the Government's extended cease-fire was not resisted in Manipur, Assam, and Arunachal Pradesh, and there were no reports of protests as a result of the continued cease-fire.

Surrenders by militants in the northeast, often under government incentive programs, were common in recent years. Surrendered militants usually were given a resettlement and retraining allowance and other assistance. In Andhra Pradesh, the state government offered a financial package to surrendered PWG militants, a program that prompted hundreds of Naxalites to leave the movement in recent years. According to human rights activists and journalists, a few surrendered militants were allowed to retain their weapons and were working for the police as anti-PWG officers, residing in police camps and barracks. Human rights groups alleged that police used former militants to kill Naxalites and human rights activists with close links to the PWG, although police attributed such killings to internal feuds within the PWG. Several hundred PWG militants surrendered during the year.

In Tripura a systematic surrender of arms by a faction of NLFT insurgents and NLFT fringe groups was due to the increased security pressure and to infighting within NLFT insurgent ranks. Since 2000 a few hundred militants surrendered in small groups to the security forces, handing in their weapons.

The killings of ULFA leaders' family members during the year renewed concerns about the situation in Assam. On January 4, unidentified assailants shot and killed three relatives of two ULFA militants, including two relatives of ULFA deputy commander in chief Raju Baruah. In addition, ULFA militants killed Avinash Bordoloi and two other surrendered ULFAs in Nalbari district. On June 25, five tribal militants were killed and several were injured during a series of encounters between NLFT and ATTF at Takarjala in Tripura. More than 87,000 persons lived under poor conditions in relief camps in Assam's Kokrajhar, Gosaigaon, and adjoining districts as a result of the ongoing violence between Bodos and Santhals (*see* Section 2.d.).

Militant groups in Manipur, Tripura, and Assam continued to attack civilians. For example, in April four tribals were killed after they had been abducted by NLFT militants in West Bengal's Takajala area. In June two Gorkha Rifles personnel were killed, and five others were injured by NSCN (IM) militants. In August NLFT killed four CPM activists in Kanchanpur, Tripura. On October 27, NDFB militants killed 22 villagers in Datgiri in Assam's Kokerahjar district.

In Assam 97 civilians, 206 militants, and 25 security force personnel were killed in clashes with militants during 2001.

In Manipur 25 civilians, 72 militants, and 34 security force personnel were killed in clashes with militants during the year. The Manipur government declared a month-long ceasefire with militants in March 2001, but numerous persons were killed in counterinsurgency incidents after the ceasefire went into effect. In Manipur 18 militant groups reportedly were active, including outlawed Meitei organizations.

In Tripura separatist-related violence continued and resulted in the deaths of 73 civilians, 28 militants, and 30 security force personnel.

In Nagaland 2 civilians, 13 militants, and 2 security force personnel were killed in clashes with militants during the year. Throughout the year, talks continued between various Naga separatists and central and state government officials. In November the Government decided now to renew a ban on the Naga group, NSCN-IM, in anticipation of talks with the NSCN-IM. The Government's continued negotiations with Naga separatists over a cease-fire caused significant unrest in Nagaland and in neighboring states.

In the north-central states of Bihar, Jharkhand, Orissa, and West Bengal, clashes between police officers and PWG continued. For instance, in January PWG members detonated a bomb in Gumla district, which killed 11 persons, including 9 policemen. On November 19, PWG members detonated a bomb on a bus in Andhra Pradesh, which killed 14 persons. On December 26, PWG members attacked a village and killed seven persons, including women and children. The police sometimes responded with violence; for example, in January 2001, an activist of the Communist Party of India Liberation Front was killed and five others injured police fired on a procession of the Naxalite party in Gaya district of Bihar (*see* Section 2.b.). According to police, 82 Naxalites were killed in armed encounters during the year. Twenty years of guerrilla-style conflict between state authorities and Naxalites led to serious human rights abuses committed by both sides.

Killings of security force members by militants in Jammu and Kashmir increased for the fourth year in a row. According to official statistics, 181 security force personnel were killed in the state during the year.

During the year, militant groups in Jammu and Kashmir targeted civilians, members of the security forces, and politicians. According to the Minister of State for Home, militants had killed 907 civilians as of November 15, compared with 996 in 2001. For example, in two separate attacks in May and November, terrorists entered Hindu Raghunath Temple and killed 25 persons. On May 15, 30 persons were killed and 48 injured by militants in Kaluchak when gunmen opened fire on a bus and stormed an army camp. In May militants killed moderate Kashmiri separatist leader Abdul Gani Lone at a political meeting in Srinagar. The militant group Al-Badr claimed responsibility for the Abdul Gani killing. In June three policemen were killed and several injured by militants in Srinagar. On July 14, militants killed 28 persons in Rajiv Nagar slum area in Jammu. In August 9 Hindu pilgrims were killed and 30 injured by militants in Pahalgam during the annual Amarnath Yatra (*see* Section 2.c.). In November six members of the India's Central Reserve Police Force were killed and nine injured by two militants in a suicide attack on a police camp in Kashmir. On December 20, Abdul Aziz Mir, a People's Democratic Party member of the state assembly, was killed by militants while returning home from Friday prayers. The militant group Save Kashmir Movement claimed responsibility for the Abdul Aziz Mir killing.

There reportedly was no action taken against the responsible militants in the following cases: The January 2001 killing of two civilians on the Kashmir airport; the January 2001 grenade attack on Farooq Abdullah in Srinagar; the November 2001 killing of four soldiers by LET terrorists in Anantnag District; the August 2000 killing of six Hindu villagers in Jammu. However, in the December 2000 killing of a soldier and two civilians at Delhi's Red Fort, a trial was ongoing and has resulted in one conviction to date.

Nearly 800 persons were killed and 500 civilians were injured in violence related to the October Jammu and Kashmir Legislative Assembly polls (*see* Sections 1.g. and 4).

Religious and ethnically motivated violence caused numerous deaths, and there were reports that government agents encouraged this behavior (*see* Section 5).

Mob lynchings of tribal people occurred in many states (*see* Section 5).

b. Disappearance.—According to human rights groups, unacknowledged, incommunicado detention of suspected militants continued in Jammu and Kashmir. In October 2001, the Government of Jammu and Kashmir stated that during the last 6 years, 2,250 persons were reported missing. The state government claimed that most of those who disappeared were young men who crossed into Pakistan-controlled Kashmir for training in terrorist camps.

According to the Kashmir Times, 152 militants were arrested between January and November. In comparison, according to the Ministry of Home Affairs, 645 suspected militants were arrested in 2000. Human rights organizations alleged that the decline in the number of militants arrested was consistent with reports that security forces were killing many militants captured in encounters (*see* Section 1.a.); that pattern continued during the year. According to an AI report released in 2000, there have been between 700 and 800 unsolved disappearances in Kashmir since 1990. In the northeastern states, the Government was unable to provide complete statistics for the number of persons held under special security laws, but acknowledged that 43 persons were in detention under the National Security Act as of 1998. Although the Government allowed the Terrorist and Disruptive Practices (Prevention) Act (TADA) to lapse in 1995, one human right organization credibly reported that more than 1,000 persons remained in detention awaiting prosecution under the law. Several thousand others are held in short-term (1-day to 6 months' duration) confinement in transit and interrogation centers.

In June in Rawalapora numerous persons gathered to protest the alleged custodial disappearance of Manzoor Ahmad Dar. Dar allegedly was detained by Special Operations Group (SOG) of the Jammu and Kashmir police. Later in the year, the police admitted involvement; however, they denied any claim that the disappearance was the work of the security forces.

There were no developments in the case of Chundrakpam Ongabi Sumila's husband, who was abducted in May 2001 by suspected Assam Rifles. In addition, there were no developments in the February 2000 disappearance of M. Akbar Tantray.

Human rights groups maintained that in Jammu and Kashmir and in the northeastern states several hundred persons were held by the military and paramilitary forces in long term unacknowledged detention in interrogation centers and transit camps that nominally were intended only for short term confinement. Human rights groups feared that many of these unacknowledged prisoners were subjected to torture and extrajudicial killing (*see* Sections 1.a. and 1.c.). In August 2000, AI reported that the disappearances of up to 1,000 persons reported missing in Jammu and Kashmir since 1990 remained unexplained by authorities.

The Government maintained that screening committees administered by the state governments provided information about detainees to their families. However, other sources indicated that families were able to confirm the detention of their relatives only by bribing prison guards. In November the state government of Jammu and Kashmir responded to this problem by installing a screening system to review old detention cases and released numerous detainees (*see* Section 1.d.).

In Punjab the pattern of disappearances prevalent in the early 1990s appeared to have ended. Hundreds of police and security officials were not held accountable for serious human rights abuses committed there during the counterinsurgency of 1984-94. The Central Bureau of Investigation (CBI) claimed to be pursuing actively charges against dozens of police officials implicated in the "mass cremations" in which police in Amritsar, Patti, and Tarn Taran district secretly disposed of approximately 2,000 bodies of suspected militants. The militants were believed to have been abducted, extrajudicially executed, and cremated without the knowledge or consent of their families. During the year, the NHRC examined the cases of 585 fully identified bodies to ascertain whether police officers had been responsible for the deaths or for any human rights violation; however, the Government continued to challenge the NHRC's jurisdiction in the cases. By year's end, no significant progress was made in identifying the cremated bodies or bringing to justice those responsible for the killings. These numbers demonstrated the extent of the violence during those years and, given the pattern of police abuses prevalent during the period, credibly included many persons killed in extrajudicial executions. In 1998 former Justice Singh announced that the Committee for the Coordination on Disappearances in Punjab (CCDP) would form a three-member commission to investigate the mass cremations. The Commission met with inaction on the part of the authorities and made little progress during the year (*see* Section 4).

AI expressed concern that Punjab police officials continued to obstruct the judicial inquiry into the death of human rights monitor Jaswant Singh Khalra. During the year, the case was scheduled for recording evidence in a Session court; however, by the time evidence started to be recorded in November, a key witness denied having been witness to Khalra's disappearance into police custody. Before his death, Khalra was investigating the cremation of unidentified bodies by Tarn Taran police. These and other events prompted extended public debate over the accountability of Punjab police for abuses committed while suppressing a violent insurgency. According to human rights monitors in Punjab, approximately 100 police officials either faced charges, were prosecuted, or were under investigation for human rights abuses at year's end.

There were credible reports that police throughout the country often did not file required arrest reports. As a result, there were hundreds of unsolved disappearances in which relatives claimed that an individual was taken into police custody and never heard from again. Police usually denied these claims, countering that there were no records of arrest. There were no developments in the 2001 cases of the four persons arrested without an arrest memo and held by Border Security Force (BSF) officers in Churachandpur district.

In Manipur 14-year-old Yumlebam Sanamacha has been missing ever since soldiers arrested him in 1998. During the year, there was a judicial review into the Sanamacha case, and the family was awarded compensation from the state government of \$6,250 (RS 300,000); however, by year's end, the award had not been given to the family.

Militants in Jammu and Kashmir and the northeastern states continued to use kidnappings to terrorize the population, seek the release of detained comrades, and extort funds. Sometimes kidnaped persons later were killed (*see* Sections 1.a. and 1.g.). There were 211 reported kidnappings in the northeastern states during the year. For example, on September 1, suspected NLFT militants abducted an 8-year-old boy from a village in Dhalai district, Tripura. On December 19, NLFT militants abducted three sons of a local level leader in the same district.

During the year, there were no developments in the following 2001 cases of kidnappings by militants: The January kidnaping of a CPM worker from Dhalai district; the July kidnaping of Parthapratim Roy Burman; the August kidnaping of Sambhu Nath and Ram Avtar Chakravarty in south Assam; the August kidnaping of six persons from Rangrung tea estate in North Tripura; the August kidnaping of seven Hindu youths in the Rajouri district of the Kashmir valley in Jammu and Kashmir; and the August kidnaping of a group of Hindu shepherds in Doda district.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.—The law prohibits torture, and confessions extracted by force generally are inadmissible in court; however, authorities often used torture during interrogations. In other instances, authorities tortured detainees to extort money and sometimes as summary punishment.

The U.N. Special Rapporteur on Torture reported that the security forces systematically tortured persons in Jammu and Kashmir to coerce confessions to militant activity, to reveal information about suspected militants, or to inflict punishment for suspected support or sympathy with militants. Information was not made public regarding any instances of action taken against security force personnel in Jammu and Kashmir for acts of torture.

In June members of the security forces tortured and killed the brother of an alleged terrorist from Kupwara. Police alleged the victim died in a skirmish while he was leading them to a terrorist hideout. There were no reports of an investigations by year's end. There were no developments in the following 2001 cases: The February torture of a man from Surankot; the torture of Gulzar Ahmad Ganie; or the death of students Shiraz Ahmad Khan and Syed Malik.

The U.N. Special Rapporteur on Torture noted that methods of torture included beating, rape, crushing the leg muscles with a wooden roller, burning with heated objects, and electric shocks. Because many alleged torture victims died in custody, and others were afraid to speak out, there were few firsthand accounts, although marks of torture often were found on the bodies of deceased detainees. Unlike in the previous year, the Home Ministry did not extend an invitation to the U.N. Special Rapporteurs on Torture and on Extrajudicial Killings or the Special Rapporteur on Extrajudicial killings.

The prevalence of torture by police in detention facilities throughout the country was reflected in the number of cases of deaths in police custody (*see* Section 1.a.). New Delhi's Tihar jail was notorious for the mistreatment of prisoners, with approximately 10 percent of custodial deaths occurring there. Police and jailers typically assaulted new prisoners for money and personal articles. In addition, police commonly tortured detainees during custodial interrogation. Although police officers were subject to prosecution for such offenses under the Penal Code, the Government often failed to hold them accountable. According to AI, torture usually takes place under two contexts: In the course of regular criminal investigations and following unlawful and arbitrary arrests. For example, during criminal investigation police frequently resorted to torture to extract information from suspects while in custody, and legislation was reported to be misused during which torture frequently took place. There were no developments in the 2001 case of the torture of prisoner Yunus Fakir Mohammad Shaikh.

Police also tortured other citizens. In November a 37-year-old man was arrested by the police in Chennai on charges of belonging to an extremist political organization. According to a local NGO, he was kept in custody for 4 days and tortured. At

year's end, charges had not been filed. In April 2001 a 14-year-old girl allegedly was abducted, tortured with electric shocks, and raped for 6 days by the Patiala police (*see* Sections 1.g. and 5). At year's end, no police officer had been charged.

There also were incidents in which police beat journalists (*see* Section 2.a.), demonstrators (*see* Section 2.b.), and Muslim students (*see* Section 2.c.). Police also committed abuses against tribal people (*see* Section 5).

The rape of persons in custody was part of the broader pattern of custodial abuse. NGOs asserted that rape by police, including custodial rape, was more common than NHRC figures indicated. Although evidence was lacking, a higher incidence of abuse appeared credible, given other evidence of abusive behavior by police and the likelihood that many rapes were unreported due to a sense of shame and a fear of retribution among victims. However, limits placed on the arrest, search, and police custody of women appeared effectively to limit the frequency of rape in custody. In January a tribal woman alleged that she was raped by the head constable in Vaniyyambadi Police Station in Tamil Nadu after being arrested on theft charges.

There reportedly was no action taken against members of the security forces responsible for the following 2001 cases of rape of persons in custody: The October rape of a tribal woman and the rape of Mary Lushai in Dhalai, Tripura. At year's end, the Government had not disciplined or charged the police officers involved in the September 2000 rape of a 16-year-old girl arrested on suspicion of petty theft, despite repeated requests from the court. There were no developments in the July 2000 case of the rape of a tribal housewife in Lamdam village, Manipur by Central Reserve Police Force (CRPF) personnel. The CRPF alleged that the rape was committed in retaliation for an attack carried out on a CRPF patrol by People's Liberation Army militants the previous day (*see* Section 1.g.).

In April a 17-year-old girl alleged three BSF force personnel in Pahalgam raped her. She stated that the BSF forces forced their way into her home and raped her at gunpoint. In April the state ordered an inquiry into the rape.

There was a pattern of rape by paramilitary personnel in Jammu and Kashmir and the northeast as a means of instilling fear among noncombatants in insurgency-affected areas (*see* Section 1.g.), but it was not included in NHRC statistics because it involved the military forces. According to an NGO in Kashmir, there were 200 rapes by paramilitary personnel in 2000. Another NGO reported 10 cases of rape during the year.

The NHRC had not released the statistics of its actions against police during the year.

Some militant groups in the northeast used rape as a tactic to terrorize the populace; however, no cases were known to be reported during the year.

According to press reports, prison officials used prisoners as domestic servants and sold female prisoners to brothels (*see* Sections 5, 6.c., and 6.f.).

In Jammu and Kashmir, torture victims or their relatives reportedly had difficulty in filing complaints because local police were issued instructions not to open a case without permission from higher authorities. In addition, the (Jammu and Kashmir) Special Powers Act provides that unless approval is obtained from the central government, no "prosecution, suit, or other legal proceeding shall be instituted . . . against any person in respect of anything done or purported to be done in exercise of the powers of the act." This provision allowed the security forces to act with virtual impunity.

The Government occasionally used excessive force in putting down demonstrations (*see* Section 2.b.). For example, AI reported that on July 20 police officers beat villagers who resisted police efforts to forcibly evict the villagers from their homes in Madhya Pradesh. AI recounted that approximately 400 police officers reportedly entered Khedi Balwadi and started pulling and dragging persons into vans. If persons tried to resist this police action, they were beaten severely. The villagers were taken to a resettlement site.

The Government also occasionally used excessive force against tribal people. For example, in October police shot at three tribal persons in Orissa. In response to this incident, the Chief Minister suspended the District Superintendent of Police and the Additional District Magistrate. In addition, a three-member ministerial committee was ordered to inquire into the incident. There reportedly were no developments in the investigation of the April 2001 killing of 5 tribal persons in Madhya Pradesh or the March 2001 shooting of a Naxalite in Maraknar.

Police corruption undermined efforts to combat trafficking in women and children (*see* Section 6.f.).

Religiously motivated violence led to a number of deaths and injuries as well as damage to property (*see* Sections 1.a., 1.g., and 5).

Prison conditions were very poor. Prisons were severely overcrowded, and the provision of food and medical care frequently was inadequate.

After a March 30 revolt by inmates in Bihar, the NHRC visited the Chhapra jail to study the circumstances that led to the revolt and subsequently to the Government entering the prison. During and after the Government intervention, six inmates were killed. The result of the study was a NHRC report critical of the jail authorities for continued poor prison conditions.

In April hundreds of prisoners at the Divisional Jail in Bihar went on hunger strike to protest the assault on two of their colleagues by prison staff. The Government held talks with the prisoners. The prisoners demanded action against the officials involved in the assault.

Overcrowding in prisons was common. For example, the Divisional Jail in Bihar had a planned capacity of 212 prisoners but held 750 inmates. Prisons operated above capacity because more than 60 percent of the prison population were persons awaiting hearings (*see* Section 1.d.). In Kashmir persons awaiting hearings made up 90 percent of prison population and in Bihar 80 percent. For example, New Delhi's Tihar jail, with a designed capacity of 3,300 persons, housed 9,000 prisoners. The Chennai Central Prison in Tamil Nadu, designed to hold 1,419 persons, housed more than 3,121 inmates. According to the SAHRDC, in the poorest states, such as Bihar, where 265 police stations had no lockup facilities, the lack of prisons led police to shackle prisoners to trees. The Prison Act remained unamended at year's end.

The 1,140 deaths in judicial custody reported to the NHRC during the year included a large proportion of deaths from natural causes that in some cases were aggravated by poor prison conditions (*see* Section 1.a.). A study conducted by the NHRC found that tuberculosis was the cause of death in most deaths in judicial custody. Deaths in police custody, which typically occurred within hours or days of initial detention, more clearly implied violent abuse and torture. However, in January 2001, the NHRC requested that the Commission be informed of any custodial death within 2 months and that a post-mortem report, magisterial inquest, and a video of the post-mortem be provided to the NHRC.

NGOs were allowed to work in prisons, within specific governmental guidelines. In Kerala and Karnataka, the state governments selectively cleared NGOs to visit prisons. Although custodial abuse is deeply rooted in police practices, increased press reporting and parliamentary questioning provided evidence of growing public awareness of the problem. The NHRC identified torture and deaths in detention as one of its priority concerns.

In September two transgender persons alleged that the Bandra railway police stripped them, locked them with alleged criminals, and encouraged the criminals to molest them. They reportedly were arrested for traveling without a train ticket, which normally merits a cash fine.

In prison, women were housed separately from men in similar conditions. By law juveniles must be detained in rehabilitative facilities; however, at times they were detained in prison, especially in rural areas. Pretrial detainees were not separated from the general prison population.

With the exception of an agreement with the International Committee of the Red Cross (ICRC) for visits to detention facilities in Jammu and Kashmir, the Government did not allow NGOs to monitor prison conditions in those regions (*see* Section 4). However, 15 states and union territories have authorized the NHRC to conduct surprise check-ups on jails. The NHRC's "Special Rapporteur and Chief Coordinator of Custodial Justice" helped implement its directive to state prison authorities to ensure that medical check-ups were performed on all inmates.

d. Arbitrary Arrest, Detention, or Exile.—The Government implemented a variety of special security laws intended to help law enforcement authorities fight separatist insurgencies, and there were credible reports of widespread arbitrary arrest and detention under these laws during the year.

According to AI, the authorities continued to use the TADA, although it lapsed in 1995, to detain persons in Jammu and Kashmir. Human rights sources estimated that approximately 1,000 persons remained in custody under TADA or related charges at year's end. A small number of arrests under the TADA continued for crimes allegedly committed before the law lapsed. In November the Jammu and Kashmir governments established a committee to review detainees' cases; however, the committee had not met at year's end. TADA courts used abridged procedures. For example, defense counsel was not permitted to see witnesses for the prosecution, who were kept behind screens while testifying in court. Also, confessions extracted under duress were admissible as evidence. The special task force established by the state police forces of Karnataka and Tamil Nadu to capture a bandit hiding in forests in the border area between the 2 states had arrested some 121 persons under the TADA prior to the law's lapse; 51 of these persons still were in custody at year's end.

In March the Prevention of Terrorism Ordinance (POTO) was enacted into law and changed to the Prevention of Terrorism Act (POTA). The POTA allows detention without charge for 3 months, deems not disclosing information to the authorities about terrorist activities an offense, and provides extensive new powers to ban organizations and seize their assets. This ordinance is similar to the TADA in that it permits detention for 30 days without trial, summary trials, and the use of testimony exacted under duress. In addition, the bill provides for special courts to try offenses, place the burden of proof at the bail stage on the accused, make confessions to a police officer of the rank of superintendent of police admissible as evidence, extend the period of remand from 15 to 60 days, and set mandatory sentences for terrorism-related offenses. Since the POTO and POTA were enacted, the Jammu and Kashmir police have arrested approximately 426 people, 50 percent of whom were charged with sheltering terrorists. In March Yasin Malik, Hurriyat leader and the Chairman of the Jammu and Kashmir Liberation Front, was arrested under POTA. He was released on bail in June; however, he was re-arrested the same day under the Jammu and Kashmir Public Safety Act (PSA), which does not require a charge. In November he was released again; however, he still faced charges under the POTA. In July in Madhya Pradesh, police invoked POTA against the Naxalites PWG.

In addition, the POTA was used to arrest members of various organizations and opposition political parties on charges of publicly expressing support of the banned LTTE terrorist group. For example, on July 11, police arrested Marumalachi Dravida Munnetra Kazhagam leader Vaiko for speaking in support of the LTTE at a public meeting. On August 1, Tamil Nationalist Movement leader Pazha Nedumaran was arrested for convening a conference in support of the LTTE in Chennai. In August police arrested P. Nedumaran under POTA for being a supporter of the Tamil terrorist group. At year's end, 15 persons had been arrested under the POTA.

In December a special court in New Delhi issued the first conviction under the POTA and ruled that four accomplices of the militants who attacked the Indian Parliament in December 2001 were guilty (*see* Section 1.g.). Three of the defendants were sentenced to death and the fourth was sentenced to 5 years imprisonment and fined \$200 (RS 10,000).

Preventive detention laws in the event of threats to public order and national security exist. An individual may be detained—without charge or trial—for up to 3 months, and detainees were denied their rights or compensation for unlawful arrest or detention. In addition to providing for limits on the length of detention, the preventive detention laws provide for judicial review. Several laws of this type remain in effect.

The National Security Act (NSA) permits the detention of persons considered to be security risks; police anywhere in the country (except for Jammu and Kashmir) may detain suspects under NSA provisions. Under these provisions, the authorities may detain a suspect without charge or trial for as long as 1 year on loosely defined security grounds. The NSA does not define "security risk." The state government must confirm the detention order, which is reviewed by an advisory board of three High Court judges within 7 weeks of the arrest. NSA detainees are permitted visits by family members and lawyers, and must be informed of the grounds for their detention within 5 days (10 to 15 days in exceptional circumstances). The Government was not able to provide figures on how many persons were detained nationwide under the NSA, but in 1997 there were 1,163 such persons. According to press accounts during the year, there were no cases of persons detained under NSA in the northeast. Human rights groups alleged that preventive detention may be ordered and extended under the act purely on the opinion of the detaining authority and after advisory board review. No court may overturn such a decision.

The PSA covers corresponding procedures for that state. More than half of the detainees in Jammu and Kashmir were held under the PSA. Under these provisions, the authorities may detain a suspect for detention without charge and without judicial review for up to 2 years; suspects do not have access to family members or legal council. For example, in June Syed Ali Shah Geelani, a senior Hurriyat leader, and his two sons-in-law were detained under the PSA and the Officials Secrets Act (*see* Section 2.a.). The Government charged Geelani with money laundering and possession of armed forces documents and charged his sons-in-law with possession of classified materials. At year's end, Geelani and one son-in-law remained in jail in Ranchi, Jharkand. The second son-in-law was released in November.

The Supreme Court upheld the constitutionality of the Armed Forces Special Powers Act (AFSPA). In a representation made to the NHRC, the South Asia Human Rights Documentation Center (SAHRDC) asserted that the act's powers were "too vast and sweeping and posed a grave threat to the fundamental rights and liberties

of the citizenry of the (disturbed) areas covered by the act.” The SAHRDC also asserted that the powers granted to authorities to declare any area to be a “disturbed area,” and thus subject to the other provisions of the act, were too broad. Moreover, the SAHRDC noted that the act empowered any commissioned officer, warrant officer, noncommissioned officer, or any other person of equivalent rank in the armed forces to fire upon and otherwise use force, even to the point of death, if he believed that it was necessary for the maintenance of law and order. Further, the act states that “no prosecution, suit, or other legal proceedings shall be instituted, except with the previous sanction of the central government against any person in respect of anything done or purported to be done in exercise of powers” conferred by the act. The SAHRDC believed that many custodial deaths and extrajudicial killings had been committed as a result of the power granted to the armed forces under AFSPA.

In June 2001, the police placed 23,000 opposition party leaders and workers, mostly from the DMK party, into preventive detention for 4 days in Tamil Nadu. Police organized the arrests to forestall civil disorder after the arrest of former DMK Chief Minister Karunanidhi on criminal conspiracy charges. Opposition leaders and human rights activists alleged that the roundup was unprecedented in scale and was intended to intimidate the opposition. The arrests led to the overcrowding of already congested jails. In July 2001, the NHRC asked the Tamil Nadu state government to justify the arrests and explain apparent human rights violations. According to the NGO People’s Watch, the state government responded to the inquiry by questioning the validity of the NHRC, and by year’s end, the matter had been referred to the Supreme Court.

In 2001 in Madurai Central prison, 3,008 opposition figures joined 1,900 inmates in a facility designed for only 1,200 persons. Some of the opposition leaders taken into preventive detention were released after 4 to 5 days with no charges filed against them.

Human rights groups alleged that between June and August, police detained 30 members of teachers’ unions and other activist groups in Warangal and Mahboobnagar on suspicion of PWG membership. Police allegedly tortured some of the detainees and the teachers reportedly were ordered to resign from their jobs.

The Constitution provides that detainees have the right to be informed of the grounds for their arrest, to be represented by counsel, and, unless held under a preventive detention law, to appear before a magistrate within 24 hours of arrest. At this initial appearance, the accused either must be remanded for further investigation or released. The Supreme Court has upheld these provisions. The accused must be informed of the right to bail at the time of arrest and may, unless held on a non-bailable offense, apply for bail at any time. The police must file charges within 60 to 90 days of arrest; if they fail to do so, court approval of a bail application becomes mandatory.

A program of prison visits by the ICRC was designed in part to help assure communications between detainees and their families. During the year, the ICRC visited hundreds of detainees in approximately 20 places of detention, including all acknowledged detention centers in Jammu and Kashmir, and also visited Kashmiri detainees elsewhere in the country. However, the ICRC was not authorized to visit interrogation centers or transit centers, nor did it have access to regular detention centers in the northeastern states (*see* Sections 1.c. and 4). During the year, the ICRC stated that it encountered increasing difficulties in maintaining systematic access to people detained in connection with the situation in Jammu and Kashmir.

The court system was extremely overloaded, resulting in the detention of thousands of persons awaiting trial for periods longer than they would receive if convicted. Prisoners were held for months or even years before obtaining a trial date. According to a report by the Home Affairs, there were 24 million cases pending during the year, and some cases had been pending since 1950. In July the Law Minister told Parliament that more than 500,000 cases were pending for more than one decade. In 1999 the chairman of the NHRC stated that 60 percent of all police arrests were “unnecessary and unjustifiable” and that the incarceration of those wrongly arrested accounted for 43 percent of the total annual expenditure on prisons. The commission found that 90 percent of the 780 inmates that it studied were unconvicted prisoners awaiting completion of trial.

In March 2001, the NHRC reported that it had directed the West Bengal government to pay \$1,044 (RS 50,000) in compensation to the court guardian of a 12-year-old girl who was in the custody of the West Bengal police for nearly a decade because she was the sole witness to her parents’ murder. The case against then-Bihar Minister of State for Cooperatives Lalit Yadav, his cousin, and four others still was pending at year’s end for the alleged illegal detention and torture of a truck driver and cleaner at the minister’s residence.

In 2000 the Government announced that it was allocating \$108.15 million (RS 5.03 billion) to state governments for the creation of 1,734 additional courts during 2000–2005 to hear more cases and reduce the number of remand prisoners. At year's end, 706 of these courts had been set up.

There were political detainees reported during the year.

The Government did not use forced exile.

e. Denial of Fair Public Trial.—The Constitution provides for an independent judiciary, and the Government generally respected this provision in practice; however, serious problems remained. The judiciary was backlogged and understaffed in most parts of the country, and in Jammu and Kashmir, the judiciary barely functioned due to threats by militants and to frequent refusal by security forces to obey court orders.

Courts of first resort exist at the subdistrict and district levels. More serious cases and appeals are heard in state-level high courts and by the national-level Supreme Court, which also rules on constitutional questions. State governments appoint subdistrict and district judicial magistrates. High court judges are appointed on the recommendation of the federal Law Ministry, with the advice of the Supreme Court, the High Court Chief Justice, and the chief minister of the State, usually from among district judges or lawyers practicing before the same courts. Supreme Court judges are appointed similarly from among High Court judges. The Chief Justice is selected on the basis of seniority. Under a Supreme Court ruling, the Chief Justice, in consultation with his colleagues, has a decisive voice in selecting judicial candidates. The President appoints judges, and they may serve up to the age of 62 on the state high courts and up to the age of 65 on the Supreme Court.

When legal procedures functioned normally, they generally assured a fair trial, but the process often was drawn out and inaccessible to poor persons. The Criminal Procedure Code provides for an open trial in most cases, but it allows exceptions in proceedings involving official secrets, trials in which statements prejudicial to the safety of the State might be made, or under provisions of special security legislation. Sentences must be announced in public. Defendants have the right to choose counsel from attorneys who are fully independent of the Government. There were effective channels for appeal at most levels of the judicial system, and the State provides free legal counsel to the indigent. Defendants are allowed to question witnesses against them, present their own witnesses and evidence, and have access to government evidence held against them.

Muslim personal status law governs many noncriminal matters involving Muslims, including family law, inheritance, and divorce. The Government does not interfere in the personal status laws of the minority communities, and as a result personal status laws that discriminate against women are upheld.

In Jammu and Kashmir, the judicial system barely functioned due to threats by militants against judges, witnesses, and their family members; because of judicial tolerance of the Government's heavy-handed antimilitant actions; and because of the frequent refusal by security forces to obey court orders. Courts in Jammu and Kashmir were reluctant to hear cases involving terrorist crimes and failed to act expeditiously on habeas corpus cases, if they acted at all. There were a few convictions of alleged terrorists in the Jammu High Court during the year; many more accused militants had been in pretrial detention for years.

Criminal gangs in all four southern states were known to attack rivals and scare off complainants and witnesses from court premises, denying free access to justice. In some cases, accused persons were attacked while being escorted by police to the courts.

The U.N. Special Rapporteur on the Independence of the Judiciary was not invited to visit the country during the year.

There were no reports of political prisoners.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence.—The police must obtain warrants for searches and seizures. In a criminal investigation, the police may conduct searches without warrants to avoid undue delay, but they must justify the searches in writing to the nearest magistrate with jurisdiction over the offense. The authorities in Jammu and Kashmir, Punjab, and Assam have special powers to search and arrest without a warrant.

The Government Enforcement Directorate (ED), which was mandated to investigate foreign exchange and currency violations, searched, interrogated, and arrested thousands of business and management professionals annually, often without search warrants. However, the ED ultimately convicted very few persons. According to official figures, in 1999, the latest year for which figures are available, there were 387 searches or raids by the ED, resulting in 107 prosecutions and 29 convictions.

The Telegraph Act authorizes the surveillance of communications, including monitoring telephone conversations and intercepting personal mail, in case of public emergency or "in the interest of the public safety or tranquillity." Every state government has used these powers, as has the central government.

The Information Technology Act includes provisions that grant the police powers to search premises and arrest individuals without a warrant. Under the Act, the maximum sentences for failing to provide information to the Government on request and transmitting "lascivious" material were 1 year and 5 years respectively. The Act also requires Internet cafes to monitor Internet use and inform the authorities (see Section 2.a.). At year's end, one person had been arrested under the Act, but he was released after some confusion about the nature of the alleged offense. NGOs criticized the Act, stating that its provisions were Draconian.

The Government did not restrict citizens' personal appearance; however, in Kashmir and Manipur dress codes were announced. The Kanglei Yawon Kanna Lup in Manipur announced a dress code for the state's women that bans the wearing of saris, salwar kameez, and trousers. The group threatened to punish with death women who violated the code, and it urged women to wear the traditional Phanek and Chador on all occasions but allowed girls to wear salwars as school uniforms. In Kashmir the militant group Lashkar-e-Jabbar ordered Muslim women to dress in burqas, Hindu women to wear bindis, and Sikh women to wear identifying saffron headscarves (see Sections 2.c. and 5).

g. Use of Excessive Force and Violations of Humanitarian Law in Internal Conflicts.—Government forces committed numerous serious violations of humanitarian law in the disputed State of Jammu and Kashmir. Between 350,000 and 450,000 army and paramilitary forces were deployed in Jammu and Kashmir, although the Government did not release official figures. The Muslim majority population in the Kashmir Valley suffered from the repressive tactics of the security forces. Under the Jammu and Kashmir Disturbed Areas Act, and the Armed Forces (Jammu and Kashmir) Special Powers Act, security force personnel had extraordinary powers, including authority to shoot suspected lawbreakers and those persons disturbing the peace, and to destroy structures suspected of harboring militants or arms.

The Union Home Ministry was unable to estimate how many civilians were killed in crossfire by security forces in Jammu and Kashmir during the year. The security forces continued to abduct and kill suspected terrorists, but they did not accept accountability for these abuses. Many commanders' inclination not to participate in such practices led to a reduced number of cases, and as a result government-supported countermilitants often committed these abuses.

According to credible reports, in addition to harassment during searches and arbitrary arrests (see Section 1.d.), security forces abducted and sometimes used civilians as human shields in night patrolling and searching for landmines; the abuses occurred mostly in the Kupwara and Doda districts. Because of Doda's inaccessibility, the abuses there allegedly were underreported.

The continued incursion of Pakistani-backed armed insurgents into territory on the Indian side of the line of control (LOC) in the State of Jammu and Kashmir resulted in an increased counterinsurgency campaign, accompanied by repressive offensive measures. Mortar and small arms fire across the LOC killed an unknown number of civilians during the year. For example, on May 30, 14 persons, including 3 army soldiers and 11 civilians, were killed in overnight artillery shelling and mortar fire. According to a government official, security forces killed 1,471 militants during the year. On January 19, three militants and a soldier were killed in gunfights in Jammu and Kashmir.

Kashmiri militant groups also committed serious abuses, including numerous execution-style mass killings of Hindu (Pandit), Sikh, and Buddhist villagers in Jammu and Kashmir (see Sections 1.a. and 5). Militant groups also killed police officers and members of the security forces. In February militants killed eight Hindus, including six children in the Rajouri district. On May 21, militants shot and killed prominent Hurriyat leader Abdul Ghani Lone during a memorial rally in Srinagar. Between August and October, 44 political workers were killed in Udhampur, Pulwama, Srinagar, Kupwara, and Baramulla by militants during the fall election campaign.

In addition to political killings, kidnappings, and rapes of politicians and civilians (see Sections 1.a., 1.b., and 1.c.), insurgents engaged in extortion and carried out acts of random terror that killed hundreds of Kashmiris. Many of the militants were Afghani, Pakistani, and other nationals. The militants used time-delayed explosives, landmines, hand grenades, and snipers. There was a significant upsurge in militant violence against security forces and a tendency to use heavy weapons such as hand grenades and rockets. Militants killed and injured numerous security personnel and destroyed a great deal of security force property; many civilians also were killed. For example, in January militants killed a Muslim family of 11, including 8 children,

in the State of Jammu and Kashmir. In December a Delhi court found three Kashmiris guilty under the anti-terrorism law of helping militants plan and carry out the 2001 Parliament attack and sentenced them to death (*see* Section 1.d.).

Extremist and terrorist activities in the northeast also claimed many lives. In addition to ambushes, terrorists increasingly resorted to destroying bridges and laying time bombs on roads, on railway tracks, and in trains. For example, in May the Kuki Revolutionary Army killed 11 Assam Rifles personnel at Lepan area in Manipur. In June the insurgent group United Liberation Front of Asom killed one person in an attack on a police battalion in Bongaigaon in Assam. In April 2001, week-long fighting between 2 Naga insurgent groups left more than 45 persons dead; 4,500 persons were forced to flee 15 villages in Mon district.

During the year, police arrested numerous persons suspected of involvement in previous terrorist attacks and brought charges against some suspects. Charges also were brought against persons accused of involvement with human suicide bomb attacks to advance Sikh separatism, as well as against dozens of captured separatist insurgents in Jammu and Kashmir for bombings, killings, and acts of sabotage.

Landmines were a problem in Jammu and Kashmir and to some extent in Punjab. Landmines, booby traps, and unexploded ordnance posed a problem to resettlement of displaced persons and rebuilding. For example, in January 11 persons were killed in a landmine blast in Gumla district. In June two persons were killed and five injured in a landmine blast in Palamu district, Jharkhand. Militants previously restricted landmine use to army convoys traveling outside of major cities, but during the year they used command-detonated landmines in Srinagar city.

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Speech and Press.—The Constitution provides for freedom of speech and of the press, and the Government generally respected these rights in practice; however, there were some limitations. A vigorous and growing press reflected a wide variety of political, social, and economic beliefs. Newspapers and magazines regularly published investigative reports and allegations of government wrongdoing, and the press generally promoted human rights and criticized perceived government lapses.

Under the Official Secrets Act, the Government may restrict publication of sensitive stories or suppress criticism of its politics. For example, on June 9, Syed Iftikhar Gilani, the New Delhi bureau chief of the Kashmir Times, was imprisoned for allegedly possessing classified documents in violation of this act. Gilani alleged that the only evidence the Government presented to substantiate this charge was a 1995 public document that referred to human rights abuses committed by Indian security forces in Kashmir. At year's end, Gilani remained in detention.

In December Parliament passed a Right to Information law; at year's end, this bill was pending the President's approval. This act allows citizens to request and receive documents from the Government that are considered to be in the public domain.

In the print media, all publications were privately owned. In the electronic media, 80 percent of the channels were privately owned, and 20 percent were operated by Doordarshan, a semi-autonomous body controlled by the Government. Both wire services were semi-autonomous.

The Newspapers Incitements to Offenses Act remained in effect in Jammu and Kashmir. Under the Act, a district magistrate may prohibit the press from publishing material likely to incite murder or any act of violence. As punishment the Act stipulates that the authorities may seize newspaper premises and printing presses. Despite these restrictions, newspapers in Srinagar, the capital of Jammu and Kashmir, reported in detail on alleged human rights abuses by the Government and regularly published press releases of Islamic separatist Kashmiri groups. The authorities generally allowed foreign journalists to travel freely in Jammu and Kashmir, where they regularly spoke with separatist leaders and filed reports on government abuses.

In Assam the state government attempted to impede criticism by filing a number of criminal defamation charges against journalists.

The Press Council is a statutory body of journalists, publishers, academics, and politicians, with a chairman appointed by the Government. Designed to be a self-regulating mechanism for the press, it investigates complaints of irresponsible journalism and sets a code of conduct for publishers. This code includes a commitment not to publish articles or details that might incite caste or communal violence. The Council publicly criticized newspapers or journalists it believed had broken the code of conduct, but its findings, while noted by the press community, carried no legal weight.

At the state level, regional political parties have the ability to influence regional media. The Indian Express, an independent newspaper, was unable to get advertising from the state government after its reporting on the Gujarat violence. In addition, a number of journalists who worked for English newspapers and the electronic media, who had criticized the Modi government and its political supporters, reportedly were subjected to “strong-arm” tactics by VHP and Bajrang Dal activists. These alleged “strong-arm” tactics included anonymous threatening phone calls and a “whispering campaign.”

Authorities occasionally beat, detained, and harassed journalists, particularly in Jammu and Kashmir, which resulted in significant self-censorship. For example, on April 7, the police used excessive force against more than 20 reporters and photographers in Ahmedabad at the Gandhi Ashram. The journalists were covering two peace demonstrations that were disrupted by members of the youth section of the BJP. On April 8, an official communiqué stated that a commission of inquiry was being set up and would be chaired by a retired judge of the High Court and the Commission was to issue a report 3 weeks after the incident; however, at year’s end, no report had been filed or made public. In May members of the BSF assaulted 17 journalists. In August, an editor and three employees of the weekly *Chattan* were beaten in their offices by members of the security forces. In June Alex Perry, the bureau chief for a magazine, was detained and questioned for several hours concerning alleged irregularities with his passport. His detention followed the publication of a June 19 article critical of the Prime Minister. On November 19, Farooq Javed Khan, photographer for the *Hindustan Times* and *Kashmir Images* was beaten by police officers as he walked home from his office in Srinagar. At year’s end, the police had not investigated these incidents.

In September government employees beat several journalists in Assam, three of whom required hospitalization. At year’s end, a departmental inquiry was conducted and the Government suspended several state employees.

In some instances, allegations of violence against journalists were made against state governments. No action reportedly was taken against the town magistrate who used excessive force against journalist Parag Saikia in July 2000.

In Calcutta the Communist Party of India (Marxist) (CPI (M)) often threatened journalists; however, as the power of the party diminished, journalists criticized the Government more frequently.

Nonviolent pressure on journalists comes from official sources as well: Kumar Badal, journalist of the vernacular daily newspaper *Naharolgi Thoudang* was arrested in 2000 on charges of indulging in antinational activities. He was released after a court ruled that the allegation was baseless. Some newspapers received more than \$1.29 million (RS 60 million) annually in advertising revenue from the state government. The threat of losing this revenue contributed to self-censorship by smaller media outlets, which heavily relied on government advertising.

There were no developments in the investigation of the attack by BSF in 2001 that left 11 persons dead, 8 of them civilians, and 3 journalists hospitalized. There were no developments in the 2001 case of Aajir Asam.

During the year, the Government of Tamil Nadu and the Press Council of India completed an investigation into the 2001 case of police charging 12 members of the press and injuring them during a DMK rally; however, the commission’s report was not released to the public. On February 5, Suresh, a Sun Television reporter was granted bail. He was arrested on in June 2001.

The Government maintains a list of banned books that may not be imported or sold in the country; some—such as Salman Rushdie’s “Satanic Verses”—because they contain material government censors have deemed inflammatory.

Intimidation by militant groups caused significant self-censorship by journalists. The local press continued to face pressure from militant groups attempting to influence coverage. For example, militants fired rockets at the All India Radio Station and the Doordashan complex in Srinagar in November. No one was injured in these incidents.

On April 14, unknown assailants killed Paritosh Pandey, a crime reporter of the *Jansatta Express* in Lucknow. Many observers believed that Pandey’s death was in response to his reporting of criminal gangs. On April 15, dozens of journalists staged a demonstration to complain that police were slow to respond to news of Pandey’s murder. During this demonstration, a security official hit a reporter with a rifle butt and caused serious injuries (see Section 2.b.). The police had not arrested anyone in connection with the killing by year’s end.

On May 29, unknown assailants shot Zafar Iqbal, a reporter for the *Kashmir Images* in Srinagar. Local journalists believed Iqbal may have been targeted because the publication is known for supporting the Government. The police had not arrested anyone in connection with the killing by year’s end.

During the year, as in 2001, 2000, and 1999, Kashmiri militant groups threatened journalists and editors and even imposed temporary bans on some publications that were critical of their activities.

The trial continued in the 2000 killing of V. Selvaraj, a journalist with the bi-weekly *Nakkeeran*.

Television no longer was a government monopoly, but this was due more to technological changes than to government policy. Private satellite television was distributed widely by cable or satellite dish in throughout the country. These channels provided substantial competition for DDTV, the national broadcaster, in both presentation and credibility. DDTV frequently was accused of manipulating the news for the benefit of the Government; however, cable operators were not free from criticism. In some parts of the country, to varying degrees, satellite channel owners used their medium to promote the platforms of the political parties that they supported.

In March police sealed the offices of a local news television channel, and four media persons were arrested in Vadodara. The police claimed that the television channels were “fueling divisive feelings among the populace, and causing communal disharmony under the provisions of the Penal Code.” The four media persons were released on bail, and the police reopened the offices later that evening. The owner of the television channel said that the authorities seized his offices in retaliation for his expose of police inaction during the riots in Gujarat.

Government measures to control objectionable content on satellite channel—specifically, tobacco and alcohol advertisements—still were in effect, which held cable distributors liable under civil law. The (often foreign) satellite broadcasters, rather than the domestic cable operators, fall within the scope of the regulation.

AM radio broadcasting remained a government monopoly. Private FM radio station ownership was legalized during 2000, but licenses only authorized entertainment and educational content. Licenses did not permit independent news broadcasting.

A government censorship board reviewed films before licensing them for distribution. The board censored material it deemed offensive to public morals or communal sentiment. This led to self-censorship among producers, who often avoided subjects perceived as critical of the Government. Producers of video newsmagazines that appeared on national television were required to submit their programs to DDTV, which occasionally censored stories that portrayed the Government in an unfavorable light.

The Government limited access to the Internet. The Informational Technology Act provides for censoring information on the Internet on public morality grounds, and it considers “unauthorized access to electronic information” a crime. According to Reporters Without Borders, this law allows police officers to search the homes or offices of Internet users, at any time and without a warrant. On July 4, Kumar Badal, a reporter with the on line newspaper *Tehelka.com*, was arrested and charged with asking poachers to kill wild animals in a national park. In June the CBI searched the head office of *Tehelka.com* and the home of a *Tehelka.com* employee hours before the site’s editor in chief was to give testimony about a corruption scandal that led to the resignations of Defense Minister and the president of the Hindu nationalist party. Anyone running an “anti-Indian” site risked up to 5 years in prison.

The Government did not restrict academic freedom, and students and faculty espoused a wide range of views. In addition to approximately 16 national universities and 259 state universities, states were empowered to accredit locally run private institutions.

b. Freedom of Peaceful Assembly and Association.—The Constitution provides for the right of peaceful assembly, and the Government generally respected this right in practice. The authorities sometimes required permits and notification prior to holding parades or demonstrations, but local governments ordinarily respected the right to protest peacefully, except in Jammu and Kashmir, where separatist parties routinely were denied permits for public gatherings. During periods of civil tension, the authorities may ban public assemblies or impose a curfew under the Criminal Procedure Code.

Parts of Srinagar and other parts of Jammu and Kashmir occasionally came under curfew, but more often were affected by strikes called by separatists. From November until year’s end, the country’s independent election authorities banned all religious processions in Gujarat. The ruling came in response to a demonstration planned by the hardline Hindu group, VHP. The commission said that the VHP march should not be allowed to go ahead because there was a likelihood that “provocative and intemperate” speeches being made during the procession. In response, the Gujarat VHP attempted to organize a procession from Ahmedabad to Godhra in contravention of the Election Commission guidelines. The Gujarat police pre-

vented the procession and arrested the leaders; however, later that day they were released.

In January police fired upon a demonstration in Bihar, and 2 students were killed and 10 were injured. The students were protesting a hike in university fees; however, the Government alleged that police fired only after stones were hurled at them. For example, in May members of the BSF fired on demonstrators in Safakadal to protest the BSF beating of a Muslim clergyman who used a loudspeaker in a mosque. The shooting killed one person and injured numerous others. In June one laborer was killed, and five were injured when police opened fire on protesters at a tea plantation in West Bengal. Police claimed that the laborers attacked representatives from a property company who tried to take back the land. On August 29, several persons, including the CPI state council members were injured when police charged CPI activists who were demonstrating against the Government's increase in power rates. On September 20, several persons were injured when police fired on a group of persons distributing pamphlets outside Srinagar's largest mosque.

There were no reports of any action taken against the responsible members of the police who fired into a crowd of villagers in 2001. The army apologized for the incident and promised an official inquiry; however, no security force members have been charged in the incident. No action reportedly was taken against members of the police who used excessive force to disperse demonstrations on the following dates of 2001: August 6; June 18; August 12; and the November riot in Guwahati, Assam. Reportedly no action was taken against the members of the SOG who used excessive force to disperse demonstrations in the April 2000 killing of eight persons in Jammu and Kashmir.

The Constitution provides for the right to form associations, and the Government generally respected this right in practice.

A requirement exists that NGOs secure the prior approval of the Ministry of Home Affairs before organizing international conferences. Human rights groups contended that the requirement provides the Government with substantial political control over the work of NGOs and their freedom of assembly and association. Some NGOs alleged that some of their members were denied visas to enter the country.

c. Freedom of Religion.—The Constitution provides for secular government and the protection of religious freedom, and the central government generally respected these provisions in practice; however, it sometimes did not act effectively to counter societal attacks against religious minorities and attempts by state and local governments to limit religious freedom. This failure resulted in part from the legal constraints inherent in the country's federal structure and in part from the law enforcement and justice systems, which at times were ineffective. The ineffective investigation and prosecution of attacks on religious minorities was interpreted by some extremist elements as a signal that such violence likely would go unpunished. Tension between Muslims and Hindus, and to an increasing extent between Hindus and Christians, continued to pose a challenge to the secular foundation of the State.

Although the law provides for religious freedom, enforcement of the law was poor, particularly at the state and local levels, where the failure to deal adequately with intragroup and intergroup conflict and with local disturbances abridged the right to religious freedom. There was significant Hindu-Muslim violence during the year. In many cases, the Government response was inadequate, consisting largely of statements criticizing the violence against Muslims, with few efforts to hold accountable those persons responsible or to prevent such incidents from occurring (*see* Section 5). For example, in September Gujarat Chief Minister Narendra Modi allegedly made disrespectful remarks about Muslims in an election rally speech. In the speech, Modi allegedly blamed Muslims living in refugee camps for the state's population boom, although he denied insulting Muslims. Throughout the year, the Government generally described the violence and attacks as a series of isolated local events.

The leading party in the Government coalition is the BJP, a Hindu nationalist political party with links to Hindu extremist groups that were implicated in violent acts against Christians and Muslims. The BJP also leads state governments in Gujarat, Himachal Pradesh, and Goa. Many BJP leaders and party workers were members of the Rashtriya Swayamsewak Sangh (RSS) and share some of its ideology. The RSS espouses a return to Hindu values and cultural norms. However, the BJP is an independent political party, and the degree of RSS influence over its policy making was not clear. Members of the BJP, the RSS, and other affiliated organizations were implicated in incidents of violence and discrimination against Christians and Muslims. The BJP and RSS officially express respect and tolerance for other religions; however, the RSS in particular opposes conversions from Hinduism and believes that all citizens should adhere to Hindu cultural values. The BJP officially

agrees that the caste system should be eliminated, but many of its members are ambivalent about this. The BJP's traditional cultural agenda includes calls for construction of a new Hindu temple to replace an ancient Hindu temple that was believed to have stood on the site of a mosque in Ayodhya that a Hindu mob destroyed in 1992; for the repeal of Article 370 of the Constitution, which grants special rights to the state of Jammu and Kashmir, the country's only Muslim majority state; and for the enactment of a uniform civil code that would apply to members of all religions.

No registration is required for religions. Legally mandated benefits are assigned to certain groups, including some groups defined by their religion. For example, some states reserve jobs and educational enrollment slots for Muslims, who do not benefit from reservations designed to help lower-caste Hindus.

In May 2001, the Government banned Deendar Anjuman, a Muslim group whose members were arrested in connection with a series of church bombings in Karnataka in 2000. The Government banned the group for "fomenting communal tension" and actions "prejudicial to India's security." During the year, the Government arrested, and tried 20 members of Deendar Anjuman implicated in the Karnataka church bombing.

The Religious Institutions (Prevention of Misuse) Act makes it a criminal offense to use any religious site for political purposes or to use temples for harboring persons accused or convicted of crimes. While specifically designed to deal with Sikh places of worship in Punjab, the law applies to all religious sites. The Religious Buildings and Places Act requires a state government-endorsed permit before construction of any religious building may commence in the state. The Act's supporters claimed that its aim was to curb the use of Muslim institutions by Islamic fundamentalist terrorist groups, but the measure became a controversial political issue among religious groups in the northern part of the country. In West Bengal, legislation in force requires any person desiring to construct a place of worship to obtain permission from the district magistrate.

On March 13, the Supreme Court ruled that Hindu activists could not perform a March 15 religious ceremony on the land surrounding the site of the demolished mosque in Ayodhya. Thousands of police and paramilitary troops were deployed in and around Ayodhya, and most Hindu militants were stopped from entering the town.

On October 31, the controversial Prohibition of Forcible Conversion of Religion Bill that bans "forced" religious conversions, passed in the State of Tamil Nadu. Human rights advocates believed that the law made it more difficult for poor persons, mistreated minorities, and others ostracized under the caste system, to convert from Hinduism to another religion.

There is no national law that bars proselytizing by Christian citizens. Foreign missionaries generally may renew their visas, but the Government refused to admit new resident foreign missionaries. New arrivals entered as tourists on short-term visas. During the year, state officials continued to refuse to issue permits for foreign Christian missionaries, as well as other persons, to enter some northeastern states, on the grounds of political instability in the region. Missionaries and religious organizations must comply with the Foreign Contribution (Regulation) Act (FCRA), which restricts funding from abroad and, therefore, the ability of certain groups to finance their activities. The Government was empowered to ban a religious organization if it has violated the FCRA, has provoked intercommunity friction, or has been involved in terrorism or sedition.

The legal system accommodated minority religions' personal status laws; there were different personal laws for different religious communities. Religion-specific laws pertain in matters of marriage, divorce, adoption, and inheritance. For example, Muslim personal status law governed many noncriminal matters involving Muslims, including family law, inheritance, and divorce. The personal status laws of the religious communities sometimes discriminated against women (*see* Section 5).

Tensions between Muslims and Hindus, and between Hindus and Christians, continued during the year. Attacks on religious minorities occurred in several states, which brought into question the Government's ability to prevent sectarian and religious violence. The worst religious violence during the year was directed against Muslims by Hindus in Gujarat. It was alleged widely that the police and state government in Gujarat did little to stop the violence promptly and at times even encouraged or assisted the Hindu fundamentalists in perpetrating violent acts (*see* Section 5).

In February after an attack by Muslims on a train in Godhra that resulted in the deaths of 58 Hindus, an estimated 2,000 Muslims were killed in rioting in Gujarat. Beginning on February 28, Hindus attacked and looted Muslim homes, business, and places of worship. The rioting continued from March to mid-May. NGOs re-

ported that police were implicated directly in many of the attacks against Muslims in Gujarat, and in some cases, NGOs contended, police officials encouraged the mob. The Gujarat state government and the police were criticized for failing to stop the violence and in some cases for participating in or encouraging it. Muslim women and girls were raped, and an estimated 850 to 2,000 Muslims were killed. Human rights activists reported that the Gujarat police received specific instructions not to take action to prevent a possible violent reaction to the February 27 attack by Muslims on a train in Godhra carrying Hindus. These observers asserted that Gujarat Chief Minister Narendra Modi personally told Ahmedabad police officials on February 27 to allow Hindus 2 days to react “peacefully” to the Godhra incident. The police reportedly told Muslim victims, “we don’t have orders to help you.” It was reported that assailants frequently chanted “the police are with us,” according to eyewitness accounts. HRW reported that much of the violence was planned well in advance of the Godhra attack and was carried out with state approval and orchestration.

According to Human Rights Watch (HRW), the worst violence occurred in the city of Ahmedabad. HRW reported that, “Between February 28 and March 2 the attackers descended with militia-like precision on Ahmedabad by the thousands, arriving in trucks, clad in saffron scarves, and khaki shorts, the signature uniform of Hindu nationalist groups. Chanting slogans of incitement to kill, they came armed with swords, trishuls, sophisticated explosives and gas cylinders. They were guided by computer printouts listing the addresses of Muslim families and their properties—and embarked on a murderous rampage confident that the police was with them. In many cases, the police led the charge, using gunfire to kill Muslims who got in the mob’s way.” In addition, there were reports that “most bodies that had arrived—were burned and butchered beyond recognition. Many were missing body parts—arms, legs, and even heads. The elderly and the handicapped were not spared. In some cases, pregnant women had their bellies cut open and their fetuses pulled out and hacked or burned before the women were killed.”

On March 24, a report that the Government of Gujarat transferred police officials who allegedly had taken action against Hindu rioters drew further media and NHRC criticism of perceived government partisanship. In its final report on Gujarat, released on June 1, the NHRC held the Gujarat government responsible for the riots and accused it of “a complicity that was tacit if not explicit.” The report concluded that “there is no doubt, in the opinion of this Commission, that there was a comprehensive failure on the part of the state government to control the persistent violation of rights of life, liberty, equality, and dignity of the people of the state.” The report recommended a CBI inquiry into the communal riots, which the state government subsequently refused to allow.

The destruction caused the forcible displacement of more than 100,000 Muslims into makeshift camps throughout Gujarat. The Government disbanded the camps by mid-June.

Some Christian groups also claimed that BJP officials at state and local levels became increasingly uncooperative. The Government also has been criticized for not attempting to restrain the country’s radical Hindu groups.

Christian leaders noted a slight decrease in the incidents of violence against their community and also a change in the type of incidents; however, attacks against Christians continued. On February 17, a church in Karnataka was attacked during morning mass. According to HRW, 70 men, draped in the Hindu nationalist signature saffron flags, descended on the church and hurled bricks and stones at the congregation.

On April 29, a church in Orissa was attacked and set on fire with 20 worshippers inside. No injuries were reported. A spokesman for the Catholic Bishops’ Conference of India said that fewer physical attacks occurred against Christians; however, Hindu nationalists began an ideological campaign to limit access to Christian institutions and discourage or, in some cases, prohibit conversions to Christianity. For example, on July 18, Sister Brishi Ekka was sentenced to 6 months in jail by a court in Chhattisgarh for not reporting the 1996 conversion of 95 families to Christianity. This was the first conviction under the state’s anti-conversion law, which has been in force since the 1970s. Sister Ekka appealed the decision in the Chhattisgarh High Court and later was released on bail. The Government found that 80 percent of attacks on minorities were motivated by local incidents, economic arguments, or intradenominational feuds. In August a new cable television station, promoting Catholic values, was launched in Kerala; however, several cable television station operators in Kerala and the neighboring states reportedly refused to make the stations’ programming available to viewers. In November 2001, newspapers reported that Muslim terrorist groups, including Al-Qaida, targeted the Missionaries of Charity in Calcutta. Press reports stated that extremist groups targeted the nuns because they

received economic aid from the United States to convert Muslims to Christianity. The fear of conversion of Hindus and Muslims by Christians was highlighted in an August 15 statement by Prime Minister Vajpayee. He stated "There is a conversion motive behind the welfare activities being carried out by some Christian missionaries in the country's backward areas, and it is not proper, although conversion is permissible under the law."

In May 2001, a Christian priest, Father Jaideep, was attacked in Jatni town, Orissa. Local citizens, who were enraged by the priest's distribution of pamphlets to propagate Christianity in a Hindu-dominated area, allegedly participated in the attack.

Citizens often referred to schools, hospitals, and other institutions as "missionary" even when they were owned and run entirely by indigenous Christian citizens. By using the adjective "missionary," the RSS tapped into a longstanding fear of foreign religious domination.

By year's end, the trial continued in Orissa of Dara Singh, a member of the Hindu extremist Bajrang Dal, who was arrested in 2000 for the Staines' murders.

In Christian majority areas, Christians sometimes were the oppressors. In Tripura there were several cases of harassment of non-Christians by Christian members of the National Liberation Front of Tripura (NLFT), a militant tribal group with an evangelical bent. For example, NLFT tribal insurgents have prohibited Hindu and Muslim festivals in areas that they control, cautioned women not to wear traditional Hindu tribal attire, and prohibited indigenous forms of worship. In Assam, the issue of Bangladeshi migrants (who generally were Muslim) has become very sensitive among the Assamese (predominantly Hindu) population, which considers itself increasingly to be outnumbered.

Hindus have been victims of violence. For example, on September 24, an attack on the Swaminarayan Hindu Temple in Gujarat left 40 persons dead before security forces stormed the temple. The Government responded swiftly by deploying approximately 3,000 army personnel to dispel a strike and protest march called by the VHP to protest the attack. Critics of the Government noted that had the Government acted quickly following the Gujarat violence, many deaths could have been prevented.

Throughout the year, pan-Islamic militants continued to try to drive all non-Muslims out of Kashmir. In August militants unlawfully entered a house in Jammu and killed four members of a Hindu family. There was no reported progress regarding any investigation of the 2001 killing of six Sikhs in Srinagar. These mass killings in Kashmir, targeted against the Sikh community, increased fears that the remainder of Kashmir's minorities may try or be forced to leave. There was an exodus of many from the Sikh community, particularly the young, during 2001.

There was no reported progress regarding any investigation of the March 2000 killings of 35 Sikh men in the village of Chatti Singhpora, near Anantnag in south Kashmir.

The degree to which the BJP's nationalist Hindu agenda was felt throughout the country with respect to religious minorities varied depending on the region. In some states, governments made efforts to reaffirm their commitment to secularism. In others, mainly in the south, religious groups alleged that since the BJP's rise to power in the national government, some government bureaucrats began to enforce laws selectively to the detriment of religious minorities. For example, this revivalist campaign included the "Hinduization" of education, including the revision of history books to include hate propaganda against Islamic and Christian communities. The situation in the east varied. For example, the Orissa Freedom of Religion Act contains a provision requiring a monthly government report on the number of conversions and requiring a police inquiry into conversions, but this provision was not enforced.

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

d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation.—The Constitution grants citizens the freedom of movement, and the Government generally respected this in practice; citizens enjoyed freedom of movement within the country except in certain border areas where, for security reasons, special permits were required.

Vehicle checkpoints, at which BSF routinely searched and questioned occupants, were a common feature throughout most of Jammu and Kashmir. It also was common for police to block entry and exit points in preparation for gathering young males for police lineups. These searches tended to focus on troubled areas, as opposed to the mass searches that were common in the past. According to a credible source, such search operations seldom yielded any results. There were frequent curfews in areas of conflict, including in New Delhi in recent years.

Under the Passports Act, the Government may deny a passport to any applicant who "may or is likely to engage outside India in activities prejudicial to the sovereignty and integrity of India." The Government used this provision to prohibit the foreign travel of some government critics, especially those advocating Sikh independence and members of the violent separatist movement in Jammu and Kashmir. For example, in November the Government denied Yasin Malik, a Kashmiri separatist, a passport to travel outside the county.

During the year, there were reports that Bodo-Santhal ethnic clashes continued. In April NDFB militants killed five Adivasis in Hatiphuli Relief Camp in Kokrajhar. In July suspected NDFB militants killed nine Adivasis in a village relief camp in the same district. In December four Santhal woodcutters were killed by Bodo militants. More than 87,000 persons lived under poor conditions in relief camps in Assam's Kokrajhar, Gosaigaon, and adjoining districts as a result of the ongoing violence between Bodos and Santhals.

The incursions of Pakistani-backed armed forces into territory on the Indian side of the LOC in Jammu and Kashmir and the Indian military campaign to repel the intrusion continued during the year and allegedly forced many residents of Jammu and Kashmir from their homes, a number of whom took refuge on the Pakistani side of the LOC. Many homes were destroyed. In 2000 Jammu and Kashmir home minister Mustaq Ahmad Lone told the state assembly that 43,510 persons remained displaced since 1999 (see Sections 1.a., 1.c., and 1.g.).

Since 1990 more than 235,000 Bangladeshis have been deported, many from Maharashtra and West Bengal. The occasional deportation of Bangladeshis judged to have entered the country illegally continued during the year, but there was no repetition of the systematic roundup of Bangladeshis for mass deportation that had been conducted by the Maharashtra government in the past. The Government estimated that there were 10 million Bangladeshis living illegally in the country. By year's end, the Illegal Migrants Determination by Tribunal law (IMDT), which largely was aimed at illegal Bangladeshi immigrants, had not been implemented. The central government acknowledged that the law was aimed at Bangladeshis, but claimed that it was unable to repeal the act due to a lack of consensus in Parliament.

The law does not provide for the granting of asylum or refugee status in accordance with the 1951 U.N. Convention Relating to the Status of Refugees and its 1967 Protocol. The Government has not formulated a policy regarding refugees, asylees, or first asylum. The office of the U.N. High Commissioner for Refugees (UNHCR) had no formal status, but the Government permitted the UNHCR to assist certain groups of refugees (notably Afghans, Iranians, Somalis, Burmese, and Sudanese). The U.N. High Commissioner for Refugees visited the country in May.

The Government provided first asylum to some refugees, most notably in recent years to Tibetan and Sri Lankan Tamil refugees. However, this policy was applied inconsistently. For example, the insistence of some border authorities on the presentation of passport and visas by those claiming refugee status occasionally resulted in individuals or groups being refused admittance. This occurred in recent years in cases involving Chin and Rakhine refugees from Burma and Afghans who entered the country through Pakistan. The UNHCR reported that the country continued to host a large urban refugee population, roughly 90 percent of whom were from Afghanistan. Refugees were not required to make claims in other countries. In April the UNHCR announced that it would help Burmese refugees be self-sufficient and end their monthly subsistence allowances. However, the UNHCR continued to assist extremely needy refugees including women and children.

The Government recognized certain groups, including Chakmas from Bangladesh, Tamils from Sri Lanka, and Tibetans as refugees and provided them with assistance in refugee camps or in resettlement areas. According to UNHCR and government statistics, there were approximately 110,000 Tibetans, approximately 64,990 Sri Lankan Tamils in 131 camps, and perhaps as many as 80,000 Sri Lankan Tamils outside of the camps living in the country at year's end. According to the Tamil Nadu government, there were 60,000 refugees residing in 108 refugee camps and as many as 80,000 residing outside the camps. The refugees in the camps were permitted to work, and the state and central governments paid to educate refugee children and provided limited welfare benefits. Some 80,000 Chakma permanent residents remained in Arunachal Pradesh and Mizoram; the Supreme Court has upheld their right to citizenship. However, the Supreme Court's order to extend citizenship to this group still was not enforced by year's end. The UNHCR reported that 11,642 Afghans, 857 Burmese, and approximately 350 others were receiving assistance from the UNHCR in the country as of August 2001. The Government also assisted an unknown number of persons from Tibet and Sri Lanka. Although the Government formally did not recognize these persons as refugees, it did not deport them.

Instead, they received renewable residence permits, or their status was ignored. Increasingly during the year, some of these groups—Afghans, Iraqis, and Iranians in particular—were not granted renewal of their residence permits by the authorities on the grounds that they were not in possession of valid national passports. Due to financial and other reasons, many refugees were unable or unwilling to obtain or renew their national passports and therefore were unable to regularize their status in the country.

The Tamil Nadu government provided educational facilities to Sri Lankan Tamil refugee children, and the central government provided some assistance and channeled assistance from NGO and church groups. The central government generally denied NGOs and the UNHCR direct access to the camps. NGOs reported refugee complaints about deteriorated housing, poor sanitation, delayed assistance payments, and inadequate medical care in the Tamil refugee camps. The Government used some of these “special camps” to hold suspected members of the LTTE terrorist organization. Human rights groups alleged that inmates of the special camps sometimes were subjected to physical abuse and that their confinement to the camps amounted to imprisonment without trial. They alleged that several of those acquitted by the Supreme Court in 1999 of involvement in the assassination of former Prime Minister Rajiv Gandhi remained confined in these special camps. During the year, the Tamil Nadu government initiated a review of the inmates of the special camps to determine whether any could be released. Some of the inmates were allowed to return to Sri Lanka voluntarily; however, approximately 170 persons remained in the special camps.

Santhals were non-recognized refugees in Assam, and human rights groups estimated that 200,000 lived in relief camps. The Santhals were being sheltered in 100 camps in Assam; conditions in such camps were extremely poor and the Assam government claimed it did not have the resources to improve the conditions of the relief camps.

Ethnic Chins were among the nonrecognized refugees in the northeastern states, particularly Mizoram. Student-led demonstrations protested Chins and Chakma's presence in Mizoram. During the year, tensions between security forces and Chin National Force (CNF) insurgents operating in Burma allegedly resulted in the detention, interrogation, and expulsion of some persons associated with the CNF to Burma, where they credibly feared persecution. In September 2001, there were news reports that thousands of ethnic Chins were asked to leave Mizoram. The Mizoram Chief Minister stated that he wanted the border with Burma to be “fenced to check further infiltration of immigrants into the state.” Human rights monitors alleged that approximately 1,000 Chin refugees were arrested in Mizoram, and some 200 had been repatriated forcibly to Burma between July and September 2000. NGOs estimated that 10,000 persons were expelled to Burma, where “the deportees were jailed pending hearings to be scheduled before military tribunals.” An estimated 40,000 to 50,000 Chins lived and worked illegally in Mizoram.

Mizoram human rights groups estimated that some 31,000 Reangs, a tribal group from Mizoram that were displaced due to a sectarian conflict, were being sheltered in 6 camps in North Tripura. Conditions in such camps were poor, and the Tripura government asked the central government to allot funds for their care. Reang leaders in the camps pressed for reserved jobs, education benefits, and a comprehensive rehabilitation package for refugees in the relief camps. The Mizoram government rejected these demands and maintained that only 16,000 of the refugees had a valid claim to reside in the state.

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

The Constitution provides citizens with the right to change their government peacefully, and citizens exercise this right in practice through periodic, free, and fair elections held on the basis of universal suffrage. The country has a democratic, parliamentary system of government with representatives elected in multiparty elections. A Parliament sits for 5 years unless dissolved earlier for new elections, except under constitutionally defined emergency situations. State governments were elected at regular intervals except in states under President's Rule.

On the advice of the Prime Minister, the President may proclaim a state of emergency in any part of the national territory in the event of war, external aggression, or armed rebellion. Similarly, President's Rule may be declared in the event of a collapse of a state's constitutional machinery. The Supreme Court has upheld the Government's authority to suspend fundamental rights during an emergency.

During the year, State Assembly elections were conducted in Uttar Pradesh, Punjab, Uttaranchal, Manipur, Goa, and Gujarat. In Gujarat international observers

stated that the elections took place in a somewhat free and transparent manner; however, there were reports that persons had been left off the electoral register.

The elections in Jammu and Kashmir, held between September 16 and October 8, were to elect members to a new state assembly to form a new government. International observers stated that the elections were conducted in a reasonably free and transparent manner; however, some NGOs alleged that there were some flaws in the election, including that all major separatist groups boycotted the elections and there was an all-pervading fear of attacks by militants. Some 800 persons were killed in election-related violence in state assembly polling in Jammu and Kashmir (see Section 1.a.), and there were some allegations of voter fraud. Between August 2, when elections were announced, and September 24, when the second phase of elections came to an end, over 500 persons were killed. On October 1, as polls opened, three gunmen hurled grenade and rocket attacks at polling stations throughout the district of Anantnag. On September 24, militants abducted and beheaded National Conference leader Abdul Rahim Sofi in North Kashmir. Despite these fears and election-related violence, according to the Election Commission more than 44 percent of the citizens voted.

There were 70 women in the 783 seat legislature. There were 6 women in the Cabinet. A large proportion of women participated in voting throughout the country (with turnout rates slightly lower than those of men), and numerous women were represented in all major parties in the national and state legislatures. The passage of the "Panchayati Raj" constitutional amendments reserved 30 percent of seats in elected village councils (Panchayats) for women, which brought more than 1 million women into political life at the grassroots level.

The Constitution reserves seats in Parliament and state legislatures for "scheduled tribes" and "scheduled castes" in proportion to their population (see Section 5). Indigenous people actively participated in national and local politics, but their impact depended on their numerical strength. In the northeastern states, indigenous people were a large proportion of the population and consequently exercised a dominant influence in the political process. In contrast, in Maharashtra and Gujarat, tribal people were a small minority and were unsuccessful in blocking projects that they opposed.

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

Independent human rights organizations operated throughout most of the country, investigating abuses and publishing their findings; however, in some states and in a few circumstances, human rights groups faced restrictions. Human rights monitors in Jammu and Kashmir were unable to move around the state to document human rights violations due to fear of retribution by security forces and countermilitants. Several individuals closely involved in the documentation of violations in Jammu and Kashmir, including lawyers and journalists, were attacked and in some cases killed. International human rights monitors had difficulty in obtaining visas to visit the country for investigation purposes.

Unlike in previous years, the Home Minister did not enforce a dormant executive order requiring visitors for some conferences from certain countries to register beforehand.

The Government appointed a National Human Rights Commission in 1993 with powers to investigate and recommend policy changes, punishment, and compensation in cases of police abuse. In addition, the NHRC was directed to contribute to the establishment, growth, and functioning of human rights NGOs. The Government appointed the members and financed the operations of the NHRC. The NHRC was seriously understaffed, and it is prohibited by statute from directly investigating allegations of abuse involving army and paramilitary forces. The Commission acted independently of the Government, often voicing strong criticism of government institutions and actions. However, the NHRC faced numerous institutional and legal weaknesses, which human rights groups said hampered its effectiveness.

From April 2000 to March 2001, the last year for which figures were available, the NHRC received 71,685 new complaints of human rights violations, an increase of more than 41 percent compared with 2000. More than 50 percent of the complaints were from Uttar Pradesh. The increased number of complaints was believed to be the result of the Commission's increased visibility. Of the 53,711 cases considered during 2000, 32,172 were dismissed; 10,718 were transmitted to other governmental authorities for disposition; 3,395 were concluded, and 7,426 remained pending.

The NHRC also has influenced the legislative process, particularly by issuing recommendations on women's issues, persons with disabilities, and children's rights. The NHRC encouraged the establishment of human rights cells in police head-

quarters in some states; however, this policy was not implemented in any meaningful way. In January the NHRC opened a separate Women's Human Rights Cell in its New Delhi office. This office was able to notify state governments of human rights violations and investigate some complaints, but it cannot impose punitive measures or implement corrective action. In addition, in October the NHRC created a computerized complaint database on its website, where information about each case was available. The NHRC also was involved in programs to eliminate child labor (*see* Section 6.c.).

HRW reported the June killing of human rights defender Navleen Kumar outside of Mumbai. On June 30, four persons were arrested in connection with the killing. On July 8, P.B. D'Sa, vice president of the Karnataka state branch of the People's Union for Civil Liberties, was stabbed and sustained serious injuries. According to HRW, police personnel reportedly were involved in the attack. AI reported the November 2000 killing of human rights defender T. Purushotham in Hyderabad, Andhra Pradesh; however, by year's end, there were no investigations into Purushotham's death. There was no definitive resolution in the case of abducted and killed Kashmir human rights monitor Jalil Andrabi in 1996. Human rights workers alleged that the state attempted to subvert the judicial process by withholding evidence (*see* Sections 1.a. and 1.b.).

Several Christian-affiliated (in many cases, nonevangelical) international relief agencies stated that during the year their work in delivering services to the poor became considerably more difficult due to threats, increased bureaucratic obstacles, and, in some cases, physical attacks on their field workers by Hindu extremists (*see* Sections 2.c. and 5). The prison visits program in Jammu and Kashmir by the ICRC continued during the year (*see* Section 1.c.). ICRC representatives also continued training police and BSF personnel in international humanitarian law. In 2001 the authorities continued to deny HRW and AI permission to visit Jammu and Kashmir. In 2001 the Government denied HRW any access to the country and only allowed AI limited access. The West Bengal government, which was governed by the communist party, and its Chief Minister, Buddhadeb Bhattacharya, called AI "anticommunist" and refused to acknowledge that its report on West Bengal was authentic. The Government also continued to deny the U.N. Special Rapporteur on Extrajudicial Killings permission to visit the country. Unlike in previous years, the Home Ministry did not invite the U.N. Special Rapporteurs on Torture and on Extrajudicial Killings or the Special Rapporteur on Extrajudicial killings. Police and security forces arrested and harassed human rights monitors. The Government continued to refuse repeated UNHCR requests for access to the Sri Lankan Tamil refugee camps in Tamil Nadu (*see* Section 2.d.).

The Human Rights Act requests each state to establish a state human rights commission, but not all states have done so. Commissions exist in 12 states: Assam, Chhattisgarh, Manipur, Himachal Pradesh, Madhya Pradesh, Maharashtra, West Bengal, Tamil Nadu, Punjab, Jammu and Kashmir, Kerala, and Rajasthan. Bihar, Goa, and Andhra Pradesh have yet to appoint state human rights commissions. Gujarat has not established officially a state commission, but in 2000 a commission of inquiry was created to report on the custodial death of Colonel Pratap Save, a retired military officer. This commission had yet to report its conclusions by year's end. Uttar Pradesh, the state with the largest number of human rights complaints to the NHRC, stated its intention to set up a state human rights commission but had not yet done so. The state human rights commission established in Jammu and Kashmir by an act of the state legislature had no power to investigate independently alleged human rights violations committed by security force members.

The NHRC and the National Minorities Commission took unilateral action not prompted by a specific complaint or legal demand and warned the state and central government in Gujarat to take corrective action in regard to the February and March violence. Subsequently, the central government created a special compensation package for the victims of the violence in Gujarat as a direct result of this warning.

The Madhya Pradesh state human rights commission was active in pursuing complaints. From April 2001 to March, the commission received 13,308 complaints, more than the number from the previous year. The commission lamented that at the district level, the Government was extremely slow in responding to complaints forwarded to it. Partly as a result, 5,191 complaints were pending as of March 31.

The Maharashtra state human rights commission came into existence in March 2001, and it received 1,440 complaints in 2001, of which 740 were pending at year's end.

The Chhattisgarh state has not created a human rights commission.

Tamil Nadu's Human Rights Commission had five members and was presided over by a retired High Court Chief Justice. It worked on caste clashes and deaths

resulting from illicit liquor sales, but its lack of authority to investigate effectively barred it from considering major incidents. The three-member Kerala Human Rights Commission was understaffed and relatively inactive, although it probed prison conditions. In addition to these state human rights commissions, special courts to hear human rights cases were established in Tamil Nadu, Uttar Pradesh, and Andhra Pradesh. However, the courts in Uttar Pradesh did not function despite a 1999 court order that they be reactivated.

Punjab's Human Rights Commission (PHRC) had four members and was presided over by a Chairperson. The selection for a 5-year term was made by the State Governor acting on the advice of a committee chaired by the Chief Minister. Several local human rights organizations expressed concern that the PHRC members did not appear to have the record of involvement in the protection and promotion of human rights that was required under the Protection of Human Rights Act (PHRA). In 2001 the Commission received 6,300 complaints of human rights violations. According to AI, the Commission was understaffed and seriously limited by the PHRA, which limited its powers to investigate individual cases of human rights violations. The People's Commission, a separate body to investigate disappearances, was established by retired Supreme Court Justice Kuldeep Singh to highlight the fate of more than 2,000 persons who "disappeared" during the period of political unrest in Punjab (see Section 1.b.); it continued to receive little cooperation from state government authorities.

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

The traditional caste system as well as differences of ethnicity, religion, and language deeply divide society. Despite laws designed to prevent discrimination, other legislation as well as social and cultural practices had a profound discriminatory impact, and discrimination against women, persons with disabilities, indigenous people, and national, racial, and ethnic minorities was a problem. According to the National Commission for Scheduled Castes and Scheduled Tribes, caste clashes were frequent in Uttar Pradesh, Bihar, and Tamil Nadu.

Women.—Domestic violence was common and a serious problem. In a survey by the National Family Health Survey released during the year, 56 percent of the women said that domestic violence was justified. These sentiments, combined with ineffective prosecution, made progress against domestic violence difficult.

The issue of rape received increased political and social attention during the year. The press consistently reported that violence against women was increasing, although local women's organizations claimed that there simply had been increased reporting. Only 10 percent of rape cases were adjudicated fully by the courts, and police typically failed to arrest rapists, thus fostering a climate of impunity. Mass rapes often formed part of the tactics of intimidation used by upper caste gangs against lower castes, and gang rapes often were committed as a punishment for alleged adultery or as a means of coercion or revenge in rural property disputes. Numbers of reports of rape and the extent of prosecution varied from state to state. Madhya Pradesh had the highest rates of rape reported. In Assam 30 percent of rape cases involved girls below 18 years of age. Most of the victims were maidservants, some as young as 6 years old. On November 24, a medical student allegedly was gang raped in broad daylight in New Delhi. Police arrested a man and three suspected accomplices and charged them with rape, robbery, and criminal conspiracy.

Dowry disputes also were a serious problem. Although providing or taking dowry was illegal under the Dowry Prohibition Act, dowry was practiced widely. In the typical dowry dispute, a groom's family members harassed a new wife whom they believed had not provided a sufficient dowry. This harassment sometimes ended in the woman's death, which family members often tried to portray as a suicide or accident. Although most dowry deaths involved lower and middle-class families, the phenomenon crossed both caste and religious lines.

Under the Penal Code, courts must presume that the husband or the wife's in-laws were responsible for every unnatural death of a woman in the first 7 years of marriage—provided that harassment was proven. In such cases, police procedures required that an officer of deputy superintendent rank or above conduct the investigation and that a team of two or more doctors perform the postmortem procedures. According to human rights monitors, in practice police did not follow these procedures consistently. In August the Supreme Court stressed the need to enforce effectively the Dowry Prohibition Act and to increase social awareness; however, there was no indication of improved enforcement or increased awareness.

Sati, the practice of burning widows on the funeral pyres of their husbands, was banned, but continued in a few cases despite the ban. On August 6, a 65-year-old woman died after performing sati on the funeral pyre of her husband in Madhya

Pradesh. The state government ordered a magisterial inquiry into the incident, and subsequently 15 persons were arrested in connection with the incident. At year's end, the suspects faced charges of murder and conspiracy.

Several traditional practices that were harmful to women continued during the year. In April a tribal woman in Madhya Pradesh was forced to immerse herself in urine in a ritual intended to cleanse her of social ostracism; the police arrested four upper caste youths at year's end. In July a married woman in Indore was forced to engage in the practice of "agnipariksha," where her hands were placed in a fire to test her fidelity to her husband, at the request of her in-laws. At year's end, the National Commission had begun an investigation into the incident.

In remote villages, witchcraft accusations and punishments still occurred. In February a woman accused of being a witch was tortured and paraded naked in Rajasthan. Police arrested persons involved in the torture, and the District Collector ordered that the woman be paid \$105 (RS 5,040).

Societal violence against women was a serious problem. In February communal violence in Gujarat resulted in the deaths of many women. The violence began on February 27 after a Muslim mob in the town of Godhra attacked and set fire to two train cars carrying Hindu activists. Fifty-eight persons were killed, most of them women and children. In the subsequent riots, Muslim women and girls were raped, and an estimated 2,000 Muslim persons were killed (*see* Section 2.c.). In April a fact-finding team visited Gujarat to document the impact of communal riots on women. A subsequent report stated that Muslim women had been subjected to "unimaginable, inhuman, barbaric" sexual violence during the violence.

Dalit ("untouchable" caste) women have been stripped naked by mobs and paraded around in public to humiliate Dalits who offended other castes. For example, in July two Dalit women allegedly were gang raped and paraded nude in a Sudan village following a land dispute with local businessmen. Police arrested one person in the case. According to HRW, another Dalit woman was paraded naked in Kishanganj in November due to a land dispute.

In Kashmir the Lashkar-e-Jabbar militant group required all Muslim women to wear a burqa (a garment that totally covered the face and body) when in public or risk retribution. A significant number of women in the Kashmir Valley appeared to be complying with the order, frightened by the threat of being attacked with acid, beheaded, or killed. Lashkar-e-Jabbar also further ordered Hindus and Sikhs in the valley to wear identifying marks and told transport companies to reserve 50 percent of their seats for women in an effort to separate men and women in public spaces. At year's end, Al-Badr militants ordered all women police officers in Rajouri District to quit their jobs by January 15, 2003.

In February 2001, the Committee on the Elimination of Discrimination Against Women (CEDAW) of the UNCHR continued to recommend an extensive range of legal reform, additional resources, and affirmative government action to eliminate gender inequality.

Numerous laws exist to protect women's rights, including the Equal Remuneration Act, the Prevention of Immoral Traffic Act, the Sati (Widow Burning) Prevention Act, and the Dowry Prohibition Act. However, the Government often was unable to enforce these laws, especially in rural areas in which traditions were deeply rooted. According to press reports, the rate of acquittal in dowry death cases was high, and because of court backlogs it took 6 to 7 years on average to rule on such cases.

Prostitution was common, with an estimated 2.3 million prostitutes in the country, some 575,000 of whom were children. Many indigenous tribal women were forced into sexual exploitation (*see* Section 6.c.). In recent years, prostitutes began to demand legal rights, licenses, and reemployment training, especially in Mumbai, New Delhi, and Calcutta. In January the Government signed the South Asian Association for Regional Cooperation (SAARC) Convention on Prevention and Combating Trafficking in Women and Children for Prostitution. The country is a significant source, transit point, and destination for many thousands of trafficked women (*see* Section 6.f.).

In 1999 according to NCRB statistics, there were 8,858 cases of sexual harassment. Sexual harassment of women in the workplace became a subject of NHRC consideration during the year. The NHRC instituted a committee to investigate harassment of women in the legal profession and asked universities to establish complaint committees immediately. The commission suggested the creation of a telephone hot line for complaints, initially starting in New Delhi, and gave advice to the media on reporting incidents of harassment against women. The National Commission for Women conducted 18 meetings with 568 representatives of public sector units, including public and private banks, educational institutions, corporations,

universities, and hotels, to examine further issues of compliance to address harassment against women.

The law prohibits discrimination in the workplace, but enforcement was inadequate. In both rural and urban areas, women were paid less than men for doing the same job. Women experienced economic discrimination in access to employment and credit, which acted as an impediment to women owning a business. The promotion of women to managerial positions within businesses often was slower than that of males. State governments supported micro credit programs for women that began to have an impact in many rural districts.

The Government continued to review legislation on marriage; it passed the Indian Divorce (Amendment) Act during 2001; the act widely had been criticized as biased against women. The Act placed limitations on interfaith marriages and specified penalties, such as 10 years' imprisonment, for clergymen who contravened its provisions. Under the Act, no marriage in which one party is a non-Christian may be celebrated in a church (*see* Section 2.c.).

Under many tribal land systems, notably in Bihar, tribal women do not have the right to own land. Other laws relating to the ownership of assets and land accorded women little control over land use, retention, or sale. However, several exceptions existed, such as in Ladakh and Meghalaya, where women had several husbands and controlled the family inheritance.

Children.—The Government has not demonstrated a commitment to children's rights and welfare. The Government does not provide compulsory, free, and universal primary education, and only approximately 59 percent of children between the ages of 5 and 14 attend school. However, during the year, the lower house of Parliament passed a constitutional amendment giving all children ages 6 to 14 the right to free and compulsory education provided by the State. The amendment also placed an obligation on parents and guardians to provide educational opportunities to these children. The amendment awaited the President's endorsement at year's end. Of a primary school-age population of approximately 203 million, approximately 120 million children attended school. However, according to UNICEF, 76.2 percent of all children aged 11 to 13 years were attending school. No significant sectors or groups actively were excluded from education, but children of wealthier families were more likely to attend school than those of poor families. A significant gender gap existed in school attendance, particularly at the secondary level.

Child welfare organizations estimated that there were 500,000 street children nationwide living in abject poverty. A coalition of approximately 50 NGOs conducted a detailed survey in the Calcutta municipal area and identified 145,000 children who were not attending school, although not all of them were street children. The NGOs received UNICEF assistance in training teachers to conduct transitional education for a target group of 45,000 5- to 9-year-old children. The course work was intended to allow these children to enter mainstream schooling. The program aimed to set up an additional 600 schools for the remaining 29,000 children by year's end. Approximately 500 teachers had been trained by year's end.

Medical care is free to all citizens; however, availability and quality were problems, particularly in rural areas.

Child abuse is prohibited specifically by law. The Government stated that child abuse was not a significant problem; however, the Government has not released comprehensive statistics regarding child abuse.

Abuse of children in both public and private educational institutions was a problem. Schoolteachers often beat children. On December 27, police arrested and charged a teacher trainee who allegedly abused a four-year-old student in Mirambika School in New Delhi. In August 2001, schoolchildren in Barpeta district were asked to participate in a statewide peace march organized by the Assam government. Young children were taken in a long procession during the midday heat and were provided insecticide-ridden food as refreshments. Three children died and nearly 1,000 others became ill. The NHRC requested that the Assam Chief Secretary issue a detailed report on the incident and provide prompt medical treatment for the victims. At year's end, the investigation into the incident continued.

The Child Marriage Restraint (Amendment) Act prohibits child marriage, a traditional practice in the northern part of the country. The Act raised the age requirement for marriage for girls to 15 from 18 years, but the Government did not enforce the Act. According to one report, 50 percent of girls in Bihar, Rajasthan, Uttar Pradesh, and Madhya Pradesh were married by age 16. NCRB statistics showed that only 56 cases were registered under the Child Marriage Restraint (Amendment) Act during 1999. Each year in April, during the Hindu festival of Askhya Tritiya, thousands of child marriages were performed in Madhya Pradesh, Chhattisgarh, and Rajasthan. Although state governments conducted awareness

campaigns during the year, enforcement was weak and the practice was accepted in certain communities.

Runaway children, especially in larger cities, were at high risk for sexually transmitted diseases and HIV. They often worked 18- to 20-hour days, frequently in hazardous conditions (see Section 6.c.), and suffered sexual and mental abuse.

Trafficking in children for the purpose of forced prostitution was a problem (see Sections 6.c. and 6.f.).

The buying and selling of children for adoption occurred. In April 2001, police raided a child adoption racket in Andhra Pradesh. Nearly 200 children were rescued from several orphanages that were involved in the buying and selling of children for adoption. At year's end, police made some arrests and had charged some persons in connection with this incident.

The Union Ministry of Social Justice and Empowerment set up a 24-hour "child help line" phone-in service for children in distress in nine cities. Run by NGOs with government funding, the child help line assisted street children, orphans, destitute children, runaway children, and children suffering abuse and exploitation.

The traditional preference for male children continued. Although the law prohibits the use of amniocentesis and sonogram tests for sex determination, the Government did not enforce the law. The tests were misused widely for sex determination, and termination of a disproportionate number of pregnancies with female fetuses occurred. In the 12 years since the State of Maharashtra passed a law banning the use of such tests for sex determination, the state government filed charges against only one doctor, who was acquitted. Human rights groups estimated that at least 10,000 cases of female infanticide occurred yearly, primarily in poor rural areas. Parts of Tamil Nadu (Dharmapuri, Salem, and Madurai districts) still had high rates of female infanticide. In addition, parents often gave priority in health care and nutrition to male infants. Women's rights groups pointed out that the burden of providing girls with an adequate dowry was one factor that made daughters less desirable.

Persons with Disabilities.—Although the Persons with Disabilities Act provides equal rights to all persons with disabilities, advocacy organizations admitted that its practical effects so far have been minimal in part due to a clause that makes the implementation of programs dependent on the "economic capacity" of the Government. According to regional NGOs, there were more than 50 million persons with disabilities in the country. According to Javed Abidi of the National Center for Promotion of Employment for Disabled People (NCPEDP), the census taken during the year failed to include categories of disability, thus making an accurate estimate of the needs of persons with disabilities impossible. Neither law nor regulations required accessibility for persons with disabilities. With the adoption of the Persons with Disability Act, a nascent disabled rights movement slowly was raising public awareness of the rights of persons with disabilities. Government buildings, educational establishments, and public spaces in New Delhi have almost no provisions for wheelchair access.

The Disabled Division of the Ministry of Welfare had a budget of more than \$47 million (RS 2.3 billion) for the 2001–2002 fiscal year for a number of organizations and committees at the national, regional, and local levels. The Ministry delivered rehabilitation services to the rural population through 16 district centers. A national rehabilitation plan committed the Government to put a rehabilitation center in each of more than 400 districts, but services still were concentrated in urban areas. Moreover, the impact of government programs was limited. Significant funding was provided to a few government organizations such as the Artificial Limbs Manufacturing Corporation of India, the National Handicapped Finance and Development Corporation, and the Rehabilitation Council of India.

As a result of the passage of the Persons with Disability Act, there was a Disabilities Commissioner who over saw implementation of the act and its provisions protecting persons with disabilities. In addition, the NHRC formed a group of seven experts in August 2001 to identify issues affecting persons with disabilities, to review government policies, and to protect the rights of persons with disabilities.

According to the Persons with Disability Act, 3 percent of positions in government offices and state-owned enterprises must be reserved for persons with visual, hearing, or orthopedic disabilities; however, a survey conducted in 1999 by the NCPEDP indicated that in the public sector the figure was 0.54 percent and in the private sector 0.28 percent.

The Government provided special railway fares, education allowances, scholarships, customs exemptions, budgetary funds from the Ministry of Rural Development, and rehabilitation training to assist the disabled; however, implementation of these entitlements was not comprehensive.

Mental health care was a problem. Hospitals were overcrowded and served primarily as a "dumping ground" for the mentally handicapped. Patients generally were ill-fed, denied adequate medical attention, and kept in poorly ventilated halls with poor sanitary conditions. In August 2001, 26 inmates at a private Muslim mental hospital in Erwadi, Tamil Nadu, died in a fire, because they were chained to their beds, which apparently was a common practice in many such private institutions. In January 2001, the NHRC wrote to the chief ministers of all states to ask them to abide by recommendations to remove all persons with mental illness from jails; however, by year's end, no action had been taken.

Indigenous Persons.—The Innerline Regulations enacted by the British in 1873 still provide the basis for safeguarding tribal rights in most of the northeastern border states. These regulations prohibit any person, including citizens from other states, from going beyond an inner boundary without a valid permit. No rubber, wax, ivory, or other forest products may be removed from the protected areas without prior authorization. No outsiders were allowed to own land in the tribal areas without approval from tribal authorities.

The last census conducted indicated that 8 percent of citizens belonged to scheduled tribes. According to the Indian Confederation of Indigenous and Tribal People (ICITP), 80 percent of the tribal population live below the poverty level. At year's end, no action had been taken to repeal the Habitual Offenders Act that aimed at the nomadic tribes. According to the ICITP, more than 40,000 tribal women, mainly from Orissa and Bihar, were forced into situations of economic and sexual exploitation (*see* Sections 6.c. and 6.f.). Special courts to hear complaints of atrocities committed against tribal people were to have been established under the Protection of Civil Rights Act, but this never was accomplished.

Despite constitutional safeguards, the rights of indigenous groups in the eastern parts of the country often were ignored. Indigenous peoples suffered discrimination and harassment, were deprived wrongly of their land, and were subjected to torture and to arbitrary arrest. There was encroachment on tribal land in almost every eastern state, including by illegal Bangladeshi immigrants, and by businesses that illegally removed forest and mineral products. Moreover, persons from other backgrounds often usurped places reserved for members of tribes and lower castes in national educational institutions. Mob lynching, arson, and police atrocities against tribal people occurred in many states (*see* Section 1.c.). According to a local NGO, in February 2001 police in Koel-Karo fired on a crowd of 4,000 tribals who had assembled to protest the state government's management of the Koel-Karo dam project and killed 8 persons (*see* Section 1.a.).

Numerous tribal movements demanding the protection of land and property rights. The Jharkhand Movement in Bihar and Orissa and the Bodo Movement in Assam reflected deep economic and social grievances among indigenous peoples. In the Jharkhand area, tribal people complained that they were relegated to unskilled mining jobs, lost their forests to industrial construction, and were displaced by development projects. Largely tribal-populated states from the Jharkhand area of Bihar and the Chhatisgarh region of Madhya Pradesh were created. The Jharkhand Adivasi Chhatra Sangh called for "ulgulan" (mass awakening) to fight for the cause of the tribals and to demand a 60 percent reservation for tribals in jobs and education, despite the fact that Jharkhand's tribal population made up only 27 percent of the population.

There was some local autonomy for tribal people in the northeast. In Meghalaya tribal chiefs still wielded influence in certain villages. The Nagaland government controlled the rights to certain mineral resources, and autonomous district councils in Tripura, Assam, and Meghalaya control matters such as education, rural development, and forestry in cooperation with the state governors.

National/Racial/Ethnic Minorities.—The country's caste system has strong historic ties to Hinduism. It delineates clear social strata, assigning highly structured religious, cultural, and social roles to each caste and subcaste. Members of each caste—and frequently each subcaste—are expected to fulfill a specific set of duties (known as dharma) in order to secure elevation to a higher caste through rebirth. Dalits (formerly called untouchables) were viewed by many Hindus as separate from or "below" the caste system; nonetheless, they too were expected to follow their dharma if they hope to achieve caste in a future life. Despite longstanding efforts to eliminate the discriminatory aspects of caste, the practice remained widespread.

The practice of untouchability, which affected those who, along with tribal people, occupied the lowest strata of the caste system was outlawed in theory by the Constitution and the 1955 Civil Rights Act, but it remained an important aspect of life. Untouchability refers to the social restrictions imposed on persons because of their birth into certain Hindu castes. Dalits were considered unclean by higher caste Hin-

and thus traditionally were relegated to separate villages or neighborhoods and to low paying and often undesirable occupations (such as scavenging, street sweeping, and removing human waste and dead animals). Many rural Dalits worked as agricultural laborers for higher caste landowners. By custom Dalits may be required to perform tasks for upper caste Hindus without remuneration. The majority of bonded laborers were Dalits (*see* Section 6.c.). Dalits are among the poorest of citizens, generally do not own land, and often are illiterate. They face significant discrimination despite the laws that exist to protect them, and often are prohibited from using the same wells and from attending the same temples as higher caste Hindus, and from marrying persons from higher castes. In addition they face segregation in housing, in land ownership, on roads, and on buses. Dalits tend to be malnourished, lack access to health care, work in poor conditions (*see* Section 6.e.), and face continuing and severe social ostracism. In contrast the highest caste, the Brahmin, with 3.5 percent of the population, holds 78 percent of the judicial positions and approximately 50 percent of parliamentary seats. NGOs reported that crimes committed by higher caste Hindus against Dalits often were unpunished, either because the authorities did not prosecute vigorously such cases or because the crimes were unreported by the victims, who feared retaliation. For example, in October five Dalits youths were killed by a mob, reportedly led by members of the VHP, in Haryana after reports of cow slaughtering in the town. According to HRW, the local leader of the VHP said he had no regrets over the incident and that the life of a cow was worth more than that of five Dalits. A police investigation resulted in 30 arrests; however, there was no further action by year's end. In recent years, groups—including some that use violence—organized to protect Dalit rights.

A survey conducted during 2001 by the Protection of Civil Rights wing of the Tamil Nadu Adidravidar (indigenous peoples) Department identified 191 villages in Tamil Nadu where caste-based oppression and violence, and the practice of untouchability, were prevalent. Several human rights groups believed that this number was too low and human rights groups alleged that in many Tamil Nadu villages, scheduled castes were not allowed to participate in local festivals, own houses or property in upper caste areas, share upper caste burial grounds, or draw water from public wells in upper-caste neighborhoods. The erection of statues of Dalit heroes or of the flags of Dalit parties in public places often became the cause of inter-caste tension. In several village teashops, Dalits were served beverages in separate cups (the so-called two-tumbler system).

According to press reports, some members of the higher caste disagreed with the State Election Commission's decision to reserve the Melavalavu Panchayat presidency for Dalits and forcibly closed the Panchayat office for several days. When the president and his associates filed a complaint with the district authorities about the incident, they were hacked to death.

The Constitution gives the President the authority to identify historically disadvantaged castes, Dalits, and tribal people (members of indigenous groups historically outside the caste system). These "scheduled" castes, Dalits, and tribes were entitled to affirmative action and hiring quotas in employment, benefits from special development funds, and special training programs. The impact of reservations and quotas on society and on the groups they were designed to benefit was a subject of active debate. According to the 1991 census, scheduled castes, including Dalits, made up 16 percent, and scheduled tribes were 8 percent of the country's 1991 population of 846 million. Christians historically rejected the concept of caste; however, because many Christians descended from low caste Hindu families, many continued to suffer the same social and economic limitations that low caste Hindus do, particularly in rural areas. Low caste Hindus who convert to Christianity lose their eligibility for affirmative action programs. Those who become Buddhists or Sikhs do not. In some states, government jobs were reserved for Muslims of low caste descent.

In October the Supreme Court decided that minority-run educational institutions that receive government funding may not determine unilaterally the number of reservations for various groups in their admission policies.

The Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act lists offenses against disadvantaged persons and provides for stiff penalties for offenders. However, this act had only a modest effect in curbing abuse. Human rights NGOs alleged that caste violence was on the increase.

Intercaste violence claimed hundreds of lives annually; it was especially pronounced in Uttar Pradesh, Bihar, Rajasthan, Madhya Pradesh, Tamil Nadu, and Andhra Pradesh.

Social pressures to enforce rigid caste lines in all social settings led to episodes of vigilante retribution. In Uttar Pradesh in August 2001, a young couple, a Brahmin boy and a Jat (lower caste) girl, were hanged publicly by their own families in front of most of the village as punishment for refusing to break off a cross-caste

relationship. While much more rare in urban settings, such extreme examples of intolerance occurred regularly in rural parts of the country.

Complicated social and ethnic divisions in society created severe localized discrimination. For example, the Pardhis, a small former itinerant community in Maharashtra, faced discrimination at the hands of the police and the rest of rural society in the area in which they live. In the town of Kalamb in northern Maharashtra, the police arrested nine members of the Pardhi community as suspects in a robbery case on August 2001. When the Pardhi community held a protest march in August 2001, a mob burned 50 Pardhi homes. Due to sustained pressure from state human rights activists and the local media, the police filed charges against the several persons. The local media, however, frequently was biased against minorities in Maharashtra and continued to report that the Pardhi community burned its own dwellings to qualify for government compensation.

Section 6. Worker Rights

a. The Right of Association.—The Constitution provides for the right of association, and the Government generally respected this right in practice. Workers may establish and join unions of their own choosing without prior authorization. More than 400 million persons made up the country's active work force, and some 30 million of these workers were employed in the formal sector. The rest overwhelmingly were agricultural workers and, to a lesser extent, urban nonindustrial laborers. While some trade unions represented agricultural workers and informal sector workers, most of the country's estimated 13 to 15 million union members were part of the 30-million-member formal sector. Of these 13 to 15 million unionized workers, some 80 percent were members of unions affiliated with one of the 5 major trade union centrals. All major trade union centrals were affiliated to a greater or lesser extent with particular political parties. Central unions stressed their independence and in some cases were attempting to sever previously tight party control. In practice legal protections of worker rights were effective only for the organized industrial sector. Outside the modern industrial sector, laws were difficult to enforce. Union membership was rare in the informal sector.

When abuses, such as intimidation or suppression of legitimate trade union activities, were perpetrated against nationally organized or other large-scale unions or unionized workers, the authorities generally responded by prosecuting and punishing those persons responsible. Unaffiliated unions were not able, in all instances, to secure for themselves the protections and rights provided by law.

The Trade Union Act prohibits discrimination against union members and organizers, and employers are penalized if they discriminate against employees engaged in union activities.

Unions are free to affiliate with international trade union organizations. The Indian National Trade Union Congress and the Hind Mazdoor Sabha were affiliated with the International Confederation of Free Trade Unions (ICFTU), and the All India Trade Union Congress was affiliated with the World Federation of Trade Unions.

b. The Right to Organize and Bargain Collectively.—Collective bargaining is the normal means of setting wages and settling disputes in unionized plants in the organized industrial sector. Trade unions vigorously defended worker interests in this process. Although a system of specialized labor courts adjudicates labor disputes, there were long delays and a backlog of unresolved cases. When the parties are unable to agree on equitable wages, the Government may establish boards of union, management, and government representatives to determine them. The legislation makes a clear distinction between civil servants and other workers. Public service employees have very limited organizing and collective bargaining rights.

Trade unions often exercised the right to strike, but public sector unions were required to give at least 14 days' notice prior to striking. Some states have laws requiring workers in certain nonpublic sector industries to give notice of a planned strike.

The Essential Services Maintenance Act allows the Government to ban strikes and requires conciliation or arbitration in specified "essential" industries. Legal mechanisms exist for challenging the assertion that a given dispute falls within the scope of this act; however, essential services never have been defined in law. The act thus is subject to varying interpretations from state to state. The Maharashtra government passed a law in 1999 banning strikes in essential services, that included transport services, milk supply services the electricity department, and hospitals. The Industrial Disputes Act prohibits retribution by employers against employees involved in legal strike actions, and this prohibition was observed in practice.

The Kerala High Court declared that all general strikes (*bandhs*) were illegal and that all organizers of protests would be liable for losses caused by shutdowns. The Supreme Court upheld the verdict, drawing attention to the difference between a complete closedown of all activities (*bandh*) and a general strike (*hartal*). While it is likely that the ruling was introduced in relation to political strikes, unions stated that it remained a potential threat to their activities. Other court rulings also declared strikes illegal and made striking workers pay damages because consumers and the public suffered during strikes.

According to Ministry of Labor statistics, between January and December 2001 there were 672 strikes and lockouts throughout the country, involving 587,778 workers. In all, 241,187 person-days were lost due to strikes, and 50,154 person-days were lost due to lockouts during this period. In April approximately 10 million workers of government-owned enterprises went on a 1 day strike to protest government plans to amend the labor law. The proposed changes would have made it easier to fire workers. The Industrial Disputes Act prohibits retaliation against strikers, provided that the strike is legal.

There were seven Export Processing Zones (EPZs). Entry into the EPZs ordinarily was limited to employees, and such entry restrictions applied to union organizers. All companies bused their workers directly to and from the factory. While workers in the EPZs have the right to organize and to bargain collectively, union activity was rare. In addition, unions did not pursue vigorously efforts to organize private-sector employees in the years since EPZs were established. Women constituted the majority of the work force in the EPZs. The ICFTU reported that overtime was compulsory in the EPZs, that workers often were employed on temporary contracts with fictitious contractors rather than directly by the company, and that workers feared that complaints about substandard working conditions would result in their being fired.

c. Prohibition of Forced or Bonded Labor.—The Constitution prohibits forced or bonded labor, including by children; however, such practices were widespread. The Bonded Labor System (Abolition) Act prohibits all bonded labor, by adults and children. Offenders may be sentenced to up to 3 years in prison, but prosecutions were rare. Enforcement of this statute, which was the responsibility of state and local governments, varied from state to state and generally was not effective, due to inadequate resources and to societal acceptance of bonded or forced labor. Labor inspectors at the state and local level had overwhelming case loads, and in many cases, did not receive adequate support or protection to challenge employers, who often had direct access to government officials. On the occasions when inspectors referred violations for prosecution, long court backlogs and inadequate funding for legal counsel frequently resulted in acquittals. NGOs estimated that there were 20 to 65 million bonded laborers in the country, including a large number of children (*see* Section 6.d.). According to HRW, the majority of bonded laborers were Dalits (*see* Section 5), and bondage was passed from generation to generation.

A 1983 Supreme Court decision defined forced labor as work at less than the minimum wage, which usually was set by the state governments. Under this definition, which differed from that of the International Labor Organization (ILO), forced labor was widespread, especially in rural areas.

Bonded labor, the result of a private contractual relationship whereby a worker incurs or inherits debts to a contractor and then must work off the debt plus interest, was illegal but widespread. The Government estimated that between enactment of the Bonded (Abolition) Act in 1976 and March 2001, 280,411 bonded workers were released from their obligations. Other sources maintained that those released constituted only 5 percent of the total number of bonded laborers. State governments provided a sum of money to workers freed from bondage for their rehabilitation. The NHRC formed a high-level Central Action Group, which routinely reviewed compliance with the Bonded Labor System Act. The NHRC also appointed a special Rapporteur to work in Andhra Pradesh, Karnataka, Kerala, and Tamil Nadu and report on compliance. In addition, the NHRC instituted a system for receiving regular reports on bonded labor from the states. The NHRC also assessed the bonded labor problem, identifying state districts in which it especially was acute. It identified and evaluated NGOs working in these areas and conducted training in bonded labor law enforcement for district officials in the acutely affected areas. Some press reports indicated that Tamil Nadu alone had 25,800 bonded laborers, in response to which the state government began implementing and continued to work on rehabilitation plans. In 1999 alone, it allocated \$1.25 million (RS 54.4 million) for these plans. Government officials worked to release other bonded laborers in many states. In West Bengal, organized traffic in illegal Bangladeshi immigrants was a source of bonded labor (*see* Section 6.f.).

NGOs such as the Bonded Labor Liberation Front worked to release bonded laborers throughout the year.

Female bondage, forced prostitution, and trafficking in women and children for the purpose of prostitution were widespread problems (*see* Section 6.f.). According to press reports, prison officials used prisoners as domestic servants and sold female prisoners to brothels (*see* Section 1.c.). Devadasis, prepubescent girls given to a Hindu deity or temple as “servants of God,” were taken from their families and required to provide sexual services to priests and high caste Hindus. Reportedly many eventually were sold to urban brothels (*see* Sections 5 and 6.f.).

d. Status of Child Labor Practices and Minimum Age for Employment.—The Government prohibits forced and bonded child labor but did not enforce this prohibition effectively and forced child labor was a problem. The law prohibits the exploitation of children in the workplace.

The Government continued its plan to eliminate child labor from hazardous industries and eventually from all industries. This program, for which approximately \$55 million (RS 2.64 billion) was budgeted since 1992, included the enhanced enforcement of child labor laws, income supplements for families, subsidized school lunches in areas which child labor was concentrated, and a public awareness campaign. The Government continued efforts to enhance enforcement of the Child Labor (Prohibition and Regulation) Act and other laws prohibiting and regulating child labor.

There is no overall minimum age for child labor. However, work by children under 14 years of age was barred completely in “hazardous industries,” which includes among other things, passenger, goods, and mail transport by railway. There were 13 occupations and 51 processes in which children were prohibited from working under the act. Child labor was prohibited in certain hazardous industries where there are specific age limits for specific jobs. In occupations and processes in which child labor is permitted, work by children is permissible only for 6 hours between 8 a.m. and 7 p.m., with 1 day’s rest weekly.

In addition to industries that utilize forced or indentured child labor (*see* Section 6.c.), there was evidence that child labor was used in the following industries: Hand-knotted carpets; gemstone polishing; leather goods; and sporting goods.

The enforcement of child labor laws was the responsibility of the state governments; however, enforcement was inadequate, especially in the informal sector in which most children who work were employed. In 2001 the state government of Karnataka promulgated an ambitious plan to eliminate all child labor; however, there was no evidence the plan was in operation during the year. The continuing prevalence of child labor was attributed to social acceptance of the practice, to the failure of the state and federal governments to make primary school education compulsory, and to ineffective state and federal government enforcement of existing laws.

The Government established the National Child Labor Project (NCLP) to release children from hazardous work places and provide them with transitional schooling leading to mainstreaming in regular schools and other forms of assistance. In addition, government programs assisted working children in rural development, women and children’s development, health, and adult job creation programs. As of December 2001, the NCLP had 100 projects in 13 states. From April 2000 to December 31, 205,800 children participated in the NCLP. During their participation in the NCLP, the children’s families were given a small stipend—usually \$2.15 to \$4.30 (RS 100 to 200) per month.

Government efforts to eliminate child labor affected only a small fraction of children in the workplace. A Supreme Court decision increased penalties for employers of children in hazardous industries to \$430 (RS 20,000) per child employed and established a welfare fund for formerly employed children. The Government is required to find employment for an adult member of the child’s family or pay \$108 (RS 5,000) to the family. According to the South Asian Coalition on Child Servitude the authorities were pursuing some 6,000 cases against employers. The Supreme Court ruling also helped make local government officials more aware of the prohibitions against child labor in hazardous industries. This in some cases helped improve cooperation between local officials and NGOs like SACCS that removed children from hazardous workplaces. In the hand-knotted carpet producing area of Uttar Pradesh, the NHRC and NGOs worked with the state government to establish a task force for the elimination of child labor.

Estimates of the number of child laborers varied widely. The Government census of 1991 put the number of child workers at 11 million. The ILO estimated the number at 44 million, while NGOs stated that the figure is 55 million. Most, if not all, of the 87 million children not in school did housework, worked on family farms, worked alongside their parents as paid agricultural laborers, worked as domestic servants, or otherwise were employed.

The working conditions of domestic servants and children in the workplace often amounted to bonded labor. Children sent from their homes to work because their parents cannot afford to feed them, or in order to pay off a debt incurred by a parent or relative, had no choice. There were no universally accepted figures for the number of bonded child laborers. However, in the carpet industry alone, human rights organizations estimated that there may be as many as 300,000 children working, many of them under conditions that amount to bonded labor. Officials claimed that they were unable to stop this practice because the children were working with their parents' consent. In addition, there was a reasonable basis to believe that products were produced using forced or indentured child labor in the following industries: Brassware; hand-knotted wool carpets; explosive fireworks; footwear; hand-blown glass bangles; hand-made locks; hand-dipped matches; hand-broken quarried stones; hand-spun silk thread and hand-loomed silk cloth; hand-made bricks; and beedis (hand-rolled cigarettes). A number of these industries exposed children to particularly hazardous work conditions (see Section 6.d.). In its first attempt to address the issue of domestic child labor, during 2000 the Government issued a notification prohibiting government employees from hiring children as domestic help. Those employers who failed to abide by the law were subject to penalties provided by the Bonded Labor System (Abolition) Act (such as fines and imprisonment) and also to disciplinary action at the workplace.

Bonded child labor in silk twining factories was a problem. The labor commissioner estimated that there were 3,000 bonded child laborers in the Magadi silk twining factories. According to HRW, bonded children as young as 5 years old worked 12 or more hours a day, 6 1/2 or 7 days a week. Children making silk thread dip their hands in boiling water that burns and blisters them. They breathe smoke and fumes from machinery, handle dead worms that cause infections, and guide twisting threads that cut their fingers. As they assist weavers, children sit at cramped looms in damp, dim rooms. They do not go to school and often were often beaten by their employers. By the time they reached adulthood, they were impoverished, illiterate, and often crippled by the work. In response UNICEF started a non-formal education program for the estimated 3,000 bonded child laborers working in the industry. By late 2000, approximately 260 children were enrolled. In addition, UNICEF began a microcredit program for the parents of these children to create income-generating opportunities as an alternative to child labor.

Employers in some industries also took steps to combat child labor. The Carpet Export Promotion Council (CEPC), a quasi-governmental organization that received funding from the Ministry of Textiles, has a membership of 2,500 exporters who subscribed to a code of conduct barring them from purchasing hand-knotted carpets known to have been produced with child labor. The CEPC conducted inspections to insure compliance and allowed members to use voluntarily a government-originated label to signify adherence to the code of conduct. Rugmark, which was a private initiative, operated a similar voluntary label scheme. Rugmark had 250 exporter members who buy carpets from the 28,710 looms registered with Rugmark. However, the CEPC stated that even with the program it was impossible to ensure that a carpet had been produced without child labor, given the difficulties of monitoring a decentralized and geographically dispersed industry. A private-sector research and consulting firm conducted the inspections, which covered only 10 percent of registered looms. The inspectors had difficulty locating unregistered looms. The Government also cooperated with UNICEF, UNESCO, the UNDP, and the ILO in its efforts to eliminate child labor.

The Government participated in the ILO's International Program on the Elimination of Child Labor (IPEC). Approximately 90,000 children were removed from work and received education and stipends through IPEC programs since they began in the country in 1992.

The NHRC, continuing its own child labor agenda, organized NGO programs to provide special schooling, rehabilitation, and family income supplements for children in the glass industry in Firozabad. The NHRC also intervened in individual cases.

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

e. Acceptable Conditions of Work.—The directive principles of the Constitution declare that “the State shall endeavor to secure . . . to all workers . . . a living wage, conditions of work ensuring a decent standard of life and full enjoyment of leisure and social and cultural opportunities.” Laws set minimum wages, hours of work, and safety and health standards. Laws governing minimum wages and hours of work generally were observed in industries subject to the Factories Act but largely were not enforced elsewhere and did not ensure acceptable conditions of work for the 90 percent of the work force not subject to the Factories Act.

Minimum wages varied according to the state and to the sector of industry. Such wages provided only a minimal standard of living for a worker and were inadequate to provide a decent standard of living for a worker and family. Most workers employed in units subject to the Factories Act received more than the minimum wage, including mandated bonuses and other benefits. The state governments set a separate minimum wage for agricultural workers but did not enforce it effectively. Some industries, such as the apparel and footwear industries, did not have a prescribed minimum wage in any of the states in which such industries operated.

The Factories Act established an 8-hour workday, a 48-hour workweek, and various standards for working conditions. These standards generally were enforced and accepted in the modern industrial sector, but tended not to be observed in older and less economically robust industries. State governments were responsible for enforcement of the Factories Act. However, the large number of industries covered by a small number of factory inspectors and the inspectors' limited training and susceptibility to bribery resulted in lax enforcement.

The enforcement of safety and health standards also was poor. Although occupational safety and health measures varied widely, in general state and central government resources for inspection and enforcement of standards were adequate. However, as awareness grew, the courts began to take work-related illnesses more seriously.

Industrial accidents continued to occur frequently due to improper enforcement of existing laws. Chemical industries were the most prone to accidents. According to the Director General of Mines' safety rules, mining companies must seal the entrances to abandoned underground mines and opencast mines were to be bulldozed and reforested. These rules seldom were obeyed. According to the Government, during the period from January to September 2001, 192 persons were killed in mining accidents. In February 2001, the collapse of a mine wall led to the death of more than 30 miners. An investigation into the cause of the disaster began during the year. Illegal mining was rampant. In October a fire in the firecracker manufacturing company in Andhra Pradesh killed 13.

Safety conditions tended to be better in the EPZs.

The law does not provide workers with the right to remove themselves from work situations that endanger health and safety without jeopardizing their continued employment.

Legal foreign workers were protected under the law; however, illegal foreign workers had no protection.

f. Trafficking in Persons.—The law prohibits trafficking in persons; however, trafficking in persons was a significant problem. NGOs alleged that corruption at the enforcement level helps to perpetuate the problem. The country was a significant source, transit point, and destination for numerous trafficked persons, primarily for the purposes of prostitution and forced labor.

The country was a destination country for Nepali and Bangladeshi women and girls trafficked for the purpose of labor and prostitution. Internal trafficking of women and children was widespread. To a lesser extent, the country is a origin for women and children trafficked to other countries in Asia, the Middle East, and the West. The country serves as a transit point for Bangladeshi girls and women trafficked for sexual exploitation to Pakistan, and for boys trafficked to the Gulf States to work as camel jockeys. NGOs reported that sexual exploitation of children for sex tourism increased sharply in the states of Goa and Kerala.

Child prostitution occurred in the cities, and there were an estimated 575,00 child prostitutes nationwide. According to an ILO estimate, 15 percent of the country's estimated 2.3 million prostitutes were children. More than 2.3 million girls and women were believed to be working in the sex industry against their will within the country at any given time, and more than 200,000 persons were believed to be trafficked into, within, or through the country annually. Women's rights organizations and NGOs estimated that more than 12,000 and perhaps as many as 50,000 women and children were trafficked into the country annually from neighboring states for the sex trade. According to an ILO estimate, 15 percent of the country's estimated 2.3 million prostitutes were children, while the U.N. reported that an estimated 40 percent were below 18 years of age. Many tribal women were forced into sexual exploitation.

Trafficking in, to, and through the country largely was controlled by organized crime.

There was a growing pattern of trafficking in child prostitutes from Nepal. Girls as young as 7 years of age were trafficked from economically depressed neighborhoods in Nepal, Bangladesh, and rural areas to the major prostitution centers of Mumbai, Calcutta, and New Delhi. There were approximately 100,000 to 200,000 women and girls working in brothels in Mumbai and 40,000 to 100,000 in Calcutta.

In Mumbai an estimated 90 percent of sex workers began when they were under 18 years of age; half were from Nepal. A similar profile was believed to exist among female sex workers in Calcutta, although the vast majority of women who were trafficked there came from Bangladesh. NGOs in the region estimated that approximately 6,000 to 10,000 girls were trafficked annually from Nepal to Indian brothels, and that a similar number were trafficked from Bangladesh.

The northeastern states of Meghalaya, Manipur, and Tripura were source areas for internally trafficked women and girls. West Bengal was a source for women and girls trafficked to Mumbai, Delhi, Uttar Pradesh, and Punjab for the commercial sex trade. The women involved in Mumbai's sex trade were mainly from Karnataka, rural Maharashtra, Tamil Nadu, Orissa, Bangladesh, and Nepal.

In West Bengal, the organized traffic in illegal Bangladeshi immigrants was a source of bonded labor. Calcutta was a convenient transit point for traffickers who send Bangladeshis to New Delhi, Mumbai, Uttar Pradesh, and West Asia. Persons sometimes were sold into virtual slavery.

Within the country, women from economically depressed areas often moved into the cities seeking greater economic opportunities, and once there were victimized by traffickers who forced or coerced them into the sex trade. In some cases, family members sold young girls into the sex trade. For example, according to a local NGO researcher, in one village in Uttar Pradesh, girls 1 to 2 years of age were purchased from their parents and adopted by persons who trained them for the sex trade through the use of pornographic materials and then sold them into the sex trade when they were 7 to 12 years old.

Many indigenous tribal women were forced into sexual exploitation. According to the Indian Center for Indigenous and Tribal Peoples (ICITP), more than 40,000 tribal women, mainly from Orissa and Bihar, were forced into economic and sexual exploitation; many came from tribes that were driven off their land by national park schemes. In Punjab persons of both sexes were sold in weekend bazaars, ostensibly as farm labor; many instead were purchased for the purposes of forced sexual services. The Department of Social Welfare suggested that more efficient implementation of ongoing development programs for tribal people in the district offered the best remedy for the child labor problem.

The number of women being trafficked to other countries was comparatively low. In July 2000, authorities cooperated with investigators seeking evidence in the prosecution of Lakreddy Bali Reddy, a U.S. citizen of Indian birth, who was indicted for trafficking minor girls for sexual exploitation from a rural area of Andhra Pradesh to the U.S. Reddy allegedly paid the airfares and expenses of 350 to 400 young men and women aged approximately 13 to 18 years, mostly from low castes, and obtained their passports and visas—ostensibly to work as specialty cooks or laborers in his restaurants or apartment business. However, upon arrival in the U.S., the girls reportedly were put to work in a prostitution ring. Some of the girls claimed that Reddy had sex with them in India after their parents sold them; at least one victim was 12 years old. At year's end, Reddy pled guilty to trafficking and was imprisoned for this crime.

Many boys, some of whom were as young as age 4, were trafficked to West Asia or the Persian Gulf States (especially the United Arab Emirates) and became camel jockeys in camel races. Some such boys end up as beggars in Saudi Arabia during the hajj. The majority of such children worked with the knowledge of their parents, who received as much as \$200 (RS 9,300) for their child's labor, although a significant minority simply were kidnaped. The gangs bringing the jockeys earned approximately \$150 (RS 6,975) per month from the labor of each child. The usual procedure used for bringing the children to the Gulf States was to have their names added to the passport of a Bangladeshi or Indian woman who already had a visa for the Gulf; the children fraudulently were claimed to be her children. Girls and women were trafficked to the Persian Gulf States to work as domestic workers or sex workers.

The National Commission for Women reported that organized crime played a significant role in the country's sex trafficking trade and that women and children who were trafficked frequently were subjected to extortion, beatings, and rape. How women were trafficked varies widely: Some were abducted forcibly or drugged, while others were made false offers of marriage, employment, or shelter. Poverty, illiteracy, and lack of employment opportunities contributed to the trafficking problem, although organized crime was a common element in all trafficking incidents, as was police corruption and collusion. Although corruption was endemic in the country, there was no known anti-corruption initiative that was linked specifically to corruption as it related to trafficking during the year. NGOs alleged that ignorance, a lack of political resolve to tackle it, and corruption at the enforcement level perpetuated the problem.

Although the police were charged with enforcing the country's laws on prostitution and trafficking in women and children, NGOs, observers, and sex workers uniformly viewed police actions as part of the problem. Sex workers in Mumbai and Calcutta claimed that harassment, extortion, and occasional arrests on soliciting charges usually characterized police intervention. The police seldom were seen as a positive force that addressed the violence of pimps and traffickers while protecting underage girls from bonded sex labor. In May in a raid on a brothel in Pune, the police reportedly discovered that one major brothel owner's cell-phone had the numbers of many senior police officers in its memory. A commonly held view among sex workers and NGOs was that local police and politicians responsible for the redlight areas received bribes from organized crime networks to protect the lucrative sex trade. NGOs, victims, and the media continued to identify corruption at the enforcement level as an impediment to swifter and fairer justice for trafficked women and children.

Victims of trafficking were subject to threats, including emotional blackmail, violence, and confinement, as well as the threat of apprehension by authorities, detention, prosecution and deportation. Most victims of trafficking did not possess identity documents. Once removed from their communities to an area dominated by a different culture and a different language or dialect, it was difficult for victims of trafficking to find their way back home, where they may face social ostracism.

The penalty for traffickers was prescribed by the Immoral Trafficking Prevention Act (ITPA). If the offense had been committed against a child (under 16 years), the punishment was imprisonment for 7 years to life. If the victim was a minor (16 to 18 years), the punishment was from 7 to 14 years. Other penalties under the act range from minimum terms of imprisonment of 1 year for brothel-keeping, to minimum terms of 7 years to life imprisonment for detaining a person, with or without consent, for prostitution.

Immoral Trafficking Prevention Act (ITPA), supplemented by the Penal Code, prohibits trafficking in human beings and contains severe penalties for violations. The Constitution also prohibits trafficking in persons. The ITPA toughened penalties for trafficking in children, particularly by focusing on traffickers, pimps, landlords, and brothel operators, while protecting underage girls as victims. The ITPA required police to use only female police officers to interrogate girls rescued from brothels. The ITPA also required the Government to provide protection and rehabilitation for these rescued girls. In addition, under the ITPA, prostitution is not a crime; the ITPA criminalizes only solicitation or engaging in sex acts in or near a public place. Some NGOs noted that this ambiguity, which was intended to protect trafficking victims, instead was exploited to protect the sex industry.

However, the country's prostitution and trafficking laws were imposed selectively by police; clients and organizers of the sex trade tended not to be penalized, while prostitutes found soliciting or practicing their trade in or near (200 yards) public places were penalized. Due to the selective implementation, the "rescue" of sex workers from brothels often led to their revictimization. Using the ITPA's provisions against soliciting or engaging in sexual acts, police regularly may arrest sex workers, extort money from them, evict them, and take their children from them. Clients of prostitutes, by comparison, largely were immune from any law enforcement threat, as clients committed a crime only if they had engaged in a sex act with a sex worker in a public place or had had sex with a girl under the age of 16 years (statutory rape). Therefore, although the intention of the ITPA was to increase enforcement efforts against the traffickers, pimps, and border operators, the opposite occurred; a Calcutta NGO reported that on average, approximately 80 to 90 percent of the arrests made under the ITPA in West Bengal state in the 1990s were of female sex workers. Only a small fraction of arrests made under the ITPA involved traffickers. Implementation of the ITPA's provisions for protection and rehabilitation of women and children who were rescued from the sex trade was extremely poor. NGOs familiar with the legal history of prostitution and trafficking laws regarded the failure of the judiciary to recognize this inequity in the law's implementation as a continuing "blind spot." Over the last several years, arrests and prosecutions under the ITPA remained relatively static, while all indications suggested a growing level of trafficking into and within the country.

NGOs and others alleged that when police took action against brothels suspected of enslaving minors, the resulting police raids often were planned poorly and seldom coordinated with NGOs or government social agencies. NGOs claimed that without advance notice of police raids on brothels, they were not able to lend valuable assistance in identifying and interviewing underage victims. Moreover, police did not seek advice or assistance from NGOs in planning law enforcement action to protect the victims during raids. Therefore, the police action often worsened the situation of the girls and women indebted to traffickers and brothel owners. Girls rescued from

brothels were treated as criminals and often abused sexually by their police rescuers or by the staff of government remand centers, where they were housed temporarily before being brought back to the brothels as a result of the bribes paid by brothel operators, or legally released into the custody of traffickers and madams posing as relatives. In these cases, the debt owned by the girls to the brothel operators and traffickers further increases as the costs of bribing or legally obtaining release of the girls is added to their labor debt.

NGOs also have demanded that special ITPA courts for speedy resolution of cases allow videotaped testimony so that underage victims need not be summoned back for trial. Social welfare agencies of the central and state governments were underfunded and were unable to implement antitrafficking plans effectively. The NGO community took the lead on prevention, protection, and prosecution of trafficking and has a mixed record in securing the cooperation of the state and local police. During the year, police and NGOs rescued 12 minor girls from brothels in New Delhi. The Andhra Pradesh NGO Sthree, registered nine cases and arrested ten traffickers in two Andhra Pradesh districts between May and November. At year's end, six trials were ongoing in connection with these arrests. In separate incidents, Railway Police helped to rescue 41 children from Chennai to Gujarat on September 19 and ten girls in Coimbatore on September 17. There were roughly 80 NGOs in 10 states around the country working for the emancipation and rehabilitation of women and children trafficked into the sex trade. A group on child prostitution established by the NHRC includes representatives from the National Commission for Women, the Department of Women and Child Development, NGOs, and UNICEF. It continued to meet throughout the year to devise means of improving enforcement of legal prohibitions.

Some NGOs were very knowledgeable about the trafficking situation in the brothel areas such as Kamathipura, and could identify traffickers and the locations of girls being held captive by brothel owners. However, most of these NGOs were reluctant to trust the police with this information due to the past conduct of police in brothel raids and the likelihood that many trafficking victims would be arrested and revictimized rather than assisted by such raids. Cooperation among NGOs in sharing information and assessing the magnitude and scope of the trafficking problem in Mumbai has not been significant, although it continued to improve. Some NGOs, particularly in Mumbai, Calcutta, New Delhi, and Pondicherry, worked aggressively to sensitize, train, and create awareness of trafficking among local authorities. The NGO Prerana, which worked closely with government officials, was an example.

Efforts to improve NGO coordination were being made in Calcutta, where 10 NGOs met monthly as part of the Action Against Trafficking and Sexual Exploitation of Children (AATSEC) forum. Every 3 months, the group attempted to meet with its Bangladeshi and Nepalese counterparts. Calcutta NGOs such as Sanlaap also were seeking to build stronger working relationships with local police. As a result of this coordination, Sanlaap built stronger working relationships with police and other law enforcement officials in Calcutta. It organized and sponsored meetings between representatives of the sex workers and police to discuss such issues as violence against women and trafficking. The seminars helped sensitize police to the fact that many of the sex workers were the victims of organized traffickers. Sanlaap has been allowed to place a counselor at the West Bengal Remand Home for Women, where rescued trafficking victims were housed. It also has been permitted to place counselors in police stations within Calcutta's red light district and convinced the courts to release young trafficking victims into its custody, instead of sending them to the remand home.

Training and informational meetings took place under the AATSEC forum, which worked with groups in Nepal and Bangladesh. The NHRC asked the committee that oversees the Hajj (pilgrimage) to require individual passports for children instead of allowing them to be included on that of their escort, in order to reduce trafficking of children. NHRC also advised the Government of West Bengal to make efforts to educate Muslims about child trafficking.

MALDIVES

The Republic of Maldives has a parliamentary style of government with a strong executive. The President appoints the Cabinet, members of the judiciary, and one-sixth of the Parliament. The President derives additional influence from his constitutional roles as the "Supreme authority to propagate the tenets of Islam." Political parties officially were discouraged, and candidates for the unicameral legislature, the People's Majlis, ran as individuals. The Majlis selected a single presi-

dential nominee who was approved or rejected in a national referendum. President Gayoom was approved for a fifth 5-year term in 1998. The Majlis must approve all legislation and is empowered to enact legislation without presidential approval. Civil law is subordinate to Shari'a (Islamic law), but civil law generally is applied in criminal and civil cases. The judiciary was subject to executive influence.

The civilian authorities maintain effective control of the National Security Service (NSS). The NSS includes the armed forces and police, and its members serve in both police and military capacities during their careers. The Director of the NSS reports to the Minister of Defense. The police division investigates crimes, collects intelligence, makes arrests, and enforces house arrest. There were no reports that security forces committed human rights abuses.

Tourism and fishing provide employment for more than one-half of the work force. Tourism accounts for 30 percent of government revenues and roughly 70 percent of foreign exchange receipts. The population is approximately 270,000. Agriculture and manufacturing continue to play a minor role in the economy, which is constrained by a severe shortage of labor and lack of arable land. The per capita gross domestic product (GDP) in 2001 was \$2,100 (25,892 Rufiyaa), and the GDP growth rate was approximately 2 percent.

The Government generally respected the human rights of its citizens; however, there were problems in some areas. The President's power to appoint a significant portion of the Parliament constrains citizens' ability to change their government. A continued easing of government restrictions and the Press Council's balanced handling of issues related to journalistic standards allowed a greater diversity of views in the media. The Government limits freedom of assembly and association, and does not permit the formation of political parties. There were significant restrictions on the freedom of religion. In the past, the Government has detained arbitrarily and expelled foreigners for proselytizing and detained citizens who converted. Although the Government has undertaken a number of programs addressing women's issues, women faced a variety of legal and social disadvantages. The Government also restricted certain worker rights.

RESPECT FOR HUMAN RIGHTS

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

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

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

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.—The law prohibits such practices, and there were no reports that government officials employed them. There was an unconfirmed report of beatings or other mistreatment of persons in police custody during the year; however, by year's end this could not be independently verified (*see* Section 1.d.). There were no reports of public floggings (which are allowed under Shari'a as interpreted in the country), as in past years. Punishments usually were confined to fines, compensatory payment, house arrest, imprisonment, or banishment to a remote atoll. The Government generally permitted those who are banished to receive visits by family members.

The country's prison was destroyed by fire in 1999. Following the fire, the Government transferred prisoners to a temporary facility, which housed a fluctuating population of approximately 300 inmates.

Prison conditions at the existing facility, including food and housing, generally were adequate. Prisoners were allowed to work and were given the opportunity for regular exercise and recreation. Spouses were allowed privacy during visits with incarcerated partners. The Government was surveying prison facilities in other countries to incorporate international standards and improvements in the reconstruction of the prison, and it has requested training for prison guards. Women were held separately from men. Children were held separately from adults. Persons arrested for drug use are sent to a "drug rehabilitation center" (on a space available basis) where sleeping quarters and most activities are segregated; although common areas were shared by all.

The Government has permitted prison visits by foreign diplomats. The issue of visits by human rights groups was not known to have arisen during the year.

d. Arbitrary Arrest, Detention, or Exile.—The Constitution states that no person shall be arrested or detained for more than 24 hours without being informed of the grounds for arrest or detention.

Police initiate investigations based on suspicion of criminal activity or in response to written complaints from citizens, police officers, or government officials. They were not required to obtain warrants for arrests. Based on the results of police in-

vestigations, the Attorney General referred cases to the appropriate court. The authorities generally kept the details of a case confidential until they were confident that the charges were likely to be upheld. In the past, persons have been held for long periods without charge, but there were no reports of such occurrences during the year.

Depending upon the charges, a suspect may remain free, be detained in prison, or placed under house arrest for 15 days during investigations. The President may extend pretrial detention for an additional 30 days, but in most cases the suspect is released if not brought to trial within 15 days. Those who are released pending trial may not leave a specific atoll. Within 24 hours of an arrest, an individual must be told of the grounds for the arrest. An individual then can be held for 7 days. If no legal proceedings have been initiated within 7 days, the case is referred to an anonymous 3-member civilian commission appointed by the President that can authorize an additional 15 days of detention. After that time, if legal proceedings still have not been initiated, a judge must sanction the continued detention on a monthly basis. Although there was no right to legal counsel during police interrogation, detainees were granted access to family members. There was no provision for bail.

The Government may prohibit access to a telephone and nonfamily visits to those under house arrest. While there have been no reported cases of incommunicado detention in the past few years, the law does not provide safeguards against this abuse.

There were no reports of religious prisoners during the year; however, there were several reports of religious detainees during the year. The law limits a citizen's right to freedom of expression in order to protect the "basic tenets of Islam." According to Amnesty International and other sources, four individuals were arrested for distributing Islamist and antigovernment literature during the year. By year's end, three of the men were convicted to lengthy prison sentences for extremism and subversion, and the fourth man was released. In addition, a Muslim clergyman reportedly was questioned and temporarily detained during an investigation into accusations that he had made Islamist-tinged sermons in June.

Member of Parliament (M.P.) Abdullah Shakir was arrested in July 2001 and released the following month. There was some dispute as to why he was arrested; the Government states he was arrested on a purely civil matter, which since has been resolved, but international human rights groups claimed that he was arrested for his support of a petition to form political parties in the country (*see* Section 2.b.). In March Shakir's appeal against the 2001 sentence was rejected by the high court.

There were no reports of the external exile of citizens during the year. In the past, the Government sometimes has banished convicted criminals to inhabited atolls away from their home communities, but there were no reports that this occurred during the year.

e. Denial of Fair Public Trial.—The Constitution does not provide for an independent judiciary, and the judiciary is subject to executive influence. In addition to his authority to review High Court decisions, the President influences the judiciary through his power to appoint and dismiss judges, all of whom serve at his pleasure and are not subject to confirmation by the Majlis. The President also may grant pardons and amnesties.

There were three courts: One for civil matters; one for criminal cases; and one for family and juvenile cases. On the recommendation of the Ministry of Justice, the President appoints a principal judge for each court. There was also a High Court in Male, which was independent of the Justice Ministry and which handled a wide range of cases, including politically sensitive ones. The High Court also acts as court of appeals. High Court rulings can be reviewed by a five-member advisory council appointed by the President. The President also has authority to affirm judgments of the High Court, to order a second hearing, or to overturn the Court's decision. In addition to the Male court, there were 204 general courts on the islands.

There were no jury trials. Most trials were public and conducted by judges and magistrates trained in Islamic, civil, and criminal law. Magistrates usually adjudicate cases on outer islands, but when more complex legal questions were involved, the Justice Ministry would send more experienced judges to handle the case.

The Constitution provides that an accused person be presumed innocent until proven guilty, and that an accused person has the right to defend himself "in accordance with Shari'a." During a trial, the accused also may call witnesses, and be assisted by a lawyer. Courts do not provide lawyers to indigent defendants. Judges question the concerned parties and attempt to establish the facts of a case.

Civil law is subordinate to Shari'a, which is applied in situations not covered by civil law as well as in certain acts such as divorce and adultery. Courts adjudicating matrimonial and criminal cases generally do not allow legal counsel in court because, according to a local interpretation of Shari'a, all answers and submissions

should come directly from the parties involved. However, the High Court allowed legal counsel in all cases, including those in which the rights to counsel was denied in lower court. Under the country's Islamic practice, the testimony of two women is required to equal that of one man in matters involving Shari'a, such as adultery, finance, and inheritance. In other cases, the testimony of men and women were equal (*see* Section 5).

There were no confirmed reports of political prisoners. Human rights agencies alleged that there are political prisoners; however, the Government maintained that these prisoners were convicted of crimes not related to politics.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence.—The Constitution prohibits security officials from opening or reading letters, telegrams, and wireless messages or monitoring telephone conversations, "except as expressly provided by law." The NSS may open the mail of private citizens and monitor telephone conversations if authorized in the course of a criminal investigation.

Although the Constitution provides that residential premises and dwellings should be inviolable, there is no legal requirement for search or arrest warrants. The Attorney General or a commanding officer of the police must approve the search of private residences.

The Government policy to encourage a concentration of the population on the larger islands continued, and the policy generally was successful in moving a significant number of citizens to the larger islands.

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Speech and Press.—The law prohibits public statements that are contrary to Islam, threaten the public order, or are libelous. The Penal Code prohibits inciting citizens against the Government. However, an amendment to the Penal Code decriminalized "true account(s)" by journalists of governmental actions.

Regulations that make publishers responsible for the content of the material they published remain in effect, but no legal actions against publishers were initiated during the year.

The Press Council is composed of lawyers, private and government media representatives, and other government officials. The Council reviews charges of journalistic misconduct (advising the Ministry of Information, Arts, and Culture on measures to be taken against reporters, when appropriate) and promotes professional standards within the media by recommending reforms and making suggestions for improvement. Private journalists have said that they are satisfied with the Council's objectivity and performance. The Government agreed that private journalists, rather than the Government, should take responsibility for preparation of a journalistic code of ethics. Individual newspapers and journals established their own ethical guidelines in many cases.

Most major media outlets were owned either by the Government or its sympathizers. Nonetheless, these sympathetic outlets on occasion strongly criticize the Government.

Almost 200 newspapers and periodicals were registered with the Government, only some of which publish on a regular basis. Aafathis, a morning daily, often was critical of government policy, as was the Monday Times, a weekly English language magazine. Two dailies, Miadhu and Haveeru, were progovernment.

The Government owned and operated the only television and radio stations. It did not interfere with foreign broadcasts or with the sale of satellite receivers. Reports drawn from foreign newscasts were aired on the Government television station. Cable News Network (CNN) was shown daily, uncensored, on local television.

There were no reports of government censorship of the electronic media; nor were there closures of any publications or reports of intimidation of journalists.

Television news and public affairs programming routinely discussed topics of concern and freely criticized government performance. Regular press conferences with government ministers continued. Journalists were more self-confident than in the past; self-censorship appeared to have diminished, although it remained a problem. Since it is not clear when criticism violates the law prohibiting public statements that were contrary to Islam, threaten the public, or were libelous, journalists and publishers continued to watch what they say, particularly on political topics, to avoid censure by the Government.

There were no legal prohibitions on the import of foreign publications except for those containing pornography or material otherwise deemed objectionable to Islamic values. No seizures of foreign publications were reported during the year.

The Internet is available. There were no government attempts, other than blocking pornographic material, to interfere with its use.

The Government did not restrict academic freedom. Some teachers reportedly are vocal in their criticism of the Government.

b. Freedom of Peaceful Assembly and Association.—The Constitution provides for freedom of assembly “peaceably and in a manner that does not contravene the law”; however, the Government imposed limits on this right in practice. The Home Ministry permitted public political meetings during electoral campaigns, but limited them to small gatherings on private premises.

The Government imposes some limits on freedom of association. The Government registered clubs and other private associations if they do not contravene Islamic or civil law. While not forbidden by law, the President officially discouraged political parties on the grounds that they were inappropriate to the homogeneous nature of society. The President reaffirmed this position when he decided against a petition to form a political party in June 2001. One signatory to the petition was M.P. Abdullah Shakir, who subsequently was arrested, but was released soon thereafter. Some observers believed his arrest was connected to his support for the creation of political parties in the country, but the Government maintained that he was arrested in connection with a civil matter (*see* Section 1.e.). There were unconfirmed reports that the Government harassed politicians who signed the petition to form political parties. During the year, Mohammed Nasheed lost his seat in the Majlis after he was convicted of petty theft. He reportedly was released from internal exile in late August. Some observers claim that the theft charge was fabricated to punish Nasheed for supporting a movement to form a political party and for his criticism of President Gayoom (*see* Section 3).

During the year, many Majlis members were active and outspoken critics of the Government and called for closer parliamentary examination of government policy.

Although not prohibited, there were no active local human rights groups in the country. The Government has been responsive to requests from foreign governments and international organizations to examine human rights problems (*see* Section 4). While the Government also does not prohibit labor unions, it recognizes neither the right to form them nor the right to strike. There were no reports of efforts to form unions or to strike during the year (*see* Section 6).

c. Freedom of Religion.—Freedom of religion is restricted significantly. The Constitution designates the Sunni branch of Islam as the official state religion, and the Government interprets this provision to impose a requirement that citizens be Muslims. The practice of any religion other than Islam is prohibited by law. Foreign residents are allowed to practice their religion if they do so privately and do not encourage citizens to participate. President Gayoom repeatedly has stated that no other religion should be allowed in the country, and the Home Affairs Ministry has announced special programs to safeguard and strengthen religious unity. The President, the members of the People’s Majlis, and cabinet members must be Muslims.

There were no places of worship for adherents of other religions. The Government prohibits the importation of icons and religious statues, but it generally permitted the importation of individual religious literature, such as Bibles, for personal use. It also prohibited non-Muslim clergy and missionaries from proselytizing and conducting public worship services. Conversion of a Muslim to another faith was a violation of Shari’a and may result in punishment. In the past, would-be converts have been detained and counseled regarding their conversion from Islam. Foreigners have been detained and expelled for proselytizing. Unlike in previous years, there were no reports of foreigners detained for proselytizing.

Islamic instruction was a mandatory part of the school curriculum, and the Government funds the salaries of religious instructors. The Government has established a Supreme Council of Islamic Affairs to provide guidance on religious matters. The Government also has set standards for individuals who conduct Friday services at mosques to ensure adequate theological qualifications, and to ensure that services were not dominated by radicals.

Under the country’s Islamic practice, certain legal provisions discriminate against women (*see* Sections 1.e., 3, and 5).

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

d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation.—Citizens are free to travel at home and abroad, to emigrate, and to return. Because of overcrowding, the Government discouraged migration to the capital island of Male or its surrounding atoll. Foreign workers often were housed at their worksites. Their ability to travel freely was restricted, and they were not allowed to mingle with the local population on the islands.

The law does not provide for the granting of asylum or refugee status in accordance with the 1951 U.N. Convention Relating to the Status of Refugees and its 1967 Protocol. The Government has not formulated a policy regarding refugees, asylees, or first asylum. The issue of the provision of first asylum did not arise during the

year. The Government cooperates with the office of the U.N. High Commissioner for Refugees. There were no reports of the forced return of persons to a country where they feared persecution.

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

Citizens' ability to change their government is constrained, and the strong executive exerts significant influence over both the legislature and the judiciary. Under the Constitution, the Majlis chooses a single presidential nominee, who must be a Sunni Muslim male, from a list of self-announced candidates for the nomination. Would-be nominees for president were not permitted to campaign for the nomination. The nominee is then confirmed or rejected by secret ballot in a nationwide referendum. From a field of five candidates, President Gayoom was nominated by the Majlis and was confirmed by referendum for a fifth 5-year term in 1998. Observers from the South Asian Association for Regional Cooperation (SAARC) found the referendum to be free and fair.

The Office of the President was the most powerful political institution. The Constitution gives Shari'a preeminence over civil law and designates the President as the "supreme authority to propagate the tenets" of Islam. The President's authority to appoint one-sixth of the Majlis members, which was one-third of the total needed for nominating the president, provided the president with a power base and strong political leverage. The President also was Commander in Chief of the armed forces, the Minister of Defense and National Security, the Minister of Finance and Treasury, and the Governor of the Maldivian Monetary Authority.

The elected members of the Majlis, who must be Muslims, serve 5-year terms. All citizens over 21 years of age may vote. Of the body's 50 members, 42 are elected and the President appoints 8 members. Individuals or groups were free to approach members of the Majlis with grievances or opinions on proposed legislation, and any member may introduce legislation. There were no political parties, which were officially discouraged (*see* Section 2.b.).

Relations between the Government and the Majlis have been constructive. The Government may introduce legislation but may not enact a bill into law without the Majlis' approval. The Majlis may enact legislation into law without presidential assent if the President fails to act on the proposal within 30 days or if a bill is re-passed with a two-thirds majority. In the past few years, the Majlis increasingly have become independent, challenging government policies and rejecting government-proposed legislation.

For the past several years, the Majlis have held a question period during which members may question government ministers about public policy. Debate on the floor since the question period was instituted has become increasingly sharp and open.

Elections to the People's Majlis last were held in 1999. According to observers from the SAARC, the elections were generally free and fair. A by-election was held in April following the controversial expulsion of M.P. Mohammed Nasheed from the Majlis, upon his conviction for theft (*see* Section 2.b.). According to observers, the election was generally free and fair.

There were 5 women in the 48-member Majlis. There was one woman in the Cabinet. Women were not eligible to become president but may hold other government posts. However, for reasons of tradition and culture, relatively few women sought or were selected for public office. In December 2001, the position of Atoll Chief of Felidhe was awarded to a woman, Haseena Moosa. In order to increase participation by women in the political process, the Government continued a political awareness campaign in the atolls. In the November 1999 elections, six women ran for seats and two were elected. During the 1999 elections, observers from the SAARC noted that women participated equally in the electoral process. Following the elections, President Gayoom appointed an additional three women to the Majlis.

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

Although not prohibited, there were no active local human rights groups. The Government has been very responsive to the interest of foreign governments in examining human rights problems. A number of international human rights organizations, such as UNICEF, are present in the country. The Government cooperated with these international organizations.

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

The Constitution provides for the equality of all citizens before the law, but there is no specific provision to prohibit discrimination based on race, sex, religion, disability, or social status. Women traditionally have been disadvantaged, particularly

in terms of the application of Shari'a, in matters such as divorce, education, inheritance, and testimony in legal proceedings.

Women.—Women's rights advocates agreed that domestic violence and other forms of violence against women were not widespread. There were no firm data on the extent of violence against women because of the value attached to privacy. Police officials reported that they received few complaints of assaults against women. Rape and other violent crimes against women were extremely rare. Under Shari'a the penalty would be flogging, banishment, or imprisonment for up to 5 years.

Although women traditionally have played a subordinate role in society, they participate in public life in growing numbers and gradually are participating at higher levels. During the year, there was one woman minister, the Minister of Women's Affairs and Social Welfare, and one woman nominated to the position of Atoll Chief (see Section 3). Women constitute 38 percent of government employees, and approximately 10 percent of uniformed NSS personnel. Well-educated women maintained that cultural norms, not the law, inhibit women's education and career choices. However, during the year, the Government continued law literacy programs and workshops on gender and political awareness in the outer atolls to make women aware of their legal rights. The Government also has built 15 women's centers in the atolls, which are facilities where family health workers can provide medical services. The centers also provide libraries and space for meetings and other activities with a focus on the development of women. In addition, in July 2001 the Government passed a family law that makes 18 years of age the minimum age of marriage for women.

Under Islamic practice, husbands may divorce their wives more easily than vice versa, absent any mutual agreement to divorce. Shari'a also governs intestate inheritance, granting male heirs twice the share of female heirs. A woman's testimony was equal only to one-half of that of a man in matters involving adultery, finance, and inheritance (see Section 1.e.). Women who work for wages receive pay equal to that of men in the same positions.

In 2000 the Cabinet created a Gender Equality Council to serve as an advisory body to the Government to help strengthen the role of women in society and to help ensure equal participation by women in the country's development; however, there were no reports of specific council actions during the year.

Children.—The Government does not have a program of compulsory education, but it provided universal access to free primary education. The percentage of school-age children in school in 2001 was: (grades 1 to 5) 99 percent; (grades 6 to 7) 96 percent; and grades (8 to 10) 51 percent. Of the students enrolled, 49 percent were female and 51 percent are male. In many instances, education for girls was curtailed after the seventh grade, largely because parents do not allow girls to leave their home island for an island having a secondary school. Nevertheless, women enjoyed a higher literacy rate (98 percent) than men (96 percent).

Children's rights were incorporated into law, which specifically protects them from both physical and psychological abuse, including abuse at the hands of teachers or parents. The Ministry of Women's Affairs and Social Welfare has the authority to enforce this law, takes its responsibility seriously, and has received strong popular support for its efforts. Although unable to provide an exact number, the Ministry noted that there continued to be reports of child abuse during the year, including sexual abuse. Penalties for the sexual abuse of children range from banishment to imprisonment for up to 3 years. It is not known if there were any prosecutions for child abuse or child sexual abuse during the year. At year's end, the Government was reviewing the law to see if improvements and additional protections are necessary.

The Government was committed to the protection of children's rights and welfare. The Government was working with UNICEF to implement the rights provided for in the U.N. Convention on the Rights of the Child. The Government has established a National Council for the Protection of the Rights of the Child. Government policy provided for equal access to educational and health programs for both male and female children. In May the Government ratified two Optional Protocols, on the Children in Armed Conflict and Sale of Children, of the U.N. Convention on Children.

Persons with Disabilities.—There is no law that specifically addresses the rights of persons with physical or mental disabilities. In 1999 the Government initiated a survey that identified 30,000 persons with disabilities in the country (primarily hearing and visually impaired). The Government has established programs and provided services for persons with disabilities.

Persons with disabilities usually were cared for by their families. When family care was unavailable, persons with disabilities were kept in the Institute for Needy People, which also assisted elderly persons. The Government provided free medica-

tion for all persons with mental disabilities in the islands, and mobile teams regularly visited patients with mental disabilities.

Section 6. Worker Rights

a. The Right of Association.—While the Government does not expressly prohibit unions, it recognizes neither the right to form them nor the right to strike. However, small groups of similarly employed workers with mutual interests have formed associations, which include employers as well as employees. These associations may address a variety of issues, including workers' rights.

The work force consisted of between 70,000 and 75,000 persons, including expatriate labor and seasonal and part-time workers. The approximately 27,000 foreigners who work in the country make up almost half of the workers in the formal sector; most are employed in hotels, the retail and wholesale trade, factories, or on construction projects. The Government employed approximately 22,000 persons, both permanent and temporary. It estimated that the manufacturing sector employs approximately 15 percent of the labor force and tourism another 10 percent.

There are no laws specifically prohibiting antiunion discrimination by employers against union members or organizers.

Although workers can affiliate with international labor federations, this generally has not been the case. However, it is believed some seamen have joined such federations.

In 1995 the U.S. Government suspended the country's eligibility for tariff preferences under the U.S. Generalized System of Preferences because the Government failed to take steps to afford internationally recognized worker rights to workers.

b. The Right to Organize and Bargain Collectively.—The law neither prohibits nor protects workers' rights to organize and bargain collectively. Wages in the private sector are set by contract between employers and employees and are usually based on the rates for similar work in the public sector.

There were no reports of efforts to form unions or of strikes during the year.

There are no export processing zones.

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

d. Status of Child Labor Practices and Minimum Age for Employment.—There is no compulsory education law, but almost 98 percent of school-age children to grade 7 were enrolled in school (see Section 5). The law bars children under 14 years of age from "places of waged work and from work that is not suitable for that child's age, health, or physical ability or that might obstruct the education or adversely affect the mentality or behavior of the child." The law also prohibits government employment of children under the age of 16. There were no reports of children being employed in the small industrial sector, although children work in family fishing, agricultural, and commercial activities. The hours of work of young workers were not limited specifically by statute. A Unit for Children's Rights in the Ministry of Women's Affairs and Social Welfare is responsible only for monitoring compliance with the child labor regulations, not enforcement.

e. Acceptable Conditions of Work.—The regulations for employee relations specify the terms that must be incorporated into employment contracts and address such issues as training, work hours, safety, remuneration, leave, fines, and termination. There was no national minimum wage for the private sector, although the Government has established wage floors for certain kinds of work such as government employment, which provided a decent standard of living for a worker and family. Given the severe shortage of labor, employers must offer competitive pay and conditions to attract skilled workers.

There were no statutory provisions for hours of work, but the regulations required that a work contract specify the normal work and overtime hours on a weekly or monthly basis. In the public sector, a 7 hour day and a 5 day workweek have been established through administrative circulars from the President's office. Overtime pay in the public sector was instituted in 1990. There are no laws governing health and safety conditions. There were regulatory requirements that employers provide a safe working environment and ensure the observance of safety measures. It was unclear whether workers can remove themselves from unsafe working conditions without risking the loss of their jobs. The Ministry of Trade, Industries, and Labor has a Labor Dispute Settlement Unit to resolve wage and labor disputes and to visit worksites and enforce labor regulations.

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 coun-

try. The Attorney General's Office believes that should a case arise, it could be addressed under Shari'a.

NEPAL

Nepal is a constitutional monarchy with a parliamentary form of government. In 1990 the late King Birendra, formerly an absolute monarch, legalized political parties, after which an interim government promulgated a new Constitution. King Birendra's brother, King Gyanendra, assumed the throne on June 4, 2001, after the late Crown Prince Dipendra apparently killed King Birendra and nine members of the royal family. The democratically elected Parliament consists of the House of Representatives (lower house) and the National Assembly (upper house). In 1999 the country's third national parliamentary elections were held, which international observers considered to be generally free and fair. At the request of Prime Minister Sher Bahadur Deuba, King Gyanendra dissolved Parliament in May and set mid-term elections for November 13. In October the King dissolved the caretaker government, postponed elections indefinitely, and asked all major political parties to nominate members to an interim Cabinet. On October 11, the King appointed Lokendra Bahadur Chand as Prime Minister of an interim government. After Maoist insurgents broke a 4-month ceasefire with a series of violent attacks in November 2001, King Gyanendra, acting on the advice of the Cabinet of Ministers, declared a nationwide state of emergency which remained in effect until it expired on August 28. Under the Constitution's emergency provisions, the King suspended several constitutional rights, including the right to assembly, the right to public information, and the rights to opinion and expression. These rights were restored after the expiration of the emergency on August 28. The Constitution provides for an independent judiciary; however, the courts often were inefficient and susceptible to political pressure and corruption.

In 1996 the leaders of the Maoist United People's Front ("Maoists") launched a "People's War" that has led to continued violence in 74 of the country's 75 districts. The insurrection has been waged through torture, killings, bombings, extortion, and intimidation against civilians and public officials.

The Royal Nepal Army (RNA) assumed responsibility for internal security from the National Police Force at the beginning of the state of emergency in November 2001 and continued this responsibility during the year. The Army maintained internal security and was subject to effective control of the King, who was its Supreme Commander. The National Police Force continued to be subject to effective civilian control. Local Chief District Officers (CDO's), who were civil servants in the Home Ministry, have wide discretion in maintaining law and order. An Act passed by Parliament in August 2001 provided for the establishment of the paramilitary Armed Police Force (APF). There were reports of the arbitrary or unlawful deprivation of life committed by the security forces. Some members of the security forces committed numerous serious human rights abuses.

The country is extremely poor, with an annual per capita gross domestic product of approximately \$242; the population is 23.2 million. More than 80 percent of the country's population support themselves through subsistence agriculture. Principal crops include rice, wheat, maize, jute, and potatoes. Tourism and the export of carpets and garments were the major sources of foreign exchange. Foreign aid accounted for more than half of the development budget. The economy was mixed, with 39 public sector firms. Seventeen former government firms have been privatized or liquidated since 1992, although the rate of privatization was slow.

The Government's human rights record remained poor, and it continued to commit numerous abuses. The security forces used unwarranted lethal force and continued to abuse detainees, using torture as punishment or to extract confessions. Impunity remained a problem. In the beginning of the state of emergency in November 2001 the Government stated that restrictions were targeted only at Maoist insurgents; however, the security forces were given broad latitude to arrest and detain individuals suspected of Maoist sympathies. The National Human Rights Commission (NHRC) investigated allegations of human rights violations and recommended compensation for victims and penalties for police officers who commit abuses. While the Government had begun to pay compensation to some victims, the police officers involved seldom were punished. The disappearance of persons in custody was a problem. Prison conditions remained poor. The authorities used arbitrary arrest and detention. Following the state of emergency declaration, the King promulgated the Terrorist Ordinance that defined a number of crimes, including taking up arms against the sovereignty and security of the country, as acts of terrorism. The Ordinance also allowed the Government to declare individuals as terrorists and detain

them for up to 90 days without charge; to hold persons under house arrest; and to set up special courts for terrorists. The King also promulgated a second order designating members of the Communist Party of Nepal (Maoists) and individuals involved with or assisting the Maoists as terrorists. After the expiration of the state of emergency on August 28, Maoist suspects were detained under the Terrorist and Destructive Activities Act, which was passed by Parliament on April 4. The Act allowed suspects to be detained without charge for up to 60 days and to be held in preventive detention for up to 90 days. The Act provides for immunity for members of the security forces or others who undertake "bona fide" actions to control terrorism. During the year, none of the cases filed against Maoist suspects under the special anti-terrorism legislation were tried. Lengthy pretrial detention, judicial susceptibility to political pressure and corruption, and long delays in trial procedures remained problems. The Government at times imposed some restrictions on freedom of expression, and the media practiced self-censorship. After the November 2001 declaration of the state of emergency, several journalists and other individuals working for Maoist-affiliated newspapers were arrested and the newspapers closed down. Freedom of assembly was one of the constitutional rights suspended after the declaration of emergency; however, the Government subsequently clarified that only rallies and demonstrations by Maoist-affiliated organizations were banned during the emergency. In practice, only a few mass meetings or rallies took place during the emergency. The Government restricted certain public celebrations by the Tibetan community. The Constitution imposes restrictions on proselytizing to spread religion. Women, persons with disabilities, and lower castes suffered from widespread discrimination. Violence against women, trafficking in women and girls for prostitution, and child labor also remained serious problems. There have been instances of forced child labor and forced labor in the past, but there were no cases reported during the year. Nepal was invited by the Community of Democracies' (CD) Convening Group to attend the November 2002 second CD Ministerial Meeting in Seoul, Republic of Korea, as a participant.

During the year, the Maoists increased the scope of their campaign, frequently committing torture, killings, bombings, forcibly conscripting children, and other abuses.

On February 21, the Government passed a law that prohibited the practice of bonded "Kamaiya" laborers, established district-level committees to supervise the rehabilitation of former Kamaiya laborers, and provided for fines and other judicial measures for employers who use Kamaiya labor. In March the Parliament passed a law allowing unmarried adult women equal rights to inherit property from their parents. In July the RNA created a human rights cell under its Adjutant General Department to investigate reports of human rights violations. During the year, the human rights cell conducted 8 investigations and in two cases, the soldiers involved were disciplined; however, no person faced a court martial.

RESPECT FOR HUMAN RIGHTS

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

a. Arbitrary or Unlawful Deprivation of Life.—The security forces continued to commit extrajudicial killings. The Terrorism and Destructive Activities Act passed by Parliament in April provides for immunity for members of the security forces or other who undertake "bona fide" actions to control terrorism. Unlike the previous year, there were no reports that police killed persons while trying to control violent demonstrations. According to Amnesty International (AI), some observers found the number of prisoners taken under battlefield conditions to be low and concluded that many Maoist fighters apparently were killed rather than taken prisoner.

Police also were responsible for deaths in custody. For example, on March 15 soldiers arrested Kancha Dongol in Kathmandu on suspicion of Maoist activities. An autopsy revealed he had been shot twice and was severely beaten. After an initial investigation, two soldiers were disciplined for dereliction of duty; further investigation into the incident by the RNA was pending at year's end. On March 27, police in Rayapur, Saptari shot and killed Ajabwal Yadav while in police custody, according to local NGO the Informal Sector Service Center (INSEC). On May 2, INSEC reported the custodial death of Sakur Manihar in Krishna Nagar, Kapilabastu. According to INSEC, some of his relatives believed he was beaten to death during his detention at the police station in Kapilabastu. On June 26, the local media reported that police in Kathmandu killed Krishna Sen, a Maoist Central Committee member and editor of the Maoist newspaper *Jana Disha*, while in police custody. According to a local human rights organization, Krishna Sen's body reportedly had been brought to a Kathmandu hospital by the police and then quickly taken for cremation. The Government officially denied the report and claimed that it had no infor-

mation on Sen's arrest (*see* Section 2.a.). On August 4, police brought the body of Ram Hari Khadga, who had been arrested earlier that day, to a hospital for an autopsy. According to the police report, Khadga died while he attempted to jump from a police vehicle while in motion. However, the autopsy found injuries to his back, upper and lower limbs, and head consistent with multiple blunt blows to the head. The autopsy determined Khadga likely had been beaten to death.

There were no developments in the following 2001 cases: The death of Bhadur Ale Magaar and Rita Banjara; the police killing of suspected Maoist Madan Shrestha; the death in custody of Kul Bahadur Malla, Chandra Jumari B.K., and Tika Kumari Khatri in Tatopani; the police killing of Prakash Ojha in Morang District; the police killing of Chandradip Yadav, Uttimlal Yadav, and Devkumar Yadav; the investigation of the police killing Bishnu Rai; the killing of Jit Bahadur Ghatri (*see* Section 1.c.); or the January 2001 killing of five robbery suspects in a jungle in Bara District.

On February 26, a member of the APF shot and killed a 14-year-old girl in Chaumala, Kailali. According to press reports, the APF member may have had a personal dispute with the girl's family. The APF arrested the member and turned him over to the police for investigation. At year's end, the policeman remained in jail awaiting trial.

Civilians continued to be killed by security forces. In most cases of unlawful or extrajudicial killings, the security forces claimed that the victims were members of the Maoists. For example, according to AI, on January 6, security forces killed 14-year-old Dalle Nepali in Pipaltari, Myagdi district, while he was trying to run away without making an attempt to arrest him. Security forces claimed the boy was a member of the Maoists who had been killed while trying to escape from a search operation. On February 26, soldiers shot and killed 32 laborers in Kalikot District. According to press and human rights reports, Maoists hid at the laborers' camp; however, they had reportedly fled by the time the Army arrived. A Ministry of Defense press release noted only that security forces killed 67 "Maoists" in Kalikot from February 22–25. A Royal Nepal Army (RNA) investigation concluded that the laborers killed were Maoist activists. On March 12, 10 members of the National People's Front, a left-wing political party, were summoned to an army camp in Bhingithe, Baglung District. Seven of the 10 persons were released, and the bodies of the remaining three were found by villagers the following day. The RNA said the three persons were Maoists who were killed while trying to escape. On July 22, RNA troops conducting a joint operation with police in Sarahawa, Bardiya, shot and killed 12-year-old Rupa Tharu. After conducting an investigation, the RNA recommended that her family be paid compensation for her death. On October 29, a joint police and RNA patrol in Pandusen, Bajura reportedly shot and killed Maoist suspect Padum Bahadur Shahi near a field where he was working with other family members. On November 27, RNA soldiers fired upon 5 boys returning after midnight from funeral rites for a relative in Nuwakot District. The five boys, ranging in age from 14 to 19, were killed. The local commander said the boys were approaching a security perimeter and failed to heed an order to halt. After an investigation was conducted into the incident, the RNA recommended that the boys' families be paid compensation for their deaths. In November five citizens attending a religious ceremony in Rolpa District were killed by gunshots fired from an RNA-manned helicopter. The RNA investigated the incident and found that the aircraft had been fired upon first, therefore no persons have been charged in connection with the killings. On December 4, RNA troops shot and killed nine persons, ranging in age from 14 to 23 who were celebrating a festival in Laximpur, Dang District. The RNA contended that the nine persons were Maoists. At year's end, there reportedly was no action taken against the responsible members of the RNA for the deaths.

During the year, the RNA investigated the 2001 incident of 16-year-old Jitendra Tharu and claimed that Tharu was killed in the crossfire between the police and Maoists. Another local human rights organization reported that RNA troops shot and killed 11 villagers holding a meeting in Dang District in November 2001. During the year, the RNA investigated the incident and determined that the army units were fired upon first.

There were no developments in the November 2001 killing of eight Maoists, four NGO employees, and a local civilian, or in the December 2001 death of Dil Bahadur Ram.

Unlike in previous years, there were no reports that police fired into crowds during the year. In May 2001, police fired into a crowd in Lamjung protesting government corruption, killing Shuk Man Gurung, the Khudi Village Development Chairman.

In September 2001, police in Parsa District in the south-central part of the country shot and killed one civilian while attempting to quell a riot between long-time

residents of the lowland area and alleged Maoist migrants from the hills. The incident was under investigation by the Home Ministry at year's end.

In October 2001, police in Tulsipur, Dang District, shot into a crowd of violent rioters, killing a 25-year-old man and injuring nine others. The rioters were vandalizing and setting fire to buses in protest after a bus hit and killed two students.

The Appellate Court in Lalitpur was investigating the cases of five persons killed by police attempting to control violent riots at the end of December 2000 in Kathmandu. According to the Home Ministry, the Government has paid the families of the deceased slightly more than \$650 each (NRs 50,000) and fined the officers involved.

Police, armed personnel, insurgents, and noncombatants continue to be killed in the increasingly violent "People's War." Launched in 1996 by leaders Pushpa Kamal Dahal ("Prachanda") and Baburam Bhattarai, the "People's War" is a self-declared Maoist insurgency. The Government continued to commit human rights abuses in its efforts to combat the insurgency. Approximately 3,040 Maoists were killed by security forces during the year. Some of the deaths were believed to have been extrajudicial killings. In August 2001, the NHRC recommended disciplinary action against police officials responsible for ordering police to fire into a meeting of the Maoist-affiliated All Nepal Women's Association in Bharatpur in late 2000, killing one woman and injuring several others. The Commission also has recommended that the Government pay compensation of more than \$1,300 (NRs 100,000) to the family of the woman who was killed and lesser amounts to four of the injured.

Maoists were responsible for numerous abuses. Maoist rebels clashed with security forces repeatedly during the year. Police fatalities totaled 446; RNA fatalities totaled 204; and APF fatalities totaled 96 for the year. For example, on January 28, three policemen, including the Officer in Charge of the District, were killed when their vehicle hit a landmine in Kailali. On September 7, 49 policemen were killed by Maoists in a police post in Bhiman, Sindhuli. On September 8, 32 policemen were killed in a Maoist attack on district headquarters in Sandhikharkha, Arghakhanchi. On November 15, 33 policemen were killed in a Maoist attack on the district headquarter in Jumla.

On April 12, Maoists attacked an APF post in Satbariya, Dang, killing 37 members of the paramilitary force. On May 7, 17 APF members were killed in an attack in Gam, Rolpa.

On February 17, 55 RNA members were killed when Maoists attacked district headquarters in Mangelsen, Achham. On May 7, Maoists attacked a combined police/army post in Gam, Rolpa, killing 35 soldiers. On September 8, Maoists attacked a district headquarters in Sandhikharkha, Arghakhanchi, and killed 17 soldiers. On November 15, 4 soldiers were killed in a Maoist attack on district headquarters in Jumla.

Although their activities were focused on the security forces, the Maoists continued to kill and injure civilians and politicians. The insurgents killed 518 civilians during the year. For example, on January 16, Maoists abducted, shot, and killed schoolteacher and local AI Coordinator Mukti Nath Adhikari in Chandeshwor, Lamjung (*see* Section 4). On February 22, Maoists torched a bus and killed five persons in Bandhara, Chitwan, including an 8-year-old girl. On March 12, Village Development Chairman Ram Mani Gyawali was tortured and killed in Kerung, Arghakhanchi. On March 21, Maoists abducted and killed Lekhnath Gautam, a teacher and a local AI member. On May 31, the program director for the NGO Plan International, Ishwor Lal Joshi, was shot and killed in Baitadi District. On June 4, local Nepal Red Cross Vice President Dhruva Dev Acharya was shot and killed by Maoists in Devghat, Tanahun. According to AI, on July 9, 300 Maoists dragged all male villagers above age 15 from their homes in Banke district. The Maoists proceeded to beat 25 persons with clubs, rifle butts, and spears, after accusing them of handing over two Maoists to the police earlier in the day. Two men died after the beatings and several others were wounded severely. On August 16, Manohar Pratap Malla, the son of a former minister, was killed by Maoists in Dhanusha District. On November 9, a Nepali contract guard supervisor was shot and killed by Maoists in his home in Kathmandu. On November 14, Maoists killed Chakra Bahadur Dagaura, a UML member of parliament, in the western district of Kailali. The motive behind the killing remained unclear; however, family members claimed that Dagaura had refused to donate money to the militants.

Although their activities were focused on the Government, Maoists also used bombs on civilians. On March 2, a 16-year-old student was killed in a Maoist bomb blast at a school in Siddhikali, Sankhuwasabha. On September 16, Shiva Pariyar was killed by a bomb during a Maoist general strike in Hamja, Kaski. On November 8, a 14-year-old boy was killed in a Maoist bomb blast in Banepa, Kavre.

In December 2001, Maoists stabbed Nepali Congress activist Megh Bahadur Baniya to death in Chinnebas, Syangja District. In December 2001, two assailants claiming to be Maoists shot and killed Ramesh Manandhar, a plainclothes foreign Embassy guard, on duty in Kathmandu. In December 2001, a group of 15–20 Maoists in Dailekh District beat to death Janak Thapa. In December 2001, Maoists killed a primary school headmaster and a former President of the Village Development Committee in Gorkha District. In December 2001, Maoists shot and killed a 23-year-old man in Tara Kholra, Baglung District.

The Government and the Maoists declared a ceasefire in July 2001 and held three rounds of talks in August, September, and November 2001. Following the third round of talks, the Maoists unilaterally broke the ceasefire in November 2001 with attacks on police, army, and APF personnel in several districts. The insurgency has resulted in the deaths of an estimated 6,600 persons, including 954 policemen; 238 soldiers; 102 members of the APF; 858 civilians; and 4,444 insurgents.

In September 2001, several villagers beat to death 60-year-old Malechhiya Devi in Bela Ekdara, Mahottari District, on suspicion of witchcraft. One person has been jailed in connection with the case; four others absconded (*see* Section 5).

b. Disappearance.—The disappearance of persons while in the custody of the security forces is a problem. On April 4, Parliament passed the Terrorist and Destructive Activities Act, which contains many of the same anti-terrorism features as the Ordinance, but without the accompanying restrictions on civil rights. According to the INSEC, 269 civilians have disappeared in government custody since 1996 and 32 have disappeared during the year. According to AI 66 persons have disappeared in government custody during the year. According to AI, on July 2, Som Bahadur Ghale Tamang, General Secretary of the Tamang Indigenous People's Organization, disappeared after he reportedly was arrested by members of the APF in his home in Kathmandu. The previous day he had participated in a peaceful march for indigenous rights in Kathmandu.

On June 11, Khim Lal Devkota, a member of the Nepal Bar Association, was arrested at his law firm in Kathmandu. After the police and the Army denied having detained Devkota, a habeas corpus petition was filed with the Supreme Court by his wife on June 18. Devkota was released from detention after the Supreme Court ordered his release September 24.

According to AI, on July 15, Bishnu Prasad Gyawali was arrested by soldiers from his shop in Fulbari, Kailali District. Authorities claim that Gyawali was arrested on suspicion of having supplied food to the Maoists. Authorities have acknowledged his detainment; however, they have given no information about his whereabouts or allowed his family to visit him.

On July 29, Bishnu Pukar Shrestha, a teacher and a member of the Maoists' Joint Revolutionary Council, reportedly was arrested from his Kathmandu home by plainclothes security personnel. He subsequently was released on December 16 (*see* Section 4). According to local press reports, on August 19, security forces arrested Tendi Sherpa, advisor to the Nepal Sherpa Students' Forum and president of a local unit of the All Nepal National Free Students' Union. The police and the Army maintain that they have no knowledge of the whereabouts of Tendi Sherpa.

There were no developments in the disappearances of Shiva Prasad Sharma in February 2001, and Dinesh Sharma in November 2000.

Police statistics indicate that the Maoists have abducted 227 policemen since 1996. During the year, 6 of the 227 remained missing. On July 13, 2001 Maoists surrounded a police post in Rolpa in the west, taking dozens of policemen hostage. The Army subsequently confronted the insurgents, and a standoff ensued. Representatives of human rights groups who arrived in Rolpa within days to mediate state that the Maoists released 22 of the police hostages at that time, and may have released more thereafter. Since no hostages were handed over directly to the Government, the Government cannot confirm those releases. In September 2001, the Maoists released 5 policemen previously captured in Banke, and in 2001 released 17 of those captured in Rolpa to the International Committee of the Red Cross (ICRC). In October 2001, Maoists released an additional eight policemen to the ICRC. According to the Home Ministry, all of the police originally missing from Rolpa have been accounted for.

According to the Government, the Maoists have abducted 968 civilians since 1996. INSEC reported that Maoists abducted 132 persons during the year and that at year's end 470 civilians remained missing since the beginning of the insurgency in 1996. On May 7, Maoists kidnaped Om Kumar Amoli, a high school principal, and Bhakti Devkota, a teacher, in Putu, Surkhet. On May 15, Maoists kidnaped Narayan Prasad Subedi, General Secretary of the Nepal Red Cross in Rolpa District. On September 19, Maoists abducted approximately 200 persons, including students and teachers from a village in Ramechhap District. The students ranged in

age from 12 to 16. According to the Ramechhap CDO, the hostages were taken to a nearby town and released later in the day. In July 2001, Maoists kidnaped former Nepali Congress MP and Bajura District Development Chairman Dev Raj Joshi. He was released September 2001. In September 2001, Maoists abducted two members of the Chaughada Village Development Committee in Nuwakot. One escaped the following day and the other was released within 48 hours, but claimed he had been beaten during his detention.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.—The Constitution prohibits torture, and the Civil Code prohibits acts such as beating and mutilation; however, security forces at times used torture and beatings to punish suspects or to extract confessions. According to AI, torture methods included rape, boxing of the ears, beating of the feet, and the rolling of weights over the thighs. AI noted that torture apparently was used to intimidate or punish detainees and to extract information and/or confessions, and that torture often occurred while detainees were held incommunicado and unable to contact family members, doctors, or lawyers (see Section 1.d.). The Government sometimes failed to conduct thorough and independent investigations of reports of security force brutality and generally did not take significant disciplinary action against officers involved.

Members of the security forces often were unwilling to investigate and to discipline fellow officers, and persons were afraid to bring cases against the police or Army for fear of reprisals. The Government provides human rights education for the police force, and soldiers receive human rights education as part of their regular training.

The Constitution and the Torture Compensation Act provide for compensation for victims of torture. According to the Center for Victims of Torture (CVICT), 7 persons filed for compensation under the act during the year, compared to 7 claims during 2001. CVICT said that one new case was awarded compensation during the year.

On May 7, security forces arrested Bharat Khadga on suspicion of being a Maoist in Chitwan. Khadga, who worked for a local NGO, was administered electric shocks while in custody. He was released on May 9. A complaint was filed with the Royal Nepal Army, which conducted an investigation. The Government said that one of the officers involved in the incident was forced into early retirement and the other officer was barred from taking a staff college entrance examination.

On May 30, security forces arrested Indra Kumar Acharya and his 19-year-old daughter Yuvati on suspicion of being a Maoist in Liwang, Rolpa. According to INSEC, Yuvati was beaten during interrogation and her father stripped, stepped on, hanged upside down, and tortured. Both were released on June 2.

According to INSEC, on June 12, police arrested 16-year-old Chetkana Adhikary in Banke District on theft charges. After his release, the boy's father filed a complaint with the Alliance for Human Rights and Social Justice. The father alleged that the boy was beaten while in custody with batons and tire tubes, and tortured with bamboo rollers. At year's end, no action has been taken on the complaint.

According to AI, in April two RNA officers raped two teenaged girls at an Army barracks in Nepalganj, Bank District. After the December 19 publication of the AI report recounting the incident, the girls and their families recanted, and denied that the rapes occurred. Human rights groups suspected the girls recanted under pressure and further investigation of the incident by the RNA was pending at year's end.

On July 16, a woman was abducted from her teashop by five members of the paramilitary APF in Mahottari District. According to CVICT, the woman was gangraped and beaten. When the woman brought the case to the District Police Office, the office refused to accept her rape complaint because the 35-day deadline between the incident and her filing date had expired. By year's end, the case was refiled in the district court.

According to CVICT, on July 22, Krishna Lohani B.K. was arrested in Dharan, Sunsari District, and reportedly tortured by police. Upon her release, CVICT filed a torture compensation case; however, by year's end no action was taken. On October 24, Krishna Lohani's husband, Ram Bahadur B.K., was arrested and reportedly tortured by police. He was released in December. At year's end, no action was taken against the members of the police involved in the case of Ram Bahadur B.K.

The law prohibits trafficking in persons and prescribes imprisonment of up to 20 years for infractions; however, trafficking in women and girls remained a serious problem in several of the country's poorest areas, and border guards commonly accepted bribes from traffickers (see Section 6.f.).

In May 2001, four persons filed a torture compensation case, claiming they were beaten during their detention on criminal charges in Jhapa District. In June 2001, five members of a family who had come to the Chief District Office in Nepalgunj

to obtain citizenship certificates were detained for 2 days as suspected Maoists. At least two of the five claimed they were beaten while in police custody.

AI conducted an official visit to the country from September 9 to 23. As a result of that visit, AI recorded many persons testimony of torture by all arms of the security forces. In November 2000, AI recommended amendments to the Torture Compensation Act, including changes to the Penal Code that would make torture a specific offense under criminal law. The Government has taken no action on suggested changes to the law. Human rights groups have reported instances of torture in areas affected by the "People's War."⁵

Local and international human rights groups also have documented Maoist violence in areas affected by the "People's War," including the severing of limbs. The Maoists most often have targeted political leaders, local elites, teachers, local-level civil servants, and suspected informers. These targets included not only members of the majority Nepali Congress Party (NCP), but also members of the opposition Communist Party of Nepal-United Marxist/Leninist (CPN-UML). According to the Government, human rights groups, and the media, Maoists conscripted civilians, including children, into service and have used abducted civilians as human shields during attacks on army and police posts (see Section 5).

Throughout the year, Maoists looted banks and bombed or set fire to government offices and homes of local political leaders. International nongovernmental organization (NGO) offices also were attacked on several occasions, as were schools, businesses, infrastructure, and factories. At year's end, Maoists destroyed approximately one-third of the Village Development Committee buildings throughout the country. On March 30, Maoists attacked a hydroelectric plant in Jhimruk, Pyuthan and left three districts without electricity. On April 23, Maoists hijacked three Nepal Red Cross ambulances on the Dhading/Chitwan border. On May 17, Maoists detonated a bomb at an INGO-funded orphanage and boarding school in Surkhet District (see Section 1.a.). On August 8, Maoists detonated a bomb at a private business college in Kathmandu.

There also were cases of intimidation, torture, or other degrading treatment. On February 18, five Maoists armed with guns and knives attacked a 55-year-old gas station owner in Chitwan District. The armed Maoists stabbed him in the back, head, and hands, chopping off one of his fingers. His son was shot and killed in the attack. On April 5, Maoists abducted journalist Demling Lama from his home in Sindhupalchowk district. Lama, who managed to escape after a few days, said he was severely tortured while in Maoist custody (see Section 2.a.). According to INSEC, on June 23, Maoists abducted Ramesh Prasad Neupane of Kumari, Nuwakot District and tortured him for 3 days before he was allowed to return home.

According to the press, in September 2001, a Maoist cadre in the local "people's government" in Nuwakot district raped a 12-year-old girl. Government and opposition members of parliament demanded that the Maoist leadership take action against the suspect. According to press reports, a Maoist "people's court" convicted the suspect and decided he should be beaten. This sentence reportedly was carried out at the end of September 2001.

Prison conditions were poor. Overcrowding was common in prisons, and authorities sometimes handcuff or fetter detainees. According to the Department of Prisons, there were 6,877 persons in jail, of which approximately 50 percent were awaiting trial. Women normally were incarcerated separately from men, but in similar conditions.

Due to a lack of adequate juvenile detention facilities, children sometimes were incarcerated with adults, either with an incarcerated parent, or as criminal offenders. In November 2001, the Government began transferring children detained in jail to two residential facilities that provide education in accord with a provision in the 1992 Children's Act. By year's end, 28 dependent children of inmates and 8 juvenile offenders had moved into the residential facilities and begun school. Unlike in previous years, there were no reports of children in jail or custody as suspected or convicted criminals; however, there were reports of children held under the anti-terrorist laws as suspected Maoists (see Section 5). On December 17 the Supreme Court ordered the release of 16-year-old Diwakar Adhikari, who had been held in prison since December 2001, as a suspected Maoist. He subsequently was released by the police.

According to INSEC, in November 2001, Jit Bahadur Ghatri was arrested by the RNA in Dang District. He subsequently died in the hospital on November 30, 2001. The cause of his death was unknown.

In 2000 the Government established separate juvenile benches in district courts where youth are tried. As a result, trials of persons under the age of 18 now occur in a separate room in the courthouse, though there are no separate juvenile courts as such.

The authorities are more likely to transfer sick prisoners to hospitals than they were in the past. However, due to the inadequacy of appropriate facilities, the authorities sometimes place mentally ill prisoners in jails under inhumane conditions.

The Government permits local human rights groups and the ICRC to visit prisons. During the year, the ICRC conducted 97 visits to 38 police stations and 59 jails nationwide. The ICRC registered 1,674 new detainees in 42 out of the country's 75 districts. According to the ICRC, it "will continue to seek access" to detainees in army custody.

d. Arbitrary Arrest, Detention, or Exile.—The Constitution stipulates that the authorities must arraign or release a suspect within 24 hours of arrest, but the police at times violated this provision. Under the law, the police must obtain warrants for an arrest unless a person is caught in the act of committing a crime. For many offenses, the case must be filed in court within 7 days of arrest. If the court upholds the detention, the law authorizes the police to hold the suspect for 25 days to complete their investigation, with a possible extension of 7 days. However, the police occasionally held prisoners longer. The Supreme Court has, in some cases, ordered the release of detainees held longer than 24 hours without a court appearance. Some foreigners, including refugees, have reported difficulty in obtaining bail.

Detainees have the legal right to receive visits by family members, and they are permitted access to lawyers once authorities file charges. In practice the police grant access to prisoners on a basis that varies from prison to prison; however, Maoist suspects often were denied visits from family members and lawyers. There was a system of bail, but bonds were too expensive for most citizens. Due to court backlogs, a slow appeals process, and poor access to legal representation, pretrial detention often exceeded the period to which persons subsequently were sentenced after a trial and conviction.

Under the Public Security Act, the authorities may detain persons who allegedly threaten domestic security and tranquility, amicable relations with other countries, or relations between citizens of different classes or religions. Persons whom the Government detained under the Act were considered to be in preventive detention and could be held for up to 6 months without being charged with a crime. The authorities may extend periods of detention after submitting written notices to the Home Ministry. The police must notify the district court of the detention within 24 hours, and it may order an additional 6 months of detention before authorities file official charges. Human rights groups allege that the police have used arbitrary arrest and detention during the "People's War" to intimidate communities considered sympathetic to the Maoists.

Under the state of emergency, which remained in effect from November 26, 2001 to August 28, the security forces were allowed to detain persons without charge for 90 days, with the possibility of another 90-day extension from the Home Ministry. Detainees arrested on suspicion of terrorism under the state of emergency are not guaranteed the right to counsel or family visits. Under the Terrorism and Destructive Activities Act passed by Parliament on April 4, suspects must appear before a court within 60 days after their arrest. The suspects may be held in preventive detention for up to 90 days; however, in practice many suspects were held much longer. According to government sources, 6,075 suspected Maoists have been arrested during the year. Of that number, authorities plan to file cases against 5,465 and 610 remain under investigation. At year's end, none of the cases have been tried. Figures for the number of persons being detained by the Army who are suspected of being Maoist were unavailable by year's end. For example, on March 3, Gopal Budhatoki, editor of Sanghu, was detained by the RNA because he had published a "seditious" article on the RNA; Budhatoki was released on March 26.

Other laws, including the Public Offenses Act, permit arbitrary detention. This act and its many amendments cover crimes such as disturbing the peace, vandalism, rioting, and fighting. Human rights monitors expressed concern that the act vests too much discretionary power in the CDO, the highest-ranking civil servant in each of the country's 75 districts. The act authorized the CDO to order detentions, to issue search warrants, and to specify fines and other punishments for misdemeanors without judicial review. Few recent instances of the use of the Public Offenses Act have been reported, since it has become more common to arrest persons under the Terrorism and Destructive Activities Act, particularly Maoists. In 2000 local authorities in Biratnagar arrested Laxmi Mudbari, the central member of the Maoist-affiliated All Nepal Women's Association (Revolutionary), under the act; Mudbari remained incarcerated at year's end. Human rights commission officials reported several other cases of arrests or detentions under the Public Offenses Act, but were unable to provide details of the cases.

Unlike in previous years, there were no reports of police re-arresting persons on court premises immediately following their release by the courts.

Authorities detained journalists and their advocates on occasion, on suspicion of having ties to or sympathy for the Maoists (*see* Section 2.a.). According to INSEC, 123 Nepali journalists have been arrested or detained under the Terrorist and Destructive Activities Ordinance. At year's end, 24 journalists were in government detention and 2 remained in Maoist detention.

There were no reports of political detainees.

The Constitution prohibits exile and it is not used.

e. Denial of Fair Public Trial.—The Constitution provides for an independent judiciary; however, lower level courts remain vulnerable to political pressure, and bribery of judges and court staff is endemic. The Supreme Court has the right to review the constitutionality of legislation passed by Parliament. In the past it has ruled that provisions in the Labor Act and in the Nepal Citizenship Act are unconstitutional. The Court also decided that the dissolution of the Parliament at the request of a former Prime Minister was unconstitutional, and ordered the legislature restored. In September 2001, the Court found Prime Minister Deuba's decision to freeze land sales unconstitutional.

Appellate and district courts have become increasingly independent, although sometimes they remained susceptible to political pressures. In Rolpa, one of the districts most affected by the "People's War," human rights groups have accused the district courts of acting in complicity with CDOs in violating detainees' rights. Human rights groups alleged that arrest without a warrant, prolonged detention without trial, and police torture occurred in Maoist-affected areas.

The judicial system consists of three levels: District Courts, Appellate Courts, and the Supreme Court. The King appoints judges on the recommendation of the Judicial Council, a constitutional body chaired by the Chief Justice. The Council also was responsible for the assignment of judges, disciplinary action, and other administrative matters. Judges decide cases; there was no jury system. In December 2000, the Government established a Special Court with jurisdiction to hear cases related to narcotics trafficking; trafficking in women and girls; crimes against the state; and crimes related to foreign currency, such as counterfeiting and money laundering.

Delays in the administration of justice were a severe problem. According to the latest statistics, the Supreme Court had a backlog of 16,654 cases; the appellate courts 11,235; and district courts 31,005. Under the state of emergency, the right to constitutional remedy (except habeas corpus) was suspended, and the Supreme Court temporarily suspended accepting new civil rights cases. By year's end, seventeen cases have been filed in Appellate Courts against suspected Maoists arrested under special anti-terrorism laws; however, none of these cases have been brought to trial.

The Constitution provides for the right to counsel, equal protection under the law, protection from double jeopardy, protection from retroactive application of the law, and public trials, except in some security and customs cases. All lower court decisions, including acquittals, were subject to appeal. The Supreme Court was the court of last appeal, but the King may grant pardons. The King also can suspend, commute, or remit any sentence. On the recommendation of the Government, the King often pardons up to 12 prisoners on national holidays, if they have served 75 percent of their sentence and shown good behavior.

Although prisoners have a constitutional right to legal representation and a court appointed lawyer, a government lawyer or access to private attorneys was provided only on request. Consequently, those persons unaware of their rights may be deprived of legal representation. Suspects detained under the Terrorism and Destructive Activities Act often are denied access to both attorneys and family members.

There have been reports of cases in which authorities allegedly penalized attorneys involved in the defense of human rights. According to INSEC, seven attorneys were arrested for suspected Maoism since the beginning of the state of emergency on November 26, 2001. On March 12, Saligram Sapkota, a member of the Nepal Bar Association, was arrested in Nepalgunj, Banke District by the security forces. His wife reported bruises on Sapkota's face and marks on his leg and thigh. He was released on June 14. According to AI, on March 14, Ramnath Mainali, a member of the Nepal Bar Association, was arrested in Kathmandu. Mainali was the legal advisor for the Maoist affiliated publication Janadesh Weekly and had filed a habeas corpus petition for one of the publication's editors. Mainali was released on July 10.

Military courts adjudicate cases concerning military personnel, who are immune from prosecution in civilian courts. Military courts do not try civilians for crimes involving the military services.

The authorities may prosecute terrorism or treason cases under the Treason Act. Specially constituted tribunals hear these trials in closed sessions. No such trials have occurred during the past 6 years.

In districts where Maoists have gained effective control, the insurgents have set up “people’s courts.” Although these courts generally decide civil cases, in 2001 eight policemen who surrendered in Dailekh were reportedly found guilty of crimes against the people by a hastily constituted “people’s court” and summarily were executed.

There were no reports of political prisoners.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence.—The Constitution prohibits arbitrary interference with privacy, family, home or correspondence; however, under the state of emergency, security forces were allowed the right to search homes, vehicles, and places of business without a search warrant. Search warrants were required before searches and seizures may be carried out, except in cases involving suspected security and narcotics violations. The law empowers the police to issue warrants for searches and seizures in criminal cases upon receipt of information about criminal activities. Within 24 hours of their issuance, warrants in misdemeanor cases must be approved by the CDO. Court judges must approve them in felony cases. Following renewed violence in November 2001 the King declared a state of emergency nationwide, in which many constitutional rights, including the right to privacy, were suspended. Under the Terrorism and Destructive Activities Act, the security forces may conduct searches as long as they inform the subject of the search “in advance.” Since that time travelers have been stopped and subjected to vehicle and body searches by security personnel at roadblocks in many areas of the country.

Government provisions permitted discrimination in employment on the basis of political opinion; however, such discrimination was not known to occur.

The Government continued to provide food relief through the Nepal Food Corporation to needy citizens, including those in areas controlled by the Maoists. The Government delivered food rations to District Development Offices for distribution.

Military commanders in some conflict areas prohibited some medical items and blockaded food shipments. The Government maintained that such incidents occurred at the direction of individual commanders and was not a governmental policy.

Maoist commanders in certain areas also reportedly blockaded food and medical supplies and impeded the delivery of health care services by interdicting travel by health workers and by confiscating supplies.

Section 2. Respect For Civil Liberties, Including:

a. Freedom of Speech and Press.—The Constitution specifies that all citizens shall have freedom of thought and expression and that the Government may not censor any news item or other reading material; however, the Government imposed restrictions on these rights. The Constitution prohibits speech and writing that would threaten the sovereignty and integrity of the Kingdom; disturb the harmonious relations among persons of different castes or communities; promote sedition, defamation, contempt of court, or crime; or contradict decent public behavior or morality.

In November 2001, King Gyanendra declared a state of national emergency which lasted until August 28. According to the Constitution, several civil rights, including freedom of expression, may be curtailed for the duration of the state of emergency. The Government announced that restrictions under the emergency were intended to target the Maoists and not the general population; however, journalists and editors of several mainstream publications were detained during the emergency. Several journalists and editors of Maoist-affiliated newspapers also were detained and their newspaper offices closed after the emergency was announced. Government authorities also requested the press in general not to run stories favorably portraying the Maoists. Approximately 100 journalists had been detained for varying amounts of time since the beginning of the state of emergency. By year’s end, 24 journalists and 9 other employees of newspapers continued to be detained. On March 3, Gopal Budathoki, editor and publisher of the Sanghu Weekly was abducted from his home by plainclothes security forces. On March 6, former-Prime Minister Deuba defended Budathoki’s arrest, stating that Budathoki’s paper had published articles detrimental to the morale of the army. He was released from custody on March 26. On March 16, Shyam Shrestha, editor of the monthly publication Mulyankan was detained, along with two human rights activists, by security forces at Tribhuvan International Airport. He was released from detention on March 26. According to the Committee to Protect Journalists (CPJ) on November 12, police detained Tikaram Rai, editor of the Nepali-language daily Aparanha. He was released on November 14. On November 29, Journalists and human rights activists filed a petition in court claiming compensation for illegal detention and severe torture during the state of emergency. By year’s end, there had been no further developments in this petition.

The Press and Publications Act provides for the licensing of publications and the granting of credentials to journalists. The act also includes penalties for violating

these requirements. In addition, the act prohibits publication of material that, among other things, promotes disrespect toward the King or the royal family; that undermines security, peace, order, the dignity of the King, or the integrity or sovereignty of the Kingdom; that creates animosity among persons of different castes and religions; or that adversely affects the good conduct or morality of the public. The act also provides a basis for banning foreign publications; however, foreign publications were widely available.

There were hundreds of independent vernacular and English-language newspapers available, representing various political points of view. The Government owns "Gorkhapatra," a Nepali-language daily, and "The Rising Nepal," the largest English-language daily. Editors and writers at government newspapers practiced self-censorship and generally reflected government policy. Editors and writers at some private newspapers practice self-censorship as well. Ruling political parties have influenced the editorial policy of the Government newspapers to their advantage. Views of human rights groups, the statements of the police, and the press releases of Maoist leaders were reported in the press prior to the imposition of the state of emergency and after its expiration.

Some journalists and their advocates have suffered human rights abuses. In March 2001, the Supreme Court issued a writ of habeas corpus releasing Krishna Sen from jail (*see* Section 1.a.). He was arrested in 1999 in connection with the publication of an interview with a Maoist leader. Sen immediately was rearrested and moved to another jail in Mahottari District. Sen told the press that police forced him to sign an acknowledgement of his release even though he still was in police custody. Following protests from journalists across the country, Sen was released March 14, 2001. In May, local newspaper *Jana Astha* reported that Krishna Sen, editor of the daily *Janadisha*, was re-arrested and killed in custody. The Government denied the claim. No investigation into Krishna's death was initiated by year's end. There were no developments in the case of the January 2000 killing of Shambhu Prasad Patel.

The Broadcast Act allows private television and FM radio broadcasts, but implementation of the Act has been slow. The Government owned one television station, and controlled one radio station that broadcasts both AM and FM signals. Radio, primarily short and medium waves, reaches the greatest number of persons and has the largest influence. Government-owned Radio Nepal broadcasts throughout the country through a series of repeater stations. With privatization of a number of radio bands, there has been a marked increase in the range of programming options available. In January 2001, the Government issued a circular to private radio stations in the country reiterating a previous but little-enforced ban on the collection and broadcast by independent radio stations of news other than that provided by Radio Nepal. In July 2001, the Supreme Court annulled the Government's order. As a result, privately owned FM stations can broadcast their own independently collected news but also must broadcast Radio Nepal news at least once daily. The Government does not restrict access to foreign radio broadcasts, private cable networks, or to the purchase of television satellite dishes. Indian, Chinese, and Pakistani broadcast television also was readily available in many parts of the country.

Two private cable television networks operated in the Kathmandu Valley. They mainly provided entertainment programming, but commentary critical of government policies occasionally occurred during publicly broadcast discussion programs. An additional two private operators were granted licenses; however, the two operators have not begun broadcasting. Throughout the country, local entrepreneurs also received international stations via satellite for viewing in local bars, and resold the signal to local residents. Television time on the Government-owned television station also was leased to private producers. In addition to the state-owned television station, two private television stations were licensed to produce and broadcast programs. One of those stations broadcasted through leased time slots on Television Nepal; the other through a Thai company's satellite.

During the year the Government expanded to 25 the number of private FM broadcasting licenses; 20 were operating. Private stations must broadcast the Government station's news program but also were permitted to rebroadcast news from abroad. Private radio stations, like print media, practiced self-censorship.

There have been many debates about liberalizing the media and privatizing government-owned media. This debate has put pressure, which successive governments so far have resisted, to open the airwaves and divest government-controlled printing operations. However, private FM radio and cable and satellite television have overtaken the Government's ability to regulate them.

The Government licensed 15 companies for Internet and e-mail services.

There were no government efforts to curtail academic freedom during the year; however, security forces killed 4 teachers as suspected Maoists during the year.

The Maoists did not tolerate freedom of expression. They tightly restricted the print and broadcast media under its control. The Maoists killed some of those reporting and publishing on human rights. On April 5, Maoists abducted Demling Lama, a correspondent for Radio Nepal and the Himalaya Times, from his home in Sindhupalchowk District. He reportedly was tortured while in custody. He escaped and reported the incident to the police and the press (*see* Section 1.c.). On August 20, Maoists killed Nawaraj Sharma, editor of the Karnali Sandesh, in Kalikot District. On December 11, Maoists abducted and killed Ambika Timilsena, a former reporter for the Maoist-affiliated newspaper Janadesh. On April 29, Maoists destroyed the transmitting station of the state-owned Radio Nepal in Guaridana, Mahottari District.

Maoist groups extorted money from private schools and teachers and sometimes inflicted punishment on school officials. Threats and intimidation from Maoist-affiliated All Nepal National Independent Student Union (Revolutionary) (ANNISU-R) succeeded in closing down more than 200 private schools, primarily in areas most heavily affected by Maoist activities. Two private schools in Kathmandu remain closed, one permanently. The ANNISU-R demanded, often violently, the halving of tuition, curriculum changes, and the banning of the singing of the national anthem. The Maoists have killed 40 teachers since the beginning of the insurgency in 1996 and have destroyed 25 school buildings. Teachers in Maoist-affected areas reported regular threats and extortion demands from the Maoists. The Department of Education estimated that 3,000 teachers have been displaced, beaten, or killed by Maoists since 1996. On February 23; March 4–5; April 23–27; September 16; and on October 1–2, Maoists enforced strikes that effectively closed down nearly all public and private schools across the nation. On December 9–22 the Maoists enforced a strike that closed private schools in the Kathmandu Valley. On May 11, Maoists set on fire the Mahendra Sanskrit University in Dang District and destroyed the facility. On May 17, Maoists set off a bomb at an NGO-funded orphanage and private school in Surkhet District.

b. Freedom of Peaceful Assembly and Association.—The Constitution provides for freedom of assembly and association; however, the Government restricted these rights on vague grounds, such as undermining the sovereignty and integrity of the State or disturbing law and order. Freedom of assembly was one of the civil rights suspended under the state of emergency. The Government required that organizers apply for permits for public rallies and demonstrations. Except for the duration of the state of emergency, large public demonstrations were common, and police intervention was rare except in cases where crowds became violent or violated the terms of their parade permit. Local authorities in Kathmandu halted a number of public celebrations by the Tibetan community throughout the year. Police in Kathmandu prevented a Tibetan cultural program in honor of the thirteenth birthday of the eleventh Panchen Lama on April 28. In 2001 local authorities in Boudhanath, Kathmandu, halted the performance of a traditional dance scheduled to be performed during the 6-day celebration of the Tibetan New Year.

In September 2001, the Kathmandu Chief District Officer imposed a 1-month ban on all public meetings in anticipation of a massive Maoist rally to be held in September 2001. The Government rescinded the ban in September 2001, after the Maoists agreed to cancel the march.

In December 2000, police stopped a procession of Tibetan school children, monks, and others on their way to Swyambounath Temple in Kathmandu to celebrate the Dalai Lama's fiftieth anniversary of his assumption of state responsibility. No injuries were reported.

c. Freedom of Religion.—The Constitution provides for freedom of religion and permits the practice of all religions; however, proselytizing was prohibited and punishable with fines or imprisonment, and members of minority religions occasionally complained of police harassment. Some Christian groups were concerned that the ban on proselytizing limited the expression of non-Hindu religious belief. The Constitution describes the country as a "Hindu Kingdom," although it does not establish Hinduism as the state religion.

The Press and Publications Act prohibits the publication of materials that create animosity among persons of different castes or religions. On January 31, the Government ordered Muslim religious schools to register with the local District Administration Officers. The schools had to supply information about their funding sources in order to continue operation. Some Muslim leaders criticized the move as discriminatory.

A conviction for conversion or proselytizing can result in fines or imprisonment or, in the case of foreigners, expulsion from the country. Arrests or detentions for proselytizing were rare, and there have been few incidents of punishment or inves-

tigation in connection with conversion or proselytizing during the last few years. However, the Government on occasion investigated reports of proselytizing. Non-governmental groups or individuals were free to file charges of proselytizing against individuals or organizations. A 1999 case was filed with the Supreme Court against the Adventist Development and Relief Agency and the United Missions to Nepal, an umbrella Protestant NGO; however, it was dismissed by the Court on August 16.

Some Christian groups reported that Hindu fundamentalism has increased in the past few years. In 1999 the India-based Hindu political party Shiv Sena, locally known as Pashupati Sena, opened an office in Kathmandu; a few Shiv Sena candidates unsuccessfully ran for office in the 1999 general elections.

Government policy does not support religious extremism, although some political figures have made public statements critical of Christian missionary activities.

Some citizens were wary of proselytizing and conversion by Christians and, therefore, viewed the presence of Christianity with alarm. Two representatives of different Christian organizations also have alleged oppression of Christians and destruction of at least two churches by Maoist sympathizers.

The caste system strongly influences society, even though it was prohibited by the Constitution. Caste discrimination was widely practiced at Hindu temples where, for example, members of the lowest castes were not permitted to enter. Otherwise, the Government made an effort to protect the rights of the disadvantaged castes.

In August 2001, the Prime Minister made a speech emphasizing that caste-based discrimination, including barring access to temples, is illegal. Since then, members of the lower castes have successfully and publicly entered many temples, including Pashupatinath, the national site most sacred to Hindus.

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

d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation.—The Constitution provides for freedom of movement and residence, and the Government generally does not restrict travel abroad. However, for security reasons, the Government restricted travel by foreigners, including Tibetan residents, to some areas near the Chinese border. The Government also has imposed restrictions on women's travel to the Gulf states to work as domestic servants, in response to cases of abuse of such women in the past. These restrictions do not apply to women who were traveling to the Gulf states for other reasons, nor do they apply to travel to other areas. Women's rights groups have protested the ban; however, in September 2001, the Supreme Court dismissed a case challenging the restriction as discriminatory. The Government allowed citizens abroad to return, and was not known to revoke citizenship for political reasons.

The Government has no official refugee policy. However, it does provide asylum for refugees and has cooperated with the office of the U.N. High Commissioner for Refugees (UNHCR) and other humanitarian organizations in assisting refugees from Bhutan and Tibet. The UNHCR maintains an office in Kathmandu. Since 1959 the Government has accepted as residents approximately 20,000 Tibetan refugees, many of whom still reside in the country. Since 1991 it also has provided asylum to approximately 101,000 persons who claim Bhutanese citizenship. The great majority of these refugees live in UNHCR administered camps in the eastern part of the country. An additional 15,000 refugees reside outside the camps in either the country or India. The total represents approximately one-sixth of Bhutan's estimated pre-1991 population. Since the flight of the Karmapa Lama from Tibet in January 2000, the Government has disallowed UNHCR access to the Nepal-China border to monitor the treatment of Tibetan refugees. In September 2001, the Government authorized UNHCR to travel to the headquarters of a border district, but not the border itself, to consult with local officials.

The People's Republic of China and the Government tightened control of movement across their border in 1986, but neither side has consistently enforced those restrictions. Police and customs officials occasionally harass Tibetan asylum seekers who cross the border from China. According to the UNHCR, police conduct in this regard has improved since 1999, although border police sometimes extort money from Tibetans in exchange for passage. There were reports of the forced repatriation of Tibetan asylum seekers during the year; however, poor communication with the border has made it difficult to confirm. There are credible reports that Tibetan asylum seekers are sometimes handed back to Chinese authorities even after crossing the border.

In March 2001, 18 Tibetans arrested for entering the country from India without proper travel documents were released after serving 4 months in prison. The individuals were turned over to UNHCR, which labeled them "persons of concern" and returned them to India. In August 2001, 10 Tibetans previously resident in India were arrested in Kathmandu for failure to possess required travel documents, and

were convicted of immigration violations. An 11th Tibetan, arrested in June 2000, also is currently serving a prison term for failure to pay immigration fines. On February 19, one of the detainees gave birth in jail. The infant remained incarcerated with its mother until she was released following payment of her fines by a foreign philanthropist in August. By year's end, three of the original Tibetans arrested were released; however, on December 13, three more Tibetans who had entered Nepal without documents were detained in Kathmandu.

The UNHCR monitored the condition of Bhutanese refugees and provided for their basic needs. The Government accepted the refugee presence as temporary on humanitarian grounds. The camps were administered by UNHCR; the World Food Program (WFP) provides sustenance and the Government made a contribution to the WFP earmarked for the refugees. U.N. officials, diplomats and NGO representative visitors to the camps had described conditions as generally very good, largely as a result of efficient UNHCR administration, conscientious government oversight and the refugees taking responsibility for their surroundings. However, there were reports by refugee women and children that some of the Bhutanese refugee workers at the camps had committed sexual assault. The Government responded by providing more police protection to the camp and UNHCR began an investigation. The Government officially restricted refugee freedom of movement and work, but did not strictly enforce its policies. Local authorities have attempted to restrict some of the limited economic activity in the camps permitted by the central government. Violence sometimes has broken out between camp residents and the surrounding local population. The UNHCR and other donors and relief organizations have defused tensions through an assistance plan for refugee-affected areas aimed at improving conditions in communities adjacent to the camps.

In 1994 the Government and the Government of Bhutan formed a joint committee and began bilateral talks to resolve the refugee problem. During the tenth round of bilateral talks in December 2000, they agreed on preparations for verification at the camps. Verification interviews at the first refugee camp commenced in March 2001 and concluded in December 2001. No further verification has taken place since then. Bilateral negotiations on repatriation issues in November 2001 failed to arrive at an agreement, and the matter was deferred to a proposed future session of ministerial-level talks. The talks' earlier lack of progress frustrated refugees, and some held "peace marches" to protest their plight.

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

Citizens have the right to change their government peacefully. Citizens, through their elected representatives, also have the right to amend the Constitution with the exception of certain basic principles that they may not change—sovereignty vested in the people, the multiparty system, fundamental rights, and the constitutional monarchy.

The country is a constitutional monarchy with a parliamentary form of government. Parliamentary elections are scheduled at least every 5 years. Midterm elections may be called if the ruling party loses its majority, loses a vote of no confidence, or calls for elections. On May 22, Prime Minister Sher Bahadur Deuba asked King Gyanendra to dissolve Parliament and schedule mid-term elections for November 13. On October 3, the Prime Minister asked the King to delay polls until November 2003 because of Maoist threats to disrupt the elections with violence. On October 4, the King dismissed Deuba's caretaker government for its failure to hold elections within the constitutionally mandated period; temporarily assumed executive powers; postponed elections indefinitely; and invited all mainstream political parties to nominate members of a new caretaker government. On October 11, the King appointed Lokendra Bahadur Chand as Prime Minister of a caretaker government. By year's end, no date had been set for national or local elections.

Under the Constitution all citizens aged 18 and over may vote. The House of Representatives, or lower house, may send legislation directly to the King by majority vote. The National Assembly, or upper house, may amend or reject lower house legislation, but the lower house can overrule its objections. The upper house also may introduce legislation and send it to the lower house for consideration.

The King exercised certain powers with the advice and consent of the Council of Ministers and the Prime Minister. The King has exclusive authority to enact, amend, and repeal laws relating to succession to the throne. The King's income and property are tax-exempt and inviolable, and no question may be raised in any court about any act performed by the King. The Constitution permits the King, acting on advice of the Council of Ministers, to exercise emergency powers in the event of war, external aggression, armed revolt, or extreme economic depression. In such an emergency, the King, as advised by the civilian government, may suspend without judi-

cial review many basic freedoms, including the freedoms of expression and assembly, freedom from censorship, and freedom from preventive detention. However, he may not suspend habeas corpus or the right to form associations. The King's declaration of a state of emergency must be approved after 3 months by a two-thirds majority of the lower house of the Parliament. If the lower house is not in session, the upper house exercises this power. A state of emergency may be maintained for up to 3 months without legislative approval and for up to 6 months, renewable only once for an additional 6 months, if the legislature grants approval.

The Constitution bars the registration and participation in elections of any political party that is based on "religion, community, caste, tribe, or region," or that does not operate openly and democratically. In the 1999 election, there were sporadic incidents of violence that mainly occurred between supporters of rival political parties. Maoist efforts to disrupt the 1999 elections by intimidating voters and candidates had some effect. The elections generally were held throughout the country according to schedule. International observers considered the elections to be generally free and fair.

There were 12 women in the 205 seat legislature, before its dissolution, and there were 9 women in the 60-member National Assembly. There was one woman in the interim Cabinet appointed by the King in October. There were no specific laws that restrict women, indigenous people, or minorities from participating in the Government or in political parties. Tradition limits the roles of women and some castes in the political process. However, the Constitution requires that women constitute at least 5 percent of each party's candidates for the House of Representatives. The law also requires that at least 20 percent of all village and municipal level seats be reserved for female candidates. The 1999 elections resulted in an increase from 7 to 12 in the number of women in the 205-seat lower house and from 5 to 9 in the 60-seat upper house.

No specific laws prevent minorities from voting or restrict them from participating in the Government and political parties on the same basis as other citizens. Hindus and members of certain castes traditionally have held more power than others, but members of other religious and social groups have in the past few years gained increasing influence in government, including senior leadership positions. There were no special provisions to allocate a set number or percentage of political party positions or parliamentary seats for any minority group. In August 2001, Ramprit Paswan, an opposition Member of Parliament and a "dalit" (member of the lowest caste), was elected Vice Chairman of the National Assembly.

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

A number of domestic (and international) human rights groups operated, investigating and publishing their findings on human rights cases; however, the Government detained human rights activists suspected of Maoist affiliation during the state of emergency. There were approximately 10 domestic human rights NGOs. These included the Human Rights Organization of Nepal (HURON), INSEC, the International Institute for Human Rights, Environment, and Development (INHURED), and the Human Rights and Peace Society (HURPES). The Nepal Law Society also monitored human rights abuses and a number of NGOs focused on specific areas such as torture, child labor, women's rights, or ethnic minorities.

According to INSEC, security forces arrested 16 human rights activists during the state of emergency. The Government continued to hold 8 at year's end. On March 16, security forces arrested Pramod Kafle, a human rights activist involved in Bhutanese refugee affairs; Mahesh Maskey, a doctor active in human rights; and Shyam Shrestha, a journalist, at Tribhuvan International Airport as they were leaving on a flight to India. They were released on March 26. At year's end, Prem Bahadur Saud and Tim Kumari Khanal continued to be detained. Bishnu Prasad Khanal was released in 2001; however, he was re-arrested in January. On June 23, Khanal was released. There were reports that the Government and the Maoists limited the activities of human rights activists. Maoists also prevented journalists and human rights activists who traveled to Rolpa to inspect the area freely on their own.

On July 29, Bishnu Pukar Shrestha, who is a secondary school teacher, lawyer, member of a human rights organization, and suspected Maoist, reportedly was arrested from his home in Kathmandu. Army and police officials maintained that he was not in custody (*see* Section 1.b.). On December 16, Shrestha was released. Shrestha previously had been arrested by police in July 2000; however, Shrestha never was charged with any crime.

The insurgency has caused a number of NGOs in the midwestern districts to reduce their activities substantially. In addition, Maoists have killed and abducted NGO workers. On January 16, Maoists killed Mukti Nath Adhikari, head of a local

chapter of Amnesty International in Lamjung District. Hari Narayan Shrestha of Human Rights and Peace Society's Ramechhap district office was abducted by Maoists on August 18, 2001 and released 3 days later. During the year insurgents stole hundreds of metric tons of emergency food supplies from INGO programs targeting vulnerable populations. Maoists also have targeted aircraft attempting to make humanitarian deliveries of foodstuffs to midwestern districts.

In 2000 the Government formed the NHRC, a government-appointed commission with a mandate to investigate human rights violations. The Commission included members from all major political parties and operated independently; however, resource constraints and insufficient manpower restricted the number of cases the commission can bring to court. Once the NHRC completes an investigation and makes a recommendation, the Government has 3 months to respond. Since its establishment, the Commission has received 861 complaints of human rights violations, investigated 51, and issued final recommendations in 5 cases. Some cases involve the disappearance of detainees, illegal detention, and arrest of acquitted persons, but many other cases are relatively trivial.

The Government does not refuse visas to international NGO human rights monitors, or otherwise restrict their access when they are in the country. However, some areas along the country's border with China are restricted. An organization monitoring Tibetan refugee flows has been denied access to these border areas.

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

The Constitution specifies that the Government shall not discriminate against citizens on grounds of race, sex, caste, or ideology; however, there still is a de facto caste system. Discrimination against lower castes, women, and the disabled remains common, especially in rural areas.

Women.—Violence against women is a serious problem that receives limited public attention. On April 11, Parliament passed the Domestic Violence Control Bill, which is awaiting royal approval. The bill would stipulate penalties for domestic violence, including ordering the aggressor to pay hospital costs for the victim, and fining the aggressor a minimum of \$64 (NRs 5,000). There was a general unwillingness among citizens, and particularly among government authorities, to recognize violence against women as a problem. In a survey conducted by local NGO SAATHI, 42 percent of the respondents said that in their experience medical practitioners were uncooperative or negligent in cases of violence against women and girls. This unwillingness to recognize violence against women and girls as unacceptable in daily life was seen not just in the medical profession, but among the police and politicians as well.

Rape and incest also are problems, particularly in rural areas. Laws against rape provided for prison sentences of 6 to 10 years for the rape of a woman under 14 years of age and 3 to 5 years for the rape of a woman over the age of 14. The law prescribes imprisonment for 1 year or a fine for the rape of a prostitute. As of May 2, the law does forbid spousal rape. A survey conducted by SAATHI found that 39 percent of rape victims who reported the crime to police were under the age of 19. Of those victims who reported the crime to the authorities, 25 percent said the perpetrator was convicted and jailed.

The dowry tradition is strong, with greater prevalence in the Terai region. The killing of brides because of defaults on or inadequacy of dowry payments was rare, but did occur. More common was the physical abuse of wives by the husband and the husband's family to obtain additional dowry or to force the woman to leave to enable the son to remarry.

Folk beliefs about witchcraft, which are especially strong in the lowland Terai area on the Indian border, generally target women, particularly elderly and/or widowed women. Shamans or other local authority figures sometimes publicly beat and physically abuse suspected witches as part of an exorcism ceremony. In September 2001, two men, including a local village official, were jailed in Simardahi, Mahottari District, after failing to post bond for charges relating to the August 14 beating of an elderly woman after publicly denouncing her as a witch. The two men had been charged under the Public Offense Act. In September 2001, police arrested five men in Sirsiya Khalbatol, Parsa, for beating and forcefeeding feces to a 60-year-old widow suspected of witchcraft. In September 2001, the Supreme Court issued a show cause notice to the Government for its failure to enact a law specifically to punish perpetrators of violence in witchcraft cases. In September 2001, four villagers beat 60-year-old Malechhiya Devi to death in Bel Ekdara, Mahottari, on suspicion of witchcraft. The victim's widower filed charges against the five suspects, who fled after the incident (*see* Section 1.a.).

The police department has 18 "women's cells." These cells include female officers who received special training in handling victims of domestic violence. The police

also have sent out directives instructing all officers to treat domestic violence as a criminal offense that should be prosecuted. However, according to a police official, this type of directive was difficult to enforce because of entrenched discriminatory attitudes. Even though the police may make an arrest, further prosecution often was not pursued by the victim or by the Government.

At least ten NGOs in Kathmandu work on the problem of violence against women and on women's issues in general. SAATHI's assistance program includes a women's shelter and a suicide intervention center. The shelter provided housing, medical attention, counseling, and legal advocacy for the victims of violence.

Trafficking in women remained a serious problem in several of the country's poorest areas, and large numbers of women still are forced to work against their will as prostitutes in other countries (*see* Section 6.f.).

Although the Constitution provides protections for women, including equal pay for equal work, the Government often has not taken significant action to implement those provisions, even in many state industries. Women face systematic discrimination, particularly in rural areas, where religious and cultural tradition, lack of education, and ignorance of the law remain severe impediments to their exercise of basic rights such as the right to vote or to hold property in their own names. Women have benefited from some changes in marriage and inheritance laws. On March 14, Parliament passed a bill which allowed unmarried, widowed, or divorced women to inherit parental property. The Citizenship Law discriminates against foreign spouses of female citizens, and denies citizenship to the children of female citizens married to foreign spouses, even if those children are born in the country. Many other discriminatory laws still remain. According to legal experts, there are over 50 laws that discriminate against women. For example, the law grants women the right to divorce, but on narrower grounds than those applicable to men. The law on property rights also favors men in its provisions for inheritance, land tenancy, and the division of family property.

According to the 2001 census, the most recent statistics available, the female literacy rate was 43 percent, compared with 65 percent for men. Human rights groups reported that girls attend secondary schools at a rate half that of boys. There were many NGOs focused on integrating women into society and the economy. These NGOs worked in the areas of literacy, small business, skills transfer, and prevention of trafficking in women and girls. There also were a growing number of women's advocacy groups. Most political parties have women's groups.

Children.—Education is not compulsory. Government policy was to provide free primary education for all children between the ages of 6 and 12 years, but the quality of education was sorely inadequate, many families cannot afford school supplies and clothing, and schools do not exist in all areas. Schools charge fees for higher education. Approximately 60 percent of the children who work also attended school. However, approximately 70 to 75 percent of boys who work go to school, compared to only 50 to 60 percent of the girls who work. Basic health care was provided free to children and adults at government clinics, but they were poorly equipped and too few in number to meet the demand. Community-based health programs assisted in the prevention of childhood diseases and provide primary health care services. Poor or nonexistent sanitation in rural areas puts many children at risk from severe and fatal illnesses. The Government has made significant progress in improving basic community health care services over the past 5 years, bringing down the mortality rate of children under age 5 by 23 percent since 1996. A Vitamin A supplementation program operated nationwide, and immunization outreach has increased from 45 percent in 1996 to 60 percent this year. The lack of adequate antenatal care and widespread malnutrition remained problems.

Forced prostitution and trafficking in young girls remained serious problems (*see* Section 6.f.).

Societal attitudes view a female child as a commodity, to be bartered off in marriage, or as a burden. Some persons, in fact, consider marrying a girl before menarche an honorable, sacred act that increases one's chances of a better afterlife. As a result, although the law prohibits marriage for girls before the age of 18, child brides were common. According to the Ministry of Health, girls' average age of marriage was 16 years of age. The age difference in marriage often was cited as one cause of domestic violence.

The Government incarcerated some dependent children with adult parent offenders if there were no other adult relatives to care for them. In November 2001, the Government began transferring children detained in jail to two residential facilities that provide education in accord with a provision in the 1992 Children's Act. At year's end, 28 dependent children of inmates and 8 juvenile offenders had moved into the residential facilities and begun school. Unlike in previous years, there were no reports of children in jail or custody as suspected or convicted criminals, al-

though there were reports of children held under anti-terrorism laws as suspected Maoists.

There have been numerous reports that Maoists recruit teenagers to serve as porters, runners, cooks, and armed cadre.

Persons with Disabilities.—Persons with disabilities face widespread societal discrimination. There was discrimination against persons with disabilities in employment, education and in the provision of other state services. Families often were stigmatized by and ashamed of family members with disabilities, who may be hidden away or neglected. Economic integration was further hampered by the general view that persons with disabilities were unproductive. The mentally retarded were associated with the mentally ill. Sometimes mentally ill and retarded persons were placed in prisons due to the lack of facilities or support. A report authored jointly by UNICEF and the National Planning Commission estimated that there are approximately 400,000 persons with disabilities in country.

The Government long has been involved in providing for persons with disabilities, but limited resources have kept the level of government assistance insufficient to meet their needs. The Disabled Persons Protection and Welfare Act and additional 1994 rules mandate accessibility to buildings, transportation, employment, education, and other state services. The Government has begun developing a policy on equal access for persons with disabilities to public buildings and transportation. However, despite government funding for special education programs, the Government does not implement effectively or enforce laws regarding persons with disabilities. A number of NGOs working with persons with disabilities received significant funding from the Government, but persons with physical or mental disabilities relied almost exclusively on family members to assist them.

National/Racial/Ethnic Minorities.—The country has over 75 ethnic groups that speak 50 different languages. The Constitution provides that each community “shall have the right to preserve and promote its language, script, and culture.” The Constitution further specifies that each community has the right to operate schools up to the primary level in its mother tongue.

In remote areas, school lessons and national radio broadcasts often were conducted in the local language. However, in areas with nearby municipalities, education at the primary, secondary, and university levels was conducted almost exclusively in Nepali, which was constitutionally mandated as the official language of the State. On November 29, UNESCO reported that 13 indigenous languages were endangered and the language of the Kusunda community is nearly extinct.

Discrimination against lower castes was especially common in the rural areas in the western part of the country, even though the Government has outlawed the public shunning of “untouchables,” and makes an effort to protect the rights of the disadvantaged castes. Economic, social and educational advancement tended to be a function of historical patterns, geographic location, and caste. Better education and higher levels of prosperity, especially in the Kathmandu Valley, slowly were reducing caste distinctions and increasing opportunities for lower socioeconomic groups. Better educated, urban-oriented castes (Brahmin, Chhetri, and certain elements of the Newar community traditionally dominant in the Kathmandu Valley) continued to dominate politics and senior administrative and military positions, and to control a disproportionate share of natural resources in their territories. Two members of the Cabinet were from ethnic minority communities.

Section 6. Worker Rights

a. The Right of Association.—The Constitution provides for the freedom to establish and to join unions and associations. It permitted the restriction of unions only in cases of subversion, sedition, or similar conditions. Trade unions developed administrative structures to organize workers, to bargain collectively, and to conduct worker education programs. The three largest trade unions were affiliated with political parties.

Union participation in the formal sector accounted for approximately 10 to 12 percent of the formal work force. The Labor Act and the Trade Union Act formulated enabling regulations; however, the Government has not yet fully implemented these acts. The Trade Union Act defines procedures for establishing trade unions, associations, and federations. It also protect unions and officials from lawsuits arising from actions taken in the discharge of union duties, including collective bargaining, and prohibits employers from discriminating against trade union members or organizers. There were few reports of discrimination against union members.

The Government does not restrict unions from joining international labor bodies. Several trade federations and union organizations maintain a variety of international affiliations.

b. The Right to Organize and Bargain Collectively.—The Labor Act provides for collective bargaining, although the organizational structures to implement the act's provisions have not been established. Collective bargaining agreements cover an estimated 20 percent of wage earners in the organized sector, and hotel workers have bargained aggressively for additional compensation. However, in general, labor remained widely unable to use collective bargaining effectively due to inexperience, employer reluctance to bargain, and court injunctions.

The law permits strikes, except by employees in essential services such as water supply, electricity, and telecommunications. The law empowers the Government to halt a strike or to suspend a union's activities if the union disturbs the peace or if it adversely affected the nation's economic interests. Under the Labor Act, 60 percent of a union's membership must vote in favor of a strike in a secret ballot for the strike to be legal. In March 2001 the Government averted a strike threatened by hotel employees by determining that hotel employees fall under the Essential Services Act that proscribes strikes. Contract employees at a foreign-owned factory in Hetauda district struck from August 26 to 28, 2001 after management refused to hire them as permanent employees. Strike organizers suspended the strike after 3 days. In 2001 there were frequent reports of Maoist-affiliated agitators disrupting work at garment and carpet factories in the Kathmandu Valley. Some factory owners reported receiving demands from the Maoists that included tripling wages for unskilled laborers; hiring all seasonal or contract employees as permanent labor; and firing any foreign workers. In August 2001, Maoist labor organizers stopped work at four Kathmandu Valley garment factories for several hours, shut off the electricity, and forced employees outside to listen to speeches.

There are no export processing zones.

c. Prohibition of Forced or Bonded Labor.—The Constitution prohibits forced or bonded labor, including by children; however, there were reports that such practices occurred. The Department of Labor enforces laws against forced labor in the small formal sector, but remains unable to enforce the law outside that sector.

Historically, a system of bonded agricultural laborers, known as the Kamaiyas, existed in areas of the western Terai region. In July 2000, the Government made bonded labor illegal and released the "Kamaiya" bonded agricultural workers from their debts. Resettlement of the Kamaiyas began in January 2001, and distribution of land began in March 2001. On February 21, the Kamiya Prohibition Act became law, which codified the emancipation of bonded laborers and established fines of \$194 to \$325 (NRs 15,000 to 25,000) for employers engaged in Kamaiya labor practices. The Act emancipated those persons who worked as Kamaiya laborers; forgave outstanding Kamaiya loans and canceled bonds or related contracts; and provided for the return of the Kamaiyas' mortgaged or secured property within three months. The Act also established "Freed Kamaiya Rehabilitation and Monitoring Committees" in specific affected districts, and created a new position of "Welfare Officer" to oversee the administration of the Government's Kamaiya relief funds.

Enforcement of the Act by the Government was haphazard. To date, approximately 12,092 (out of a total 52,000 eligible) have been provided with up to one-third of an acre of land and 75 cubic feet of timber to build houses. The Government has set up temporary camps for Kamaiyas still awaiting settlement and has begun arrangements for distribution of food under a food-for-work program. A 2001 Rapid Assessment conducted by the ILO estimates that 17,000 child laborers are working as bonded laborers in the remnants of the Kamaiya system (see Section 6.d.).

d. Status of Child Labor Practices and Minimum Age for Employment.—The Constitution stipulates that children shall not be employed in factories, mines, or similar hazardous work and limits children between the ages of 14 and 16 years to a 36-hour workweek. The law established a minimum age for employment of minors at 16 years in industry and 14 years in agriculture and mandated acceptable working conditions for children.

During the year, the ILO estimated that 33,000 children work as bonded laborers. In July 2000, the Government passed the Child Labor Act, the country's first comprehensive child labor law. The law, drafted with the assistance of the ILO, was the first national legislation to establish specific penalties for those who unlawfully employ children. It repeated the existing prohibition of the employment of children under the age of 14 years and renewed the constitutional provision that children between the ages of 14 and 16 years may work, but no more than 6 hours a day and 6 days a week. The law prohibited child labor in tourism, cigarette or carpet factories, mines, or laboratories. Employers must maintain records of all 14-to 16-year-old laborers. However, because the necessary implementing regulations to accompany the law have not yet been passed, implementation was difficult. In September 2001, the Supreme Court, acting on a petition filed by an NGO, ordered sev-

eral government ministries to explain the lack of progress on implementing regulations for the Child Labor Act. The ministries responded to this court order by stating that the continued delay is a result of the necessity to rework the Act to have it comply with the ILO Convention 182.

These legal protections notwithstanding, resources devoted to their enforcement are limited, and children work in many sectors of the economy. NGOs estimated that 2.6 million children—most of them girls—were economically active. Of that number, 1.7 million children worked full time. The agricultural sector accounted for most child laborers—an estimated 95 percent. Roughly 60 percent of children who work also attend school. Approximately 70 to 75 percent of boys who work go to school, compared with 50 to 60 percent of girls who work. ILO Rapid Assessments published in 2001 estimate that 55,000 child laborers worked as domestics in urban areas, 42,000 as porters, 4,000 as rag pickers, and 17,000 as bonded laborers. The bonded laborers continued to work in the remnants of the *Kamaiya* system, usually as a condition on the employment contract of their parents. Others are economically active in a few small-scale and cottage industries, such as brick and tile works, quarries, coal mines, match factories and auto repair shops. In previous years there were reports that children also were economically active in the carpet weaving, pottery, basket weaving, sewing, and ironsmithing industries.

There were reports that the Maoists use children, including girls, as soldiers, shields, runners, and messengers.

The Ministry of Labor's enforcement record was mixed. According to the Ministry, during 2001 it conducted several hundred inspections of carpet factories in the Kathmandu Valley to ensure that no child labor was present; however, this statement later was retracted. Government monitoring of other industries and of industries outside the Kathmandu Valley was sporadic. The Government also conducted public awareness programs to raise public sensitivity to the problem of child labor.

On May 3, the Supreme Court ruled in favor of Dhiraj K.C., a child laborer who was shackled by his employer, Madhusan Munakarmi, to prevent him from escape from work. The court ordered Munakarmi to pay a fine of \$38 (NRs 3,000) and to pay K.C. \$961 (NRs 75,000) in compensation.

The private sector has made its own efforts to eradicate child labor, especially in the carpet industry. In August 1999 the carpet manufacturers association pledged publicly to end child labor in the industry by 2005. The Rugmark Foundation certifies carpets made without child labor; over half of all carpet factories participate in this or a similar certification system. As a result of this initiative, and of consumer pressure, Rugmark estimates that children constitute only 2 percent of the work force in the export-oriented carpet industry. However, children's rights activists stated that children remain a part of the work force, in the smaller factories and family weaving units. During the year, Rugmark investigated 71 complaints and conducted 4,037 inspections at 458 factories. Rugmark removed 23 children from employment, and issued warnings to 33 factories.

e. Acceptable Conditions of Work.—In April 2000 the Government passed legislation that raised the minimum monthly wage for unskilled labor to \$20 (NRs 1,450). The law also defined monthly minimum wages for semi-skilled labor at approximately \$21 (NRs 1,500), skilled labor at \$22 (NRs 1,610), and highly skilled labor at \$25 (NRs 1,800). The minimum wage for children ages 14 to 16 was set at \$16 (NRs 1,144). Additional allowances for food and other benefits as provided by the act total \$7 (NRs 500) per month for adult labor, and \$5 (NRs 360) per month for children aged 14–16. Wages in the unorganized service sector and in agriculture often are as much as 50 percent lower. The Labor Act calls for a 48-hour workweek, with 1 day off per week, and limits overtime to 20 hours per week.

Health and safety standards and other benefits such as a provident fund and maternity benefits also were established in the act. Implementation of the new Labor Act has been slow, as the Government has not created the necessary regulatory or administrative structures to enforce its provisions. Workers do not have the right to remove themselves from dangerous work situations without fear of losing their jobs. Although the law authorizes labor officers to order employers to rectify unsafe conditions, enforcement of safety standards remains minimal.

f. Trafficking in Persons.—The law prohibits trafficking in persons and prescribes imprisonment of up to 20 years for infractions; however, trafficking in women and girls remained a serious problem in several of the country's poorest areas, and borderguards and immigration officials commonly accepted bribes from traffickers. The Government protects the rights of victims and does not detain, jail, or prosecute them for violations of other laws. Young women were by far the most common targets; trafficking of boys was reported in rare instances. While the vast majority of trafficking was of women and girls for sexual exploitation, women and girls some-

times were trafficked for domestic service, manual or semi-skilled bonded labor, or other purposes. The country was a primary source country for the South Asia region; most women and girls trafficked from the country go to India.

Local NGOs combating trafficking estimated that from 5,000 to 12,000 Nepali women and girls were lured or abducted annually into India and subsequently forced into prostitution; however, these numbers were not consistent and NGOs were seeking better estimates. Citizens reportedly also have been trafficked to Hong Kong, Saudi Arabia, and other countries in the Middle East. In some cases, parents or relatives sell women and young girls into sexual slavery. Hundreds of girls and women return voluntarily, were rescued, or were repatriated to the country annually after having worked as prostitutes in India. Most were destitute and, according to some estimates, 50 percent were HIV-positive when they returned.

There is legislation to protect women from coercive trafficking, including a ban on female domestic labor leaving the country to work in Saudi Arabia and other countries in the Gulf; however, enforcement was not strict and penalties were modest. Women's rights groups have protested the ban as discriminatory. Government officials suspected that organized crime groups and "marriage brokers" were the primary perpetrators of trafficking in the country. The traffickers usually were from the country, but have links to brothels in India. NGOs reported that approximately 50 percent of the victims were lured to India with the promise of good jobs and marriage, 40 percent were sold by a family member and 10 percent were kidnaped. These estimates have not been verified. NGOs have found that once prevention programs were initiated in a district, the traffickers move to other areas.

A 2001 study by ILO-IPEC found that 30 percent of sex workers in Kathmandu are below 18 years of age. Another study by a foreign labor department states that 5,000 to 7,000 sex workers were between the ages of 10 and 18 years old. Since 1996 active special police units have dealt with crimes against women and children.

Enforcement of antitrafficking statutes remains sporadic, but the Ministry of Women, Children and Social Welfare (MOWCSW) has introduced legislation to toughen penalties against traffickers. During the year, a Documentation and Information Center was established within the Ministry to coordinate trafficking initiatives. The Human Trafficking Control Act of 1986 prohibited selling persons in the country or abroad and provided for penalties of up to 20 years' imprisonment for traffickers. However, this legislation does not criminalize the separation of minors from their legal guardians with the intent of trafficking them. As a result, no crime occurs until the victim and perpetrators are outside the jurisdiction. There were many social and legal obstacles to successful prosecution, and convictions are rare. Border guards commonly accept bribes to allow contraband and trafficked girls in or out of the country.

According to the 2000–2001 annual report of the Attorney General's Office, 463 antitrafficking cases have been filed, of which 132 resulted in convictions and 95 in acquittals, while 236 remain undecided. A 2001 survey conducted of 3 jails in the capital by the Human Rights and Environment Forum found 180 convicted or alleged traffickers in jail. Those convicted were serving sentences of up to 20 years.

While the Government lacks both the resources and institutional capability to address effectively its trafficking problem, the Government has established a National Task Force at MOWCSW with personnel assigned to coordinate the response. There were programs in place to train the police and the MOWCSW worked closely with local NGOs to rehabilitate and otherwise assist victims. However, the Government lacked the fiscal means to provide adequate training and resources to police, and the courts were overburdened and susceptible to corruption. Government welfare agencies generally were incapable of delivering effective public outreach programs or assistance to trafficking victims. As a result, antitrafficking efforts primarily have been the domain of NGOs and bilateral donors. While the Government has promulgated a "National Plan of Action" to combat trafficking, its implementation has been haphazard.

The Government provided limited funding to NGOs to provide assistance to victims with rehabilitation, medical care, and legal services. The Ministry of Labor and Social Welfare sponsored job and skill training programs in several poor districts known for sending prostitutes to India. In May 1999, the Ministry of Women and Social Welfare opened the Women's Skill Development and Training Center, a rehabilitation and skills training center for women returned from being trafficked and for women and girls at risk of being trafficked. The Government protected the rights of victims and did not detain, jail, or prosecute them for violations of other laws.

The Government, together with NGOs and international organizations, has implemented local, regional and national public awareness campaigns about trafficking in persons. Cultural attitudes toward returned victims of trafficking were often negative and the Government response sometimes reflected that bias. There were more

than 40 NGOs combating trafficking, several of which have rehabilitation and skills training programs for trafficking victims. Two representative NGOs were members of the MOWCSW's National Task Force Against Trafficking. With the Government's endorsement, many NGOs have public information and outreach campaigns in rural areas. These groups commonly use leaflets, comic books, films, speaker programs, and skits to convey antitrafficking messages and education. Some organizations involved in the rehabilitation of trafficking victims state that their members have been threatened and that their offices have been vandalized because of their activities.

During the year, the U.N. Development Fund for Women and the Joint Initiative against Trafficking (a joint project of the U.N. Task Force against Trafficking and the MOWCSW) hosted several workshops to enhance cross-border anti-trafficking collaboration. The International Agency Coordinating Group, comprised of NGOs, bilateral donor agencies, and government agencies, met regularly to share information, plan common approaches, and avoid duplication of work.

PAKISTAN

Pakistan is a federal republic. From a bloodless coup in October 1999 to elections in October, Pakistan was governed by a Provisional Constitutional Order (PCO), which suspended the constitution and parliamentary government. On April 30, President Musharraf held a nationwide referendum to extend his presidency for 5 years, although critics and legal scholars argued that a president cannot be elected by referendum. President Musharraf claimed a 97.5 percent vote in favor of the extension; however, many independent observers cited evidence of systematic fraud and inflated voting figures. Shortly after the referendum, President Musharraf announced a controversial package of constitutional amendments, the Legislative Framework Order (LFO), which amended the suspended Constitution to allow: the President to dismiss the Prime Minister and dissolve the Parliament; the creation of a National Security Council (NSC) as a constitutional body; and the insertion of a number of qualification requirements for candidates for Parliament. One effect of the amendments was to concentrate executive power in the presidency at the expense of the legislature and prime minister. Opposition politicians, lawyers, civil society groups, and many in the international community expressed concern about the amendment package and its constitutional legitimacy. Under the auspices of the LFO-amended constitution, Pakistan held its first national and provincial assembly elections since the October 1999 coup. International observers, NGOs, and human rights activists, including the European Union election observation mission (EUEOM), alleged serious flaws in the national and provincial election framework; however, these observers stated that the election day itself was free of serious irregularities. There were reports of election day violence that killed 7 persons. As a result of the elections, limited power was to be transferred to Parliament and the Prime Minister; however, by year's end, the assembly had met only twice and had not been permitted to debate any issues other than the Prime Minister's vote of confidence. On November 20, Mir Zafarullah Khan Jamali was re-elected as Prime Minister by the newly elected National Assembly, and in December Jamali won a parliamentary vote of confidence, which was required under the Constitution. President Musharraf and the military continued to dominate the Government led by the Pakistan Muslim League (Quaid-e-Azam). Electoral reforms implemented during the year included the elimination of separate electorates for religious minorities, the restoration of National Assembly seats reserved for women candidates, and an increase in the overall number of national assembly seats from 237 to 342. Corruption and inefficiency remained acute, despite reforms initiated by the Musharraf government to reduce corruption; however, these reforms have had some effect on officials at higher levels of government. The Supreme Court demonstrated a limited degree of independence and the overall credibility of the judiciary remained low.

The police have primary internal security responsibilities, although paramilitary forces, such as the Rangers and the Frontier Constabulary, provide support in areas where law and order problems are acute, such as Karachi and the frontier areas. Provincial governments control the police and the paramilitary forces when they are assisting in law and order operations. In August despite criticism from human rights groups, the Government promulgated the Police Ordinance 2002 that included an increase in political control of the police. During some religious holidays, the regular army was deployed in sensitive areas to help maintain public order. Some members of the police committed numerous serious human rights abuses.

Pakistan is a poor country with great extremes in the distribution of wealth; its population was approximately 142 million. Cotton, textiles and apparel, rice, and

leather products are the principal exports. The economy included both state-run and private industries and financial institutions. The Constitution provides for the right of private businesses to operate freely in most sectors of the economy, and there continued to be a strong private sector. The per capita annual income was approximately \$475. During the year, the Government pursued several economic reforms designed to alleviate poverty.

The Government's human rights record remained poor; although there were some improvements in a few areas, serious problems remained. Citizens participated in national government elections during the year; however, many observers alleged serious flaws in the legal framework for the election. Unlike in previous years, police committed an increased number of extrajudicial killings. There were fewer killings between rival political factions and sectarian groups during the year; however, there was an increase in violence against Christians. Police abused and raped citizens. While the officers responsible for such abuses sometimes were transferred or suspended for their actions, no officer has been convicted and very few have been arrested. In Karachi there were signs of progress in redressing police excesses; however, in general police continued to commit serious abuses with impunity. Prison conditions remained extremely poor and life threatening, and police arbitrarily arrested and detained citizens. During the year, the Government undertook a major effort to curb religious extremism. Five organizations responsible for sectarian killings were banned by year's end, and the Government accelerated a crackdown on members of several extremist religious groups. Several major political leaders remained in exile abroad at year's end. Case backlogs led to long delays in trials, and lengthy pretrial detention was common. The judiciary was subject to executive and other outside influences, corruption, inefficiency, and lack of resources remained problems. The Government has taken steps to control the judiciary and to remove itself from judicial oversight. Some aspects of the Government's implementation of its anticorruption campaign violated due process. By year's end, two senior Muslim League politicians, Javed Hashmi and Mehtab Abbasi were released on bail. The Government infringed on citizens' privacy rights.

The press was able to publish relatively freely; however, several journalists practiced self-censorship, especially on sensitive issues related to the military. Provincial and local governments occasionally arrested journalists and closed newspapers critical of the Government or allegedly accused of printing offensive material. The broadcast media remained a closely controlled government monopoly. Journalists were targets of harassment and violence by individuals and groups. On January 23, Wall Street Journal journalist Daniel Pearl was abducted by terrorists and later killed. During the year, the Government sporadically permitted several large antigovernment demonstrations; however, it prevented other protests and arrested organizers, including for security reasons. The Government imposed some limits on freedom of association, religion, and movement. President Musharraf has spoken out against some of the human rights abuses of the previous government; however, the Government only made minimal progress toward achieving the goals set at conferences devoted to human rights themes that were held during the year.

Significant numbers of women were subjected to violence, rape, and other forms of abuse by spouses and members of society. The Government publicly criticized the practice of "honor killings" but such killings continued throughout the country; however, the Government intervened in two cases of tribal justice and prosecuted the alleged perpetrators. Discrimination against women was widespread, and traditional social and legal constraints generally kept women in a subordinate position in society. Violence against children, as well as child abuse and prostitution, remained serious problems. Female children still lag far behind males in education, health care, and other social indices. Governmental and societal discrimination against religious minorities, particularly Christians and Ahmadis, remained a problem, and the Government failed to take effective measures to counter prevalent public prejudices against religious minorities. Religious and ethnic-based rivalries resulted in numerous killings and civil disturbances, although the number of sectarian attacks against Shi'a professionals declined significantly. Terrorist attacks, particularly against Western and Christian targets, increased significantly. President Musharraf and several cabinet ministers publicly criticized efforts by some clerics to foment hatred and announced a plan to deny the use of madrassahs (Islamic religious schools) for extremist purposes. The Government and employers continued to restrict worker rights significantly. Debt slavery persisted, and bonded labor by both adults and children remained a problem. The use of child labor remained widespread. On August 28, the Government passed the Prevention and Control of Human Trafficking Ordinance; however, trafficking in women and children for the purposes of prostitution and bonded labor was a serious problem.

RESPECT FOR HUMAN RIGHTS

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

a. Arbitrary or Unlawful Deprivation of Life.—Police committed extrajudicial killings. There were reports that there was an increase in extrajudicial killings during the year; exact figures were unknown by year's end. The police and security forces were responsible for the deaths of a number of individuals associated with political or terrorist groups during the year.

The extrajudicial killing of criminal suspects, often while in police custody or in staged encounters was common. Police officials generally insisted that these deaths occurred during attempts to escape or to resist arrest; however, family members and the press insisted that many of these deaths were staged. Police personnel have been known to kill suspected criminals to prevent them from implicating police in crimes during court proceedings. In May militant Riaz Basra was shot and killed while being transferred in police custody in Punjab. In August four suspects associated with banned militant group Lashkar-e-Jhangvi were killed in a police encounter while being transferred in Vehari in Southern Punjab. In October Falak Sher died in police custody in Lahore (*see* Section 1.c.). Police also reportedly killed suspected criminals to circumvent or overcome insufficient evidence, to intimidate witnesses, judicial corruption, and, at times, political pressure. Police personnel continued to torture persons in custody throughout the country.

Amnesty International (AI) estimates that at least 100 persons died from police torture each year (*see* Section 1.c.).

On August 20, one protester was killed and 15 were injured when Army Rangers fired into a crowd of farmers in Okara. The farmers were protesting the army's demand that they sign leases for their farmland. The army blockaded several villages for two weeks and cut off power and water to the village in Okara. Several villagers remained hospitalized at year's end. The army investigated the incident; however, no one was charged in connection with the killing. There were no developments in the October 2001 killing of three protesters in Kuchlak or in the November 2001 killing of four demonstrators in Dera Ghazi Khan, Punjab.

During the year, the HRCP reported disturbances at prisons by prisoners over their mistreatment by prison staff. In 2001, eleven prisoners at Adiala jail in Rawalpindi beat a police officer for not allowing their visitors to meet with them. Similar incidents were reported in Sahiwal and Faisalabad districts in 2001. There were reports that four prisoners died in a riot in a Peshawar jail in October 2000; however, prison authorities denied these reports. No disciplinary actions were taken or charges filed in connection with the incident, and the Government is unlikely to take further action.

The Muttahida Quami Movement (MQM), an urban Sindh-based political party that in the past used violence to further its aims claimed that the police specifically targeted its adherents for extrajudicial killings. On April 29, one member of MQM was killed in Karachi when an unknown person fired on President Musharraf's motorcade and police returned fire.

Police officers occasionally were transferred or briefly suspended for involvement in extrajudicial killings. However, rare court-ordered inquiries into these killings resulted in few trials and no convictions. In general police continued to commit such killings with impunity. In September, two policemen were charged with killing a fruit vendor in Lahore. The two policemen allegedly pushed him into oil when he would not meet their payment demands.

Police professionalism was low. New officers received 6 months of training, and many hires were the result of political patronage rather than merit. Salaries and benefits were inadequate. In August 2001, the Government introduced a comprehensive package of police reforms. Key changes included transferring oversight of district superintendents of police (DSP) (a rank roughly equivalent to a lieutenant colonel) from federally appointed district commissioners to elected district mayors; granting DSPs permission to order the use of live fire on their own authority; and the establishment of public safety commissions at the district level. Under this system, a police officer who believes that the district mayor is abusing his authority over local law enforcement will have a place to seek redress. By year's end, the new system had not fully been implemented, and many local officials complained that the new system had no real control over the police.

There were high-profile killings during the year. On April 27, unknown gunmen killed two MQM leaders, Mustapha Kamal Rizvi and Nishat Malik in Karachi. Widespread unsubstantiated speculation surrounded the June 24 death of former Federal Minister of Labor and party leader Omar Asghar Khan, despite official reports that the death was a suicide. Khan resigned from his position in December 2001 to create his own political party, the Qaumi Jamhoori Party. Khan planned

to contest elections in October. At year's end, the investigation into his death continued.

There reportedly was no action taken against the responsible militants in the following 2001 cases: The October killing of a police officer and 16 worshippers at St. Dominic's Church in Bahawalpur or the December killing of Ehteshamuddin Haider, brother of Interior Minister Moinuddin Haider.

There were numerous bombings during the year. For example, on March 17, 5 persons were killed, including 2 dependents of a U.S. diplomat, and 41 persons were injured, in Islamabad when an unknown individual threw 6 grenades into a Protestant church during services (*see* Section 2.c.). On May 8, 11 persons were killed when a suspected suicide bomber rammed a shuttle bus at the Sheraton hotel in Karachi. On June 14, 12 persons were killed when a bomb exploded outside the U.S. Consulate in Karachi. On November 15, two persons were killed and nine persons were injured when a bomb exploded at a bus station in Hyderabad, approximately 100 miles from Karachi. No one claimed responsibility for any of these acts.

Sectarian violence and tensions continued to be a serious problem throughout the country. Despite the Government's ban on groups involved in sectarian killings, violence between rival Sunni and Shi'a Muslim groups continued, although the number of Shi'a professionals killed in Karachi and elsewhere decreased significantly. In addition, Ahmadis, Christians, and other religious minorities often were the targets of such violence. During the year, at least 53 cases of sectarian violence occurred in the country, most carried out by unidentified gunmen.

For example, on January 1, the Sunni prayer leader of a suburban Usman Ghani Mosque was shot and killed by unknown assailants when he returned home in Karachi. On February 4, Jhang Police Inspector Mohammad Jamil was killed after conducting several successful operations against the Lashkar-e-Jhangvi. The same day, Dr. Fayyaz Karim was shot and killed outside a mosque in Karachi. On April 26, 12 persons were killed and 25 injured when a bomb exploded at a Shi'a place of worship in Bhakkar.

Numerous such killings remain unresolved. On August 14, 2001, unidentified motorcycle riders shot and killed Rizwan Shah, an activist, in the Harkatuk Ansar. During the year, police made no arrests in connection with past sectarian killings.

Honor killings were a problem. HCRP estimated that more than 200 women were killed by family members in so-called honor killings; however many more women are believed to be affected by this crime. For example, HCRP reported that in Punjab, approximately 280 incidents of honor killings were recorded during the year. Of these 280 incidents, 150 of the women were married and 103 women were single; 17 women were harmed by their fathers, 100 women were harmed by their brothers, 86 women were harmed by their husbands, 11 by their in-laws, 29 by other relatives, 12 by sons, and 23 were harmed by unknowns. Mehvish Miankhel, a member of an influential political family in Dera Ghazi Khan, allegedly was killed by her uncle in April 2001 after her uncle accused her of having an affair. A criminal complaint was filed against Miankhel's uncle, father, grandfather, two cousins, and two maternal uncles on July 7. All were granted pre-arrest bail and were not detained. During the year, police made no arrests in connection with the 2000 killing of Mumlikat Bibi (*see* Section 1.f.).

Tension along the line of control between Pakistan and Indian-held Kashmir was high during the year, and there was shelling in several sectors. In May at the height of the Indo-Pakistani tensions, villages along the border were evacuated. Approximately 194 civilians were killed on the Pakistani side of the line of control at year's end, according to a government official.

b. Disappearance.—Unlike in previous years, there were no credible reports of disappearances at the hands of the security forces.

In the intra-Mohajir violence in Karachi, victims sometimes first were held and tortured by opposing groups (or, as the Muttahida Quami Movement (MQM) - Altaf alleges, by security forces). Bodies of these victims, often mutilated, generally were dumped in the street soon after the victims were abducted; however, the incidence of such crimes decreased greatly during the year.

In July 2000, retired Major General Anwar Sher and an Afghan aide, Abdul Qaher Shariati, disappeared; they were active in organizing Afghans to pursue a peace process. There were no new developments in the case during the year.

On January 28, militants kidnaped and killed foreign correspondent for the Wall Street Journal Daniel Pearl in Karachi. The militants reportedly were part of a group called the National Movement for the Restoration of Pakistani Sovereignty; however, police later arrested Salman Saquib, Fahad Naseem, Sheik Adil, and prominent Islamic militant Sheik Omar Saeed. All four defendants were affiliated with the terrorist organization Jaish-e-Mohammed (JEM). In Hyderabad on July 15

all four defendants were found guilty; Sheik Omar Saeed was sentenced to death; the other three defendants were sentenced to life in prison.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.—The Constitution and the Penal Code prohibit torture and other cruel, inhuman, or degrading treatment; however, police regularly tortured, and otherwise abused persons. Police routinely used force to elicit confessions; however, there were fewer reports of torture by police during the year. Some human rights groups stated that this decrease reflects the influence of army monitoring teams, who discourage the use of torture; other observers suggested that the frequency of torture remained unchanged, but the media devoted less attention to the issue during the year. Human rights observers suggested that, because of widespread torture by the police, suspects usually confessed to crimes regardless of their actual culpability; the courts subsequently threw out many such confessions. According to the Society for Human Rights and Prisoners Aid (SHARP), 38 deaths due to police torture were reported during the year.

Police personnel continued to torture persons in custody throughout the country. A newspaper reported that there were 80 cases of torture in police custody in Lahore.

Common torture methods included: Beating; burning with cigarettes; whipping the soles of the feet; sexual assault; prolonged isolation; electric shock; denial of food or sleep; hanging upside down; forced spreading of the legs with bar fetters; and public humiliation.

Human rights organizations and the press have criticized the provision of the Anti-Terrorist Act that allows confessions obtained in police custody to be used in "special courts," because police torture of suspects is common. Police generally did not attempt to use confessions to secure convictions under this law.

There was greater scrutiny by NGOs and the media of police behavior, including prison inspections in the Punjab and Sindh. However, the Citizens Police Liaison Committee (CPLC) reported that no new cases had been filed against police officers during the year. CPLC officials believed that police reforms introduced during 2001 (including increased oversight by elected officials) were responsible for fewer abuses. During the year, 60 Punjab police officers reportedly were punished for various offenses. Cooperation between the CPLC and the police human rights complaint unit resulted in the dismissal of 216 policemen and the demotion of or fines for 1,226 others between November 1998 and July 1999.

The Hudood Ordinances, which aimed to make the Penal Code more Islamic, provide for harsh punishments for violations of Shari'a (Islamic law), including death by stoning for unlawful sexual relations and amputation for other crimes. These so-called Hadd punishments require a high standard of evidence. For example, four adult Muslim men of good character must witness an act for a Hadd punishment to apply. In over 20 years since the Hudood Ordinances were adopted, not a single Hadd punishment has been carried out. However, on the basis of lesser evidence, ordinary punishments such as jail terms or fines were imposed. In April a court convicted Zaafran Bibi of adultery and sentenced her to death by stoning. Bibi initially accused her brother-in-law of rape in March 2001, claiming the incident took place 2 weeks prior to her filing the charge. A medical exam at the time determined that she was pregnant, and her husband claimed paternity for the child. On June 6, the Federal Shariat Court acquitted Zaafran Bibi of adultery and ordered her release. The Hudood Ordinances were applied to Muslims and non-Muslims alike.

Special women's police stations have been established in response to growing numbers of complaints of custodial abuse of women, including rape. These stations were staffed by female personnel, but receive even fewer material and human resources than regular police stations. Efforts to raise funds for the stations during the year achieved minimal results. According to the Government's Commission of Inquiry for Women, the stations did not function independently or fulfill their purpose. Despite court orders and regulations that only female officers may interrogate female suspects, women continued to be detained overnight at regular police stations and abused by male officers. A Lahore newspaper alleged that of 80 confirmed cases in Lahore of police abuse, 3 were against women. Instances of abuse of women in prisons are less frequent than in police stations. Sexual abuse of child detainees by police or guards reportedly also is a problem.

Police used excessive force against demonstrators during the year (*see* Section 2.b.).

Police at times also beat journalists. In April journalists were beaten as they staged a walk-out on a pro-referendum rally in the Punjab. Six journalists were injured (*see* Section 2.a.).

Impunity remained a problem. Despite some cases during the year in which police officers were investigated or charged in connection with abuse of detainees, the fail-

ure of the Government to prosecute and to punish abusers effectively was widely considered a great obstacle to ending or reducing police abuse. The authorities sometimes transferred, suspended, or arrested offending officers, but seldom prosecuted or punished them; investigating officers generally shield their colleagues. However, in May 2001, the Supreme Court upheld the Lahore High Court's January 2001 conviction of two government doctors for submitting false statements regarding police torture of prisoner Nadeem Iqbal.

Police corruption was widespread. Police and prison officials frequently used the threat of abuse to extort money from prisoners and their families. Police accepted money for registering cases on false charges and tortured innocent citizens. Persons paid the police to humiliate their opponents and to avenge their personal grievances. District police authorities in Gujranwala in Northern Punjab dismissed 60 policemen for corruption. At least eight police officials in Punjab were convicted for corruption and fined or imprisoned. Police corruption was most serious at the level of the Station House Officer (SHO), the official who runs each precinct. Some SHOs widely were believed to operate arrest-for-ransom operations and to have established unsanctioned police stations to collect illicit revenue. An August 2000 news report listed seven such stations in Karachi. SHOs were powerful; although no such incidents were reported during the year, some were believed to have killed superior officers who tried to stop corrupt practices in the past. Senior government officials have confirmed that police stations, and assignments therein, were sold to interested parties who then proceed to recoup their investment through illicit activities.

During the year, the Government took some steps to reduce police corruption and transferred several senior police officers to other provinces to circumvent their local ties. In Gujranwala, in northern Punjab, district police authorities dismissed 60 policemen and 15 others were retired compulsorily on the charges of corruption and inefficiency in the first six months of the year. In Lahore, six police officials were convicted of taking bribes and sentenced to two years of imprisonment and fined. In August 2001, the Government implemented reforms at the local level that included taking responsibility for the police away from the nonelected District Commissioners while granting oversight authority over the police to the newly elected district nazims (mayors) and newly organized Public Safety Commissions (that are composed of elected and nonelected members). The impact of this reform remained unclear at year's end, although some critics claimed that the reforms will make it easier for politicians to order the police to intimidate and harass their political opponents. Senior government officials predicted that it will take several years of sustained political and financial commitment before positive gains are achieved. At year's end, the Public Safety Commission had not been established due to financial constraints. Actions taken to redress police abuses often have mixed results. In urban Sindh, the CPLC committees helped to curb some excesses, but complaints of large-scale police abuses persisted.

Police failed in some instances to protect members of religious minorities—particularly Christians and Ahmadis—from societal attacks (*see* Section 5).

Prison conditions were extremely poor and life threatening. Overcrowding was widespread. According to the HRCP, SHARP, and International Human Rights Monitor (IHRM), there were 80,000 prisoners in jails that were built to hold a maximum of 35,833 persons. In Adiala Jail in Rawalpindi had prison population of 5,521 in a space designed for 1,800. The HCRP claimed that in a Punjab jail, built to house 17,637 prisoners, contained 56,599. An IHRM report claimed 24 prisoners died in Adiala Jail during the year due to improper health care, poor hygienic conditions and rotten food. IHRM estimated 1,700–2,500 deaths per year due to poor conditions nationwide. Some 80 percent of prisoners were awaiting trial, mostly for petty offenses.

There are three classes (A, B, and C) of prison facilities. Class "C" cells generally hold common criminals and those in pretrial detention. Such cells often have dirt floors and no furnishings. Prisoners in these cells reportedly suffered the most abuse, including beatings and forced kneeling for long periods of time. Unsanitary conditions were common in small, poorly ventilated, and decrepit colonial-era prisons, which mainly were considered class "C." Inadequate food led to chronic malnutrition for those unable to supplement their diet with help from family or friends. Access to medical care was a problem. Mentally ill prisoners normally lacked adequate care and were not segregated from the general prison population (*see* Section 5). Foreign prisoners, mostly citizens of African countries often remained in prison long after their sentences were completed because there was no one to pay for their deportation to their home country. Government officials claimed that years of inadequate budgets were the reason for poor prison conditions. "B" cells often were used for prisoners with a university education or who benefit from political connections. Conditions in "A" and "B" cells were markedly better; prisoners in these cells are

permitted to have servants, special food, and satellite television. Authorities reserved “A” cells for prominent persons, including political leaders. Especially prominent individuals—including some political figures—sometimes were held under house arrest and permitted to receive visitors.

Shackling of prisoners was routine. The shackles used were tight, heavy, and painful, and reportedly have led to gangrene and amputation in several cases. No cases concerning the fettering of minors were reported in the press during the year.

There were reports of prison riots. On November 14, a riot broke out in Sahiwal district jail and one policeman and 20 prisoners were injured. One prisoner later died. The prisoners were allegedly sent to District Jail Kasur where two of them were killed because of severe police torture. No action was taken and no details were provided after the incident.

Female detainees and prisoners were held separately from male detainees and prisoners. According to the Progressive Women’s Association, there were approximately 2,765 women in jail nationwide at year’s end. Pretrial detainees often are not segregated from convicted criminals.

There are few facilities for convicted prisoners under 21 years of age, and children frequently were incarcerated along with the general prison population. Punjab has two jails for juvenile offenders, and Karachi has an industrial school for juvenile offenders. Children offenders often were kept in separate barracks in adult prisons; however, to keep the children separated, most of the time they were confined to their barracks. There were few educational and recreational facilities available for youth offenders. Many children in prison were born to female inmates who were sexually abused by prison guards. Punjab and Sindh provinces have laws mandating special judicial procedures for child offenders; however, in practice children and adults essentially are treated equally. According to a local NGO, an estimated 4,992 children were held in the nation’s prisons at the end of 2001, compared with 4,200 in 2000. Imprisoned children often spent long periods of time in prison awaiting trial or a hearing before a magistrate, often in violation of the law. Children were subject to the same delays and inefficiencies in the justice system as were adults (*see* Sections 1.d. and 1.e.). Human Rights Watch (HRW) reported that children frequently were beaten and even tortured while in detention; usually this was done to extract confessions, but it was done also to punish or intimidate child detainees or to extort payment from their families for their release. Sexual abuse of child detainees by police or guards reportedly was a problem.

Courts also may order that children be sent to reform schools or various types of residential facilities, many designed to provide vocational or other training. There were two facilities—one in Karachi and one in Bahawalpur—that serve as reform schools for juvenile offenders. Juvenile offenders and, in some cases, homeless and destitute children, may be sent to these residential facilities, for terms not to exceed the amount of time until they reach majority. Conditions in these institutions reportedly were poor, similar to those found in jails. Abuse and torture of the children in such institutions was a problem; one study found that 17.4 percent of the inmates of the Youthful Offenders Industrial School in Karachi had been tortured or otherwise mistreated. Educational facilities in these institutions often were inadequate. Extortion on the part of the staff at such institutions reportedly was widespread; parents of inmates often were required to pay lower level staff members to visit their children or bring them food. Drug trafficking by guards and other staff also was a problem; some children reportedly developed drug habits while in these institutions and were supplied drugs by their guards.

Landlords in Sindh and political factions in Karachi operated private jails (*see* Section 1.d.).

The Government permits visits to prisoners and detainees by human rights monitors, family members, and lawyers with some restrictions (*see* Section 1.d.).

d. Arbitrary Arrest, Detention, or Exile.—The law prohibits arbitrary arrest and detention; however, the authorities did not always comply with the law, and police arbitrarily arrested and detained citizens. The law permits the District Coordinating Officer (DCO) of a local district to order detention without charge for 30 days of persons suspected of threatening public order and safety. The DCO may renew detention in 30-day increments, up to a total of 90 days. Human rights monitors report instances in which prisoners jailed under the Maintenance of Public Order Act have been imprisoned for up to 6 months without charge. For other criminal offenses, police may hold a suspect for 24 hours without charge. After a prisoner appears before a magistrate, the court may grant permission for continued detention for a maximum period of 14 days if the police provide material proof that this is necessary for an investigation. The Musharraf government created the National Accountability Bureau (NAB) and special accountability courts to try corruption cases; the National Accountability Ordinance (NAO) initially permitted those suspected of corrupt prac-

tices to be detained for 90 days without charge (*see* Section 1.e.). In April 2001, the Supreme Court modified several provisions of the NAB ordinance. It reduced the NAB's freedom to hold suspects without charge from 90 days to 15 days, renewable with judicial concurrence. The maximum period of disqualification from political office pursuant to a corruption conviction was reduced from 21 years to 10 years, and the court required that future appointments of key NAB officials receive the Chief Justice's concurrence. In January the Government detained more than 2,000 members of banned extremist and jihad groups. At year's end, all were released on bail after the charges were filed. In addition to the arrests, police closed and sealed offices of the five newly banned groups.

Police may arrest individuals on the basis of a First Incident Report (FIR) filed by a complainant and have been known to file FIR's without supporting evidence. FIR's frequently were used to harass or intimidate individuals. Charges against an individual also may be based on a "blind" FIR, which lists the perpetrators as "person or persons unknown." If the case is not solved, the FIR is placed in the inactive file. When needed, a FIR is reactivated and taken to a magistrate by the police; the police then name a suspect and ask that the suspect be remanded for 14 days while they investigate further. After 14 days, if the case is dropped for lack of evidence, another FIR is activated and brought against the accused. In this manner, rolling charges can be used to hold a suspect in custody continuously.

If the police can provide material proof that detention (physical remand or police custody for the purpose of interrogation) is necessary for an investigation, a court may extend detention for a total of 14 days. However, such proof may be little more than unsubstantiated assertions by the police. In practice the authorities do not observe fully the limits on detention. Police are not required to notify anyone when an arrest is made and often hold detainees without charge until a court challenges them. The police sometimes detained individuals arbitrarily without charge or on false charges to extort payment for their release. Human rights monitors reported that a number of police stations have secret detention cells in which individuals are kept while police bargain for their release. There also were reports that the police move prisoners from one police station to another if they suspect a surprise visit by higher authorities. Some women continued to be detained arbitrarily and sexually abused (*see* Sections 1.c. and 5). Police also detained relatives of wanted criminals in order to compel suspects to surrender (*see* Section 1.f.).

The Federally Administered Tribal Areas (FATA) have a separate legal system, the Frontier Crimes Regulation (FCR), which recognizes the doctrine of collective responsibility. Authorities are empowered to detain fellow members of a fugitive's tribe, or to blockade a fugitive's village, pending his surrender or punishment by his own tribe in accordance with local tradition. On June 22, a woman in Meerwala, Punjab, was gang-raped on the orders of a council of tribal elders as punishment for her brother's alleged affair with a woman of a higher tribe. Authorities alleged that the tribal jury threatened to have all women in the family raped unless the girl submitted to the punishment. Government authorities were notified a few days after the incident and the Punjab police arrested eight suspects, including the alleged rapists and some individuals who pressed the tribal council to issue the verdict. On August 31, an Anti-terrorist Court ruled that four rapists and two jurors should receive the death penalty. The court awarded life imprisonment and a fine to each of the other four defendants. At year's end, the cases were appealed with the Appellate Tribunal. At year's end, President Musharraf sent the girl \$8,300 (PKR 500,000) as compensation (*see* Section 5).

The police also have been known to detain persons as a result of personal vendettas.

The law stipulates that detainees must be brought to trial within 30 days of their arrest. However, in many cases, trials do not start until 6 months after the filing of charges. During the year the HRCP estimated that there were almost as many individuals awaiting trial in jail as there were prisoners serving sentences. The HRCP reported that in Punjab 35,260 males were awaiting trial, while only 11,068 males had been convicted. In 1999 in 62 city courts, 7,000 prisoners were awaiting trial in 6,000 cases; in 3,500 of these cases, the police had not even brought a "challan," or indictment, to the court.

Persons in jail awaiting trial sometimes were held for periods longer than the sentence that they would have received if convicted. Court officials reported that each judge reviews between 70 and 80 cases per day, but that action was taken on only 3 or 4 each week. According to the Pakistan Law Commission, there were 10,515 cases pending in the Supreme Court as of September 30, 2001. Clogged lower courts exacerbate the situation; the majority of cases in the High Courts consist of appeals of lower court rulings. Once an appeal reaches the High Court, there are further opportunities for delay because decisions of individual judges frequently are referred

to panels composed of two or three judges. There continued to be charges that magistrates and police, under pressure from provincial and federal officials to achieve high conviction rates, persuaded detainees to plead guilty without informing them of the consequences. Senior government officials acknowledged during the year that this was a problem. Politically powerful persons also attempted to influence magistrates in their decisionmaking, sometimes threatening to transfer magistrates to other assignments.

Asif Zardari, husband of former Prime Minister Benazir Bhutto, has waited for more than 5 years for the start of his trial on charges of killing his brother-in-law, Murtaza Bhutto in 1997. In April 1999, Zardari was tried and convicted separately on corruption charges. In December 2001 Zardari received bail but was not released; the NAB ordered his continued detention on suspicion of corruption.

The Government permitted visits to prisoners and detainees by human rights monitors, family members, and lawyers (*see* Section 1.c.), with some restrictions. In some cases, authorities refuse family visits and, in some police stations, persons must to pay bribes to see a prisoner. Foreign diplomats may meet with prisoners when they appear in court but generally are refused permission for prison visits. Local human rights activists reported few restrictions to their access to prisons, even though the Government continued to deny prison visits by the ICRC.

The Government justified the creation of antiterrorist courts by citing the large number of murder and other cases that are clogging the regular court system (*see* Section 1.e.). The antiterrorist courts reportedly sentenced 39 persons to death during the year.

The Government sometimes used preventive detention, mass arrests, and excessive force to quell protests or civil unrest and to prevent political meetings. On a number of occasions, police arrested persons prior to demonstrations under the Criminal Procedures Code ban (*see* Section 2.b.). These arrests were carried out under Section 16 of the Maintenance of Public Order Act, which prohibits speech that "causes or is likely to cause alarm to the public."

Despite governmental claims that NAB cases would be pursued independent of an individual's political affiliation, NAB had selectively targeted certain persons in the anti-corruption campaign (*see* Section 1.e.). As of the end of October, the NAB filed 507 cases, with 287 convictions, 39 acquittals, 6 case withdrawal and 220 cases in progress. Senior opposition figures charged that NAB threats were used to pressure politicians to join the PML-Q, run as independents, or vote for Prime Minister Jamali in the vote of confidence during the year. For example, according to HRW, Aftab Sherpao, an influential PPP leader and former chief minister from the North-West Frontier Province (NWFP) returned this year from London to face corruption charges. He subsequently was acquitted after his faction of the PPP pledged its support for Musharraf in the referendum on his presidency. At year's end, Sherpao was elected to the National Assembly and became Minister for Water and Power.

During the year, few journalists reportedly were arrested, according to the NGO Journalists for Democracy and Human Rights. The police charged journalists at a referendum rally in April. In September several journalists attempting to travel into Afghanistan reportedly were detained.

Following the 1999 coup, the Musharraf government detained without warrants and without charges several dozen political figures, military officers, and government administrators. At year's end, most of them had been released. By year's end, two senior Muslim League politicians, Javed Hashmi and Mehtab Abbasi were released on bail.

In December 2000, the Government commuted former Prime Minister Nawaz Sharif's prison sentence, confiscated assets belonging to the Sharif family, and exiled him and 18 of his family members to Saudi Arabia for 10 years. During the year, Saifur Rehman and Saeed Mehdi Sharif were acquitted of maintenance of public order charges. Sharif also had to agree to withdraw from politics while in exile. Some observers claimed that the Government exiled Sharif both to remove him from politics and to reduce the power and influence of the opposition.

Many persons apprehended by the NAB (*see* Section 1.e.) remained in detention past the ordinance's stipulated 90 days detention without charge. During the year, Mian Manzoor Watoo, Sattar, and Dr. Farooq Sattar were released from custody; however, Sattar's 2000 conviction on widely disputed corruption charges continued at year's end.

Hundreds of MQM activists have been arrested since November and remained in custody at year's end; some of these activists were being held without charge. According to MQM officials, police have arrested more than 700 MQM officials during the past 3 years. In April a Hyderabad MQM organizer was charged with inciting people to violence during a strike and on April 19, the Government arrested MQM Senator Aftab Shaikh.

Women were charged under the Hudood Ordinances for sexual misconduct, such as adultery. A Hudood law meant to deter false accusations is enforced weakly, and one human rights monitor claimed that 80 percent of adultery-related Hudood cases were filed without supporting evidence. In 1998 approximately one-third of the women in jails in Lahore, Peshawar, and Mardan were awaiting trial for adultery; that percentage likely remains accurate. Most women tried under the ordinance were acquitted, but the stigma of an adultery charge alone is severe. Men accused of rape sometimes were acquitted and released, while their victims were held for adultery or fornication. The Commission of Inquiry for Women recommended that the Hudood laws be repealed, saying they are based on an erroneous interpretation of Shari'a (see Section 5).

Private jails exist in tribal and feudal areas. Human rights groups alleged that as many as 50 private jails, housing some 4,500 bonded laborers, were being maintained by landlords in lower Sindh (see Section 6.c.). Some prisoners reportedly have been held for many years. In the five districts of upper Sindh, landlords defied the courts and police by holding tribal jirgas, which settle feuds, award fines, and even sentenced persons to the death penalty in defiance of provincial laws.

AI reported that both citizens and non citizens were arbitrarily arrested on suspicion of being al-Qa'ida or Taliban fighters, and some of these persons were deported to their home countries. However, the exact number of those detained, arrested or deported was unknown by year's end.

e. Denial of Fair Public Trial.—The Constitution provides for an independent judiciary; however, in practice, the judiciary remained subject to executive branch and other outside influences, and despite the Musharraf government's pledge to respect the independence of the judicial system, the Government took steps to control the judiciary and to remove the Government from judicial oversight. On August 22, the Legal Framework Order (LFO) amended the Constitution and the PCO to allow: The empowerment of the President to dismiss the Prime Minister and dissolve the Parliament; formalized the role of the army in governance by the creation of a National Security Council (NSC) as a constitutional body; and the insertion of a number of qualification requirements for candidates for Parliament. The PCO issued in October 1999, provided that all courts functioning at the time of the coup would continue to operate, but that no court would have the power to issue orders against President Musharraf or any person exercising powers or jurisdiction under his authority. President Musharraf further undermined the independence of the judiciary when he ordered all Supreme Court, Shari'at court, and provincial High Court justices to take an oath to uphold the PCO that brought the military into power. Low salaries, inadequate resources, heavy workloads, corruption, and intimidation by political and religious pressure groups contributed to judicial inefficiency, particularly in the lower courts. Six Supreme Court justices, including the Chief Justice, and nine provincial High Court justices resigned in protest; however, 85 percent of the affected justices agreed to swear allegiance to the PCO. As a result of this decree, government directives and ordinances under the PCO no longer were subject to judicial review, including the LFO which brought about fundamental changes to the Constitution. Some government officials claimed that President Musharraf issued this decree due to concerns that judges were being bribed to rule against the Government in the court challenges to the military takeover. Many persons criticized this requirement, stating that it effectively ended the role of the judiciary as an independent body. In June the Supreme Court ruled that the October referendum was constitutional and further cast doubt on the independence of the judiciary from the military government (see Section 3).

The judicial process continued to be impeded by bureaucratic infighting, inactivity, and the overlapping jurisdictions of the different court systems. Heavy backlogs that severely delayed the application of justice remained, due to scores of unfilled judgeships and to archaic and inefficient court procedures. The politicized appointment process held up the promotion of many lower court judges to the High Courts. Although the higher level judiciary was considered competent and generally honest, there were widespread reports of corruption among lower level magistrates and minor court functionaries. In 2000 the Supreme Court ruled that it was legal for the Musharraf government to amend the Constitution as long as the amendments did not change the basic character of the Constitution, and reserved the right to review the military's performance, the continued necessity of the Emergency Proclamation, and the PCO. Many observers criticized the Supreme Court decision as vague and contradictory. The Government respected this ruling during the year. In April 2001, the Supreme Court also modified several provisions of the NAB ordinance, and the Government respected the amended provisions during the year. Despite these decisions, the overall credibility of the judiciary remained low.

The judicial system involves several court systems with overlapping and sometimes competing jurisdictions. There were civil and criminal systems with special courts for banking, antinarcotics, and antiterrorist cases, as well as the federal Shariat court for certain Hudood offenses. The appeals process in the civil system was: Civil court, district court, High Court, and the Supreme Court. In the criminal system, the progression was magistrate, sessions court, High Court, and the Supreme Court.

The civil judicial system provided for an open trial, the presumption of innocence, cross-examination by an attorney, and appeal of sentences. Attorneys were appointed for indigents only in capital cases. There were no jury trials. Due to the limited number of judges, the heavy backlog of cases, lengthy court procedures, and political pressures, cases routinely take years, and defendants must make frequent court appearances. Cases start over when an attorney changes. Under both the Hudood and standard criminal codes, there were bailable and nonbailable offenses. According to the Criminal Procedures Code, the accused in bailable offenses must be granted bail, and those charged with nonbailable offenses should be granted bail if the alleged crime carries a sentence of less than 10 years. Many accused, especially well-connected persons who are made aware of impending warrants against them, were able to obtain prearrest bail, and thus were spared arrest and incarceration.

Double jeopardy applies to those convicted of possessing narcotics because of a federal Shariat court ruling that customs and narcotics cases be initiated separately. During 2001 the Lahore High Court ordered the release of eight prisoners, including five foreign nationals, who had served their sentences under the Customs Act and were awaiting trial for a narcotics charge arising out of the same incident. The court noted that the law did not allow punishment twice for the same offense.

The judiciary argued that it failed to try and convict terrorist suspects in a timely manner because of poor police casework, prosecutorial negligence, and the resulting lack of evidence. In response to this problem, the Anti-Terrorist Act was passed; special antiterrorist courts began operations in 1997. The antiterrorist courts, designed for the speedy punishment of terrorist suspects, have special streamlined procedures; however, due to the continued intimidation of witnesses, police, and judges, the courts initially produced only a handful of convictions. Under the act, terrorist killings were punishable by death and any act, including speech, intended to stir up religious hatred, is punishable by up to 7 years' rigorous imprisonment. Additional offenses that can be tried under the Anti-Terrorist Act include acts to stir up religious feelings; efforts to "wage war against the State"; conspiracy; acts committed in abetting an offense; and kidnaping of or abduction to confine a person. The Government has used the anti-terrorist courts for high-profile cases, including the Daniel Pearl kidnaping and killing, the Meerwala gang rape incident, and the Okara farmer protest. Cases were to be decided within 7 working days, but judges were free to extend the period of time as required. Trials in absentia initially were permitted but later were prohibited. Appeals to an appellate tribunal also were required to take no more than 7 days, but appellate authority since has been restored to the High and Supreme Courts, under which these time limits do not apply. Under the Anti-Terrorist Act, bail was not to be granted if the court has reasonable grounds to believe that the accused is guilty.

In June 2001, the Musharraf government approved an amendment to the Anti-Terrorist Act. The new ordinance defines terrorism as "the use or threat of action where the use, or threatened use, is designed to coerce and intimidate or overawe the Government or the public or a section of the public or community or sect or create a sense of fear or insecurity in society; and the use or threat is made for the purpose of advancing a political, religious, ideological, or ethnic cause." In November the Government approved an amendment to the anti-terrorism law; however, it has yet to be ratified by the Parliament. The new amendment gives the Government the authority to restrict the activities of suspected terrorists, probe their assets, and hold them for up to a year, without charges filed against them.

Leading members of the judiciary, human rights groups, the press, and politicians from a number of parties expressed strong reservations about the antiterrorist courts, charging that they constitute a parallel judicial system and could be used as tools of political repression. Government officials and police believed that the deterrent effect of the act's death penalty provisions contributed to the reduction in sectarian violence after its passage. The antiterrorist courts also are empowered to try persons accused of particularly "heinous" crimes, such as gang rape and child killings, and several persons have been tried, convicted, and executed under these provisions.

The Musharraf government created by ordinance a special antiterrorist court in Sindh presided over by a High Court justice rather than a lower level judge, as was

usually the case. The amended provision permitted the High Court justice to “transfer . . . any case pending before any other special court . . . and try the case” in his court. Supporters of Nawaz Sharif maintained that these changes were designed to help the Musharraf government prosecute Sharif. The 2000 trial of Nawaz Sharif and six codefendants on charges of hijacking was the most widely publicized case tried by an antiterrorist court. Diplomatic observers who attended the Sharif trial concluded that the trial generally was fair, open, and transparent. In October 2000, the appeals court upheld Nawaz Sharif’s convictions for hijacking and terrorism but combined them into one offense. The court also denied the prosecution appeal to upgrade Sharif’s sentence to the death penalty, reduced the amount of property forfeiture, and affirmed the antiterrorism court’s acquittals of the six codefendants.

The Musharraf government in 1999 created by ordinance the NAB and special accountability courts to try corruption cases (*see* Section 1.d.). The NAB was created in part to deal with as much as \$4 billion (PKR 208 billion) that was estimated to be owed to the country’s banks (all of which were state-owned at the time; several have since been privatized) by debtors, primarily from among the wealthy elite. The Musharraf government stated that it would not target genuine business failures or small defaulters and does not appear to have done so. The NAB was given broad powers to prosecute corruption cases, and the accountability courts were expected to try such cases within 30 days. As originally promulgated, the ordinance prohibited courts from granting bail and gave the NAB chairman sole power to decide if and when to release detainees.

The ordinance also allowed those suspected by the State Bank of Pakistan of defaulting on government loans or of corrupt practices to be detained for 15 days without charge (renewable with judicial concurrence) and, prior to being charged, did not allow access to counsel. In accountability cases, there was a presumption of guilt, and conviction under the ordinance can result in 14 years’ imprisonment, fines, and confiscation of property. Those convicted also originally were disqualified from running for office or holding office for 10 years. In August 2000, the Government announced that persons with a court conviction would be barred from holding party office. This provision was used during the general election to prevent certain candidates from entering the contest.

Despite government claims that NAB cases would be pursued independent of an individual’s political affiliation, NAB has taken a selective approach to anti-corruption efforts (*see* Section 1.d.).

The Government denied press reports that it had decided not to pursue accountability cases against active members of the military or the judiciary; however, no serving members of the military or the judiciary have been charged by the NAB. However, in May former Chief of the Naval Staff Mansoor ul-Haq was charged with corruption under the NAB ordinance. Ul-Haq pled guilty, agreed to repay the money, and was released in January. The Government also withdrew the privilege of retention of the rank of admiral. During 2001, Jehangir Badr, Mehtab Abbasi, and Javed Hashmi were arrested by the NAB; all but Badr were released by year’s end.

The Hudood ordinances criminalize nonmarital rape (*see* Section 5), extramarital sex (including adultery and fornication), and various gambling, alcohol, and property offenses. Offenses were distinguished according to punishment, with some offenses liable to Hadd, or Koranic, punishment (*see* Section 1.c.), and others to Tazir, or secular punishment. Although both types of cases were tried in ordinary criminal courts, special, more stringent rules of evidence apply in Hadd cases; Hadd punishments were mandatory if there was enough evidence to support them. Hadd punishments regarding sexual offenses were most severe for married Muslims; for example, if a married Muslim man confesses to rape or there are four adult male Muslim witnesses to the act, the accused must be stoned to death; if the accused rapist is not Muslim or married, if he confesses, or if the act is witnessed by four adult males (not all Muslim), the accused must be sentenced to 100 lashes with a whip, and such other punishment, including death, as the court may deem fit. The testimony of four female witnesses, or that of a rape victim alone, is insufficient to impose Hadd punishments. If the evidence falls short of Hadd criteria, then the accused may be sentenced to a lesser class of penalties (Tazir). Since it is difficult to obtain sufficient evidence to support the Hadd punishments, most rape cases are tried at the Tazir level, under which sentences may be imposed of up to 25 years in prison and 30 lashes. No Hadd punishment has been applied in the more than 20 years that the Hudood ordinances have been in force. For Tazir punishments, there was no distinction between Muslim and non-Muslim offenders. Under Tazir the evidentiary requirement for financial or future obligations is for two male witnesses or one male and two female witnesses; in all other matters, the court may accept the testimony of one man or one woman (*see* Section 5).

The federal Shariat court and the Shari'a bench of the Supreme Court serve as appellate courts for certain convictions in criminal court under the Hudood ordinances. The federal Shariat court also may overturn any legislation judged to be inconsistent with the tenets of Islam. However, these cases may be appealed to the Shari'a bench of the Supreme Court. In two areas of the NWFP—Malakand and Kohistan—the Government in 1999 announced plans to implement Shari'a law by regulation and by ordinance, respectively. In September 1999, the NWFP assembly passed a bill that incorporated the Kohistan ordinance into law (*see* Section 2.c.). In November, the new MMA-led government of NWFP reportedly affirmed to the media its plan to implement Shari'a law in the province. However, no information was given as to when the plan would enter into force.

Appeals of certain Hudood convictions involving penalties in excess of 2 years imprisonment were referred exclusively to the Shariat courts and were heard jointly by Islamic scholars and High Court judges using ordinary criminal procedures. Judges and attorneys must be Muslim and must be familiar with Islamic law. Within these limits, defendants in a Shariat court were entitled to the lawyer of their choice. There was a system of bail.

The Penal Code incorporates the doctrines of Qisas (roughly, an eye for an eye) and Diyat (blood money). Qisas was not known to have been invoked; however, Diyat occasionally was applied, particularly in the NWFP, in place of judicial punishment of the wrongdoer. Only the family of the victim, not the State, may pardon the defendant. The Hudood, Qisas, and Diyat ordinances applied to ordinary criminal courts and Shariat courts. According to Christian activists, if a Muslim kills a non-Muslim, he can redress the crime by paying Diyat to the victim's family; however, a non-Muslim who kills a Muslim does not have the option of paying and must serve a jail sentence or face the death penalty for his crime. Failure to pay Diyat in noncapital cases can result in indefinitely extended incarceration, under Section 331 of the Diyat ordinance. Some persons remained in prison after completion of their terms for failure to pay Diyat.

Administration of justice in the FATA normally is the responsibility of tribal elders and maliks, or leaders. They may conduct hearings according to Islamic law and tribal custom. In such proceedings, the accused have no right to legal representation, bail, or appeal. The usual penalties consist of fines, even for murder. However, the Government's political agents, who were federal civil servants assigned to tribal agencies, oversaw such proceedings and could have imposed prison terms of up to 14 years. Paramilitary forces under the direction of the political agents frequently conducted punitive actions during enforcement operations. For example, in raids on criminal activities, the authorities have damaged surrounding homes as extrajudicial punishment of residents for having tolerated nearby criminal activity (*see* Section 1.f.).

In previous years, in remote areas outside the jurisdiction of federal political agents, tribal councils levy harsher, unsanctioned punishments, including flogging or death by shooting or stoning.

Another related form of justice operating in the NWFP, particularly in the tribal areas, is the concept of Pakhtunwali, or the Pakhtun Tribal Code, in which revenge is an important element. Under this code, a man, his family, and his tribe are obligated to take revenge for wrongs—either real or perceived—to redeem their honor. More often than not, these disputes arise over women and land, and frequently result in violence (*see* Section 5). In Meerwala, Punjab a woman was gang-raped on the orders of a council of tribal elders (*see* Sections 1.d. & 5). In a village outside Mianwali, a tribal council permitted a family to give eight girls, ages 5 to 16, in marriage to another family, in exchange for the commutation of the death sentence for four family members.

There were reports of approximately 10 political prisoners in custody at year's end. Some political groups also argue that they were marked for arrest based on their political affiliation (*see* Section 1.d.). The MQM in particular has argued that the Government used antiterrorist court convictions in Sindh to silence its activists; however, there were no political arrests during the general election campaign.

f. Arbitrary Interference With Privacy, Family, Home, or Correspondence.—The Government infringed on citizens' privacy rights. The Anti-Terrorist Act allowed police or military personnel acting as police to enter and to search homes and offices without search warrants, and to confiscate property or arms likely to be used in an alleged terrorist act (which is defined very broadly). This provision never was tested in the courts. The Government promulgated new antiterrorist ordinances in October 1998, April 1999, and in August 2001. The purpose of the 2001 ordinance was to strengthen the power of the judiciary to prosecute terrorism cases. Under the ordinances, many blasphemy cases were tried by antiterrorist courts. By law the police need a warrant to search a home, but not to search a person. Despite this law, po-

lice entered homes without a warrant and sometimes stole valuables during searches. Specifically, human rights activists criticized the new Police Ordinance 2002 for broadening police power to search and enter homes. In the absence of a warrant, a policeman is subject to charges of criminal trespass. However, police seldom were punished for illegal entry.

The Government maintained several domestic intelligence services that monitor politicians, political activists, suspected terrorists, and suspected foreign intelligence agents. Credible reports indicated that the authorities routinely use wiretaps and intercepted and opened mail. The Supreme Court directed the Government to seek its permission before carrying out wiretapping or eavesdropping operations; however, the judiciary's directive has been ignored widely. No action was taken during the year in the 1996 case of 12 government agencies accused of tapping and monitoring citizens' phone calls and no additional action was expected.

Unlike in previous years, provincial governments did not forcibly move landless laborers from their temporary camps.

Civil marriages do not exist; marriages are performed and registered according to one's religion. Upon conversion to Islam, the marriages of Jewish or Christian men remain legal; however, upon conversion to Islam, the marriages of Jewish or Christian women, or of other non-Muslims, that were performed under the rites of the previous religion are considered dissolved (*see* Section 2.c.).

While the Government generally does not interfere with the right to marry, the Government on occasion assisted influential families to prevent marriages they oppose. The Government also failed to prosecute vigorously cases in which families punished members (generally women) for marrying or seeking a divorce against the wishes of other family members. In June 2000, Mumlikat Bibi was killed in her parents' home in the village of Yar Hussain in the NWFP. Her father, who reportedly opposed Bibi's efforts to choose a spouse without parental consent, was accused of being the culprit (*see* Section 1.a); his trial was ongoing at year's end.

In some cases, the authorities have detained relatives in order to force a family member who was the recipient of an arrest warrant to surrender (*see* Section 1.d.).

The Frontier Crimes Regulation, the separate legal system in the FATA, permits collective responsibility, and empowers the authorities to detain innocent members of the suspect's tribe, or to blockade an entire village (*see* Section 1.d.).

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Speech and Press.—The Constitution provides for freedom of speech and of the press, and citizens generally were free to discuss public issues; however, some journalists practiced a degree of self-censorship. The Government did not attempt to exercise direct control over views expressed in the print media. Newspaper editorials and commentators increasingly were critical of the Government; however, direct criticism of the military and judiciary was rare. In September 2001 the Ministry of Information directed the media to avoid direct criticism of the United States or of the Government's cooperation in combating terrorism. However, unlike in the past and despite restrictions imposed on the electronic media, foreign journalists operating in the country were permitted to broadcast stories without obtaining prior clearance from the Ministry of Information. Investigative journalism was rare; instead, the press acts freely to publish charges and countercharges by named and unnamed parties and individuals representing competing political and social interests. Both governmental and nongovernmental entities sometimes pay for favorable media coverage.

During the year, the Government established a 21-member Press Council, to oversee the quality of journalism in the country. The Council is made up of senior press editors, journalists, and the Secretary of Information. In September the Government promulgated the Defamation Ordinance, which required accused journalists to produce proof of their stories in court. If the proof was not produced, the journalists could be fined approximately \$900 (PKR 50,000) or sent to prison for 3 months. The editors of the national press widely criticized this promulgation.

The Constitution also prohibited the ridicule of Islam, the armed forces, or the judiciary. The Penal Code mandates the death sentence for anyone defiling the name of the Prophet Mohammad, life imprisonment for desecrating the Koran, and up to 10 years in prison for insulting another's religious beliefs with the intent to outrage religious feelings (*see* Section 2.c.). The Anti-Terrorist Act stipulates imprisonment with rigorous labor for up to 7 years for using abusive or insulting words, or possessing or distributing written or recorded material, with the intent to stir up sectarian hatred. No warrant was required to seize such material.

In January the Government further amended the Anti-Terrorist Act to ban five of the extremist Tehrik-e-Ja'fria Pakistan, Sipah-e-Sihaba-Pakistan, Lashkar-e-Taiba, Jaish-e-Mohammed, and Tehrik-e-Nifaz-e-Sharait-e-Muhammadi groups (*see*

Sections 2.b. and 2.c.); the amendments also made any person who printed, published, or disseminated any material from these organizations subject to 6 months' imprisonment.

Provincial and local governments occasionally arrested journalists and closed newspapers accused of printing offensive material, but this was not a widespread practice. In March Shaheen Sehbai, the influential editor of the English-language newspaper *The News*, resigned. He alleged that he was leaving under pressure from the Government. In January 2001, the Government closed the *Frontier Post*, an English-language daily based in Peshawar, and arrested five members of its staff after the *Frontier Post* published a letter to the editor that allegedly contained derogatory characterizations of the Prophet Mohammad. Most of the staff later was released on bail, and the paper was permitted to reopen after a period of several months. However, the paper's presses were burned by a mob in January 2001, reportedly while the police stood by and did little to stop it.

The State no longer publishes daily newspapers; however, the Ministry of Information controls and manages the country's primary wire service, the Associated Press of Pakistan (APP). The APP is both the Government's own news agency and the official carrier of international news to the local media. The few small privately owned wire services usually were circumspect in their coverage of sensitive domestic news and tended to follow a government line; however, there were some controversial news stories published during the year. For example Online news agency discussed the Intelligence Agency's (ISI) alleged manipulation of the October elections.

Privately owned newspapers freely discussed public policy and criticized the Government. They reported remarks made by opposition politicians, and their editorials reflected a wide spectrum of views. Local police, political parties, ethnic, sectarian, and religious groups, militant student organizations, and occasionally commercial interests exerted heavy pressure on newspapers to carry their statements or press releases. Such pressure was a common feature of journalism; among extreme groups it can include physical violence, the sacking of offices, the intimidation or beating of journalists, and interference with the distribution of newspapers. The police investigation of the 2001 attack of the bureau chief of the Hyderabad newspaper *Ummat*, was ongoing at year's end. At times landlords and their agents, who have become accustomed to terrorizing with impunity the citizens living on their lands, retaliate against journalists who report on their actions. Journalists working in remote areas could expect more difficulties from local authorities and influential individuals than their urban counterparts. However, violence against and intimidation of journalists was a nationwide problem.

The Government occasionally denied visas to journalists who were from India or were of Indian descent.

The broadcast media were mainly government monopolies directed by the Pakistan Broadcasting Corporation and Pakistan Television (PTV), although private cable channels broadcasting from abroad had a growing audience. Domestic news coverage and public affairs programming on these media were controlled closely by the Government and traditionally reflected its views. One private radio station, one television broadcaster, and a semi private cable television station were licensed under special contractual arrangements with the Government. The semi private television station, Shalimar Television Network (STN), occasionally rebroadcast PTV news. While the STN routinely censors those segments considered to be socially or sexually offensive, rarely, if ever, were foreign news stories censored for content. The Ministry of Information exercised some influence over broadcasting by restricting government advertising. It also monitored advertising on all broadcast media, editing or removing advertisements deemed morally objectionable.

During the year, 22 licenses were issued to private sector entrepreneurs and 3 were operative by year's end. Three television broadcasters, and a semi-private cable television station were licensed under special contractual arrangements with the Government. Two satellite channels, *Geo* and *Indus News*, were also issued licenses. These two private sector news broadcasters were given liberty to report freely.

Satellite dishes readily were available on the local market and were priced within reach of almost everyone with a television set—well into the lower-middle classes. South Asian satellite channels (usually India-based) have become important sources of news and popular entertainment. The MMA government in NWFP pledged to ban satellite and cable television in the province because of its "immoral and un-Islamic content."

The competitive nature of politics helps to ensure press freedom since the media often serve as a forum for political parties, commercial, religious, and various other interests to vie with and criticize each other publicly. Although the press rarely criticizes Islam as such, leaders of religious parties and movements were not exempt

from public scrutiny and criticism. In September 2001 several newspapers published letters to the editor that were critical of religious parties that continued to express support for the Taliban. Sufi Mohammad, the leader of a prominent political Islamic group, was criticized for his role in encouraging teenage boys to fight for the Taliban.

The press traditionally avoided negative coverage of the armed forces, and the Office of Inter-Services Public Relations (ISPR) held press coverage of military matters under close restraint. However, after the 1999 coup, journalists reported no attempts by the ISPR to influence editorial content. Discussion of the defense budget continued during the year, especially in the English-language press. Personnel changes among senior army officers also were discussed widely in the press, and newspapers published calls for extending the accountability process to include former military officers. Although many journalists chose to exercise self-censorship regarding the military during the year, the Government permitted significant criticism of retired military officials. President Musharraf was the subject of intense and public criticism during the year.

Reports of intimidation, heavy-handed surveillance, and legal action to quiet unduly curious or nondeferential journalists were common in the past, but these reports have declined significantly since the coup. During the year only a few journalists were arrested, according to the HCRP. The Government has considerable leverage over the press through its substantial budget for advertising and public interest campaigns and its ability to enforce regulations. Human rights groups, journalists, and opposition figures accused the Government of attempting to silence journalists and public figures; however, there had been fewer such complaints since the coup. According to HRW, on July 25 editor of the daily *Jasarat*, Muzaffar Ejaz reportedly was abducted by members of the ISI and interrogated about the publication of a controversial article on faction politics in the Muslim League. He was released the next morning.

In September 2001, the Government enacted the Freedom of Information Ordinance, which required every government office to designate a freedom of information officer who would be responsible for providing replies to written applications within 21 days. However, the law excluded all classified documents and did not define what constitutes classified information.

On April 14, police assaulted journalists in Faisalbad, Punjab province, during a rally staged to promote the October referendum (*see* Section 1.c.). According to the Committee to Protect Journalists (CPJ), 15 journalists were injured and a large number of civilians were hurt. On April 15, Information Minister Nisar Memon expressed regret over the attack and ordered an inquiry into the incident. There were no reports of any action taken against the responsible members of the police who used excessive force to disperse demonstrations during the year.

On May 4, unknown persons shot and killed the editor of Urdu daily "Kohistan" while he was in his office in Lahore. On October 22, unknown assailants attacked and killed a prominent journalist, Shahid Soomro, while he was in his home in Kandhkot. No one claimed responsibility and police officials have yet to identify any suspects.

There were no further developments in the following 2001 cases: Shakil Shaikh, Abu Bakar Siddique, Hayat Ullah, and the two British journalists expelled, allegedly for being involved in activities that defamed the country.

Foreign books must pass government censors before being reprinted. Books and magazines may be imported freely, but likewise are subject to censorship for objectionable sexual or religious content. In September 2001, the Government censored an article in *Newsweek* magazine concerning the case of Dr. Younis Shaikh, who was arrested on blasphemy charges in October 2000 and sentenced to death in August (*see* Section 2.c.). However, the Government permitted the publication of the same article in a Pakistani magazine.

Obscene literature, a category broadly defined by the Government, was subject to seizure. Dramas and documentaries on previously taboo subjects, including corruption, social privilege, narcotics, violence against women, and female inequality, were broadcast on television; however, some sensitive series have been canceled before being broadcast. In December police detained two dozen movie theater and video shop owners in a crackdown on pornographic and unlicensed cinemas by the new Islamist government of the North-West Frontier. The provincial police chief, Muhammad Saeed Khan, also issued a statement that set a 48-hour deadline for the police to remove "vulgar and obscene" billboards.

The Government generally respected academic freedom. However, the atmosphere of violence and intolerance fostered by student organizations, typically tied to religious political parties, continued to threaten academic freedom, despite a Supreme Court ruling that prohibited student political organizations on campuses. On some

university campuses, well-armed groups of students, primarily from radical religious organizations, had armed clashes with and intimidated other students, instructors, and administrators over issues such as language, syllabus contents, examination policies, grades, doctrines, and dress. These groups frequently facilitated cheating on examinations, interfered with the hiring of staff, controlled who was admitted to the universities, and sometimes also controlled the funds of the institutions. Such control generally has been achieved through a combination of protest rallies, control of the campus media, and threats of mass violence. At Punjab University, the student wing of the political party Jaamat-i-Islami (the largest Islamic political party) attempted to continue to impose its self-defined code of conduct on teachers and students by threatening to foment unrest on campus if its demands were not met.

b. Freedom of Peaceful Assembly and Association.—The Constitution provides for freedom “to assemble peacefully and without arms subject to any reasonable restrictions imposed by law in the interest of public order”; however, the Government imposed significant restrictions on this right during the year. Rallies and processions on streets, roads, and railway stations remained prohibited, and provincial and district administrations were given authority to determine the time and place of meeting. Ahmadis have been prohibited from holding any conferences or gatherings since 1984(see Section 2.c.). Throughout the year, the Government occasionally interfered with large opposition rallies, which were held by an alliance of political parties. In March 2000, the Musharraf government enacted an ordinance banning all public political gatherings, processions, and strikes held outdoors. During the election campaign, the Government approved some public political gatherings, including pro-government and opposition candidates rallies and outdoor meetings. During the year, the ban was enforced unevenly.

District magistrates occasionally exercised their power under the Criminal Procedures Code to ban meetings of more than four persons where demonstrations seemed likely to result in violence. During the year, police made preventive arrests of political party organizers prior to announced demonstrations. For example, on April 21, the Government prevented a protest and arrested several party leaders by the Jamaat-i-Islami (JI) party in Lahore, even though the JI officials claimed they received prior permission for the protest. On July 12, police blocked roads leading to the city square and arrested nine local Alliance for the Restoration of Democracy (ARD) leaders after the party attempted to hold a rally against the draft constitutional amendments. The Government generally allowed all Islamist parties to hold rallies and campaign; however, the Government denied rally permits to secular parties.

In previous years, the MQM had been harassed in its regular political activities, especially by the Sindh police. Police frequently arrested PML leaders and supporters in order to prevent planned demonstrations during the year; the HRCP noted that all public PML demonstrations in Karachi were prevented, except for meetings at the party’s headquarters (see Section 1.d.).

Police sometimes used excessive force against demonstrators. On July 29, police shot and killed four protesters in Islamabad. The demonstrators were protesting their eviction from a sector in Islamabad.

The authorities sometimes prevented leaders of religious political parties from traveling to certain areas if they believed their presence would increase sectarian tensions or cause public violence (see Section 2.d.).

The Constitution provides for freedom of association subject to restriction by government ordinance and law; however, the Government limited this right in practice. NGOs were required to register with the Government under the “Cooperative Societies and Companies” Ordinance of 1960. NGOs usually register through the Ministry of Social Welfare and must submit to a 6-month probationary period during which the Government tracks their activities. NGOs also are required to submit a progress report after the completion of this period, and then they are registered formally. No prominent NGO reported problems with the Government over registrations during the year.

c. Freedom of Religion.—The Constitution provides for freedom of religion, and stated that adequate provisions shall be made for minorities to profess and practice their religions freely; however, the Government limited freedom of religion. The country is an Islamic republic in which approximately 95 percent of the population is Muslim. The majority of the population is Sunni Muslim, but an estimated 15 percent of the population is Shi’a. The Constitution required that laws be consistent with Islam and imposed some elements of Koranic law on both Muslims and religious minorities. In July 2000, President Musharraf amended the PCO in order to incorporate the Islamic provisions of the Constitution, which include the definition of “Muslim” and “non-Muslim” and procedures regarding Shariat courts. While there

was no law establishing the Koranic death penalty for apostates (those who convert from Islam), social pressure against apostasy is so powerful that most such conversions take place in secret. Reprisals and threats of reprisals against suspected converts were common. Members of religious minorities were subject to violence and harassment, and police at times refused to prevent such actions or to charge persons who commit them, which contributed the impunity for acts of violence and intimidation against religious minorities.

All citizens, regardless of their religious affiliation, were subject to certain provisions of Shari'a. In the Malakand division and the Kohistan district of the NWFP, ordinances required that "all cases, suits, inquiries, matters, and proceedings in the courts shall be decided in accordance with Shari'a." These ordinances define Shari'a as the injunctions found in both the Koran and the Sunna (tradition) of the Prophet Mohammed. Islamic law judges, with the assistance of the Ulema (Islamic scholars), under the general supervision of the Peshawar High Court, tried all court cases in the Malakand Division and the Kohistan District. Elsewhere in the country, partial provisions of Shari'a apply.

The Constitution protected religious minorities from being taxed to support the majority religion; no one may be forced to pay taxes for the support of any religion other than his own. For example, Sunni Muslims are subject to the "zakat," a religious tax of 2.5 percent of their income; however, Shi'a Muslims and other religious minorities do not pay the "zakat."

In January the Government eliminated the separate electorates system which had long been a point of contention between religious minorities and human rights groups on the one side and the Government on the other. With the elimination of the separate electorate system, political representation is to be based on geographic constituencies that represent all residents regardless of religious affiliation. Minority group leaders believed this change may help to make public officials take notice of the concerns and rights of minority groups. Because of their concentrated populations, religious minorities could have significant influence as swing voting blocks in some constituencies. Few non-Muslims were active in the country's mainstream political parties due to limitations on their ability to run for elective office under the previous separate electorates system.

During the year, the number of cases filed under the blasphemy laws continued to be significant. A Christian NGO reported that 58 cases were registered during 2000 and 2001, compared to 53 cases during 1999-2000. In October 2000, police arrested Nasir Ahmad of Rajanpur district under Section 295(b) for allegedly defiling a copy of the Koran. Ahmad remained in custody and his trial had not been concluded at year's end. The blasphemy laws also have been used to "settle scores" unrelated to religious activity, such as intrafamily or property disputes. On July 5, a mob of approximately 300 persons killed a 48-year-old Muslim on the fatwa of a cleric in the central Punjab province. The man previously had been charged with blasphemy; however, he was acquitted on the grounds he was mentally ill.

In July HRW reported that Wajihul Hassan was sentenced to death for allegedly having made phone calls to the complainant that contained derogatory remarks about the Prophet. In April 2001, police registered a blasphemy case against Pervez Masih, a Christian in Sialkot District, Punjab. Masih, who owns a private school, was arrested under section 295(c) of the Penal Code and placed in Sialkot District jail where he remained at year's end. Christian leaders alleged that the case was filed at the behest of Mohammad Ibrahim, a Sunni Muslim educator who owned a rival school in the same village. In May 2000, a lower court in Sialkot district, Punjab, sentenced two Christian brothers to 35 years' imprisonment each and fined them each \$1,500 (PKR 75,000) for allegedly desecrating the Koran and blaspheming the Prophet Mohammed. Lawyers for the brothers filed an appeal in the Lahore High Court that was to be heard in January 2001; however, the hearing was rescheduled for February after the judge in the case retired. The two brothers remained in detention at year's end. By year's end, the Supreme Court dismissed the blasphemy case against Ayub Masih who was released after 6 years in solitary confinement.

Police also arrest Muslims under the blasphemy laws; government officials maintain that approximately two-thirds of the total blasphemy cases that have been brought to trial have affected Muslims. Dr. Younis Shaikh sentenced in 2000 on blasphemy charges was denied bail, sentenced to death, and fined \$1,580 (PKR 100,000) by a sessions court on August 18. His case was under appeal at year's end. Yusuf Ali, who had been convicted of blasphemy and sentenced to death, was shot and killed in the Lahore Central Jail by another inmate on July 11. Some jail officials were arrested in connection with the incident, including an Assistant Superintendent (who reportedly took responsibility for the shooting and stepped down).

At year's end, the shooting was still under investigation by the authorities. The 1998 death sentence of Shi'a Muslim Ghulam Akbar was under appeal at year's end.

When blasphemy and other religious cases are brought to court, extremists often pack the courtroom and make public threats about the consequences of an acquittal. As a result, the accused often are denied requests for bail on the grounds that their lives would be at risk from vigilantes if released. Many judges also try to pass such cases to other jurists; some judges reportedly have handed down guilty verdicts to protect themselves and their families from religious extremists.

The Constitution specifically prohibited discriminatory admission to any governmental educational institution solely on the basis of religion. Government officials state that the only factors affecting admission to governmental educational institutions are students' grades and home provinces. However, students must declare their religion on application forms. Ahmadis and Christians reported discrimination in applying to government educational institutions due to their religious affiliation.

"Islamiyyat" (Islamic studies) is compulsory for all Muslim students in state-run schools. Although students of other faiths legally are not required to study Islam, they are not provided with parallel studies in their own religions. In practice teachers compel many non-Muslim students to complete Islamic studies.

On June 19, the Government announced the Madrassah Registration Ordinance of 2002, which went into effect immediately. Under the ordinance, all madrassahs (religious schools) were required to register with the Pakistan Madrassah Education Board and provincial boards. Madrassahs failing to do so may be fined or closed. The madrassahs no longer are allowed to accept grants or aid from foreign sources, although madrassahs offering courses in science, math, Urdu, and English are eligible for government funds. Madrassahs were given 6 months to comply. The ordinance was designed to regulate the madrassahs, where many poor children are educated, and to combat religious extremism.

The Government designates religion on passports, and to get a passport citizens must declare whether they are Muslim or non-Muslim. Muslims also must affirm that they accept the unqualified finality of the prophethood of Mohammed and declare that Ahmadis are non-Muslims.

Permission to buy land comes from one municipal bureaucracy, and permission to build a house of worship from another. For all religious groups, the process appeared to be subject to bureaucratic delays and requests for bribes.

The Government distinguished between Muslims and non-Muslims with regard to politics and political rights. Furthermore, according to the Constitution, the President and the Prime Minister must be Muslim. The Prime Minister, federal ministers, and ministers of state, as well as elected members of the Senate and National Assembly (including non-Muslims) must take an oath to "strive to preserve the Islamic ideology, which is the basis for the creation of Pakistan" (see Section 3).

The Ahmadis are subject to specific restrictions under law. A constitutional amendment declared Ahmadis to be a non-Muslim minority because, according to the Government, they do not accept Mohammed as the last prophet of Islam. However, Ahmadis regard themselves as Muslims and observe Islamic practices. In May the Government announced the restoration of a voter registration form designed to single out Ahmadis. The section, which required Muslims to swear they believe in the "finality of Mohammed's prophethood," singled out members of the Ahmadis sect who are less categorical about this tenet of Islam. The Government and anti-Ahmadi religious groups have used this provision extensively to harass Ahmadis. Ahmadis suffer from various restrictions of religious freedom and widespread societal discrimination, including violation of their places of worship, being barred from burial in Muslim graveyards, denial of freedom of religion, speech, and assembly, and restrictions on their press. Several Ahmadi mosques remained closed. Ahmadis have been prohibited from holding conferences or gatherings. Ahmadis are prohibited from taking part in the Hajj (the annual Muslim pilgrimage to Mecca). Some popular newspapers publish anti-Ahmadi "conspiracy" stories, which contribute to anti-Ahmadi sentiments in society.

Acts of sectarian and religious violence continued during the year (see Section 5). A number of massacres in churches and mosques brought into question the Government's ability to prevent sectarian and religious violence. The worst religious violence was directed against the country's Shi'a minority, who continued disproportionately to be victims of individual and mass killings. Despite the Government's ban on groups involved in sectarian killings, violence between rival Sunni and Shi'a Muslim groups continued during the year. Many of the victims were Shi'a professionals—doctors and lawyers—who were not politically active or involved with sectarian groups. During the year, at least 53 cases of sectarian violence occurred in the country, most carried out by unidentified gunmen. For example, on February 4, Dr. Fayyaz Karim was shot and killed outside a mosque in Karachi. On June 17,

three Shi'a men were shot and killed by unknown gunmen outside of a Shi'a mosque, who was opposed by the Sunni extremist groups Lash-Kar-e Jhangvi and Singh Sahaba Pakistan.

Sectarian violence between members of different religious groups received national attention during the year and continued to be a serious problem. Christians, Ahmadis, and other religious minorities often were the targets of such violence.

Christians have been victims of violence. For example, in March an attack on a church in Islamabad left five persons dead, including two foreign nationals. In August gunmen attacked the Murree Christian School and killed four persons. Three days later, militants threw grenades at worshippers at a Christian hospital in Taxila and left three persons dead. On December 25, 3 children were killed and 14 were injured in a grenade attack on a Christian Church in Chianwala village in Sialkot. On December 27, police detained four men, including a radical Muslim cleric, on suspicion of carrying out the Christmas day attack. During the year, police made no arrests in connection with past sectarian killings. Numerous such killings remain unresolved.

Several incidents of sectarian violence between rival Sunni and Shi'a groups typically occur during Muharram, the time when Shi'a Muslims mourn the death of the Prophet Mohammed's nephew Ali and Ali's son Hussain. Government efforts to stem a wave of violence, including mass arrests of those suspected of participating in sectarian violence, resulted in no deaths during the year.

Beginning in 2001 and throughout the year, the Government undertook a major effort to curb religious extremism and address the intimidation of religious minorities. On January 12, the Government banned another five groups suspected of inciting religious violence and jihad: Tehrik-e-Ja'fria Pakistan, Sipah-e-Sihaba-Pakistan, Lashkar-e-Taiba, Jaish-e-Muhammad, and Tehrik-e-Nifaz-e-Sharait-e-Muhammadi. Hundreds of local and national offices were closed, and almost 2,000 members of these groups were arrested in the weeks following the announcement. Most detainees were low-level organization members who were released after 90 days without being charged. Rumors persisted that higher level party leaders enjoyed the protection and patronage of government agencies, and avoided arrest by going underground. In late June, the authorities in Lahore arrested at least 30 members of 2 of the banned groups. By year's end, the Government accelerated its detention of members of several extremist groups. In addition, violence in country has prompted the Government on several occasions to round up hundreds of members of religious extremist groups and students at madrassahs believed to be terrorist recruiting centers and training grounds.

Government authorities afford religious minorities fewer legal protections than are afforded to Sunni Muslim citizens. Members of religious minorities are subject to violence and harassment, and police at times refuse to prevent such actions or to charge persons who commit them.

Ahmadi individuals and institutions often are targets of religious intolerance, much of which is instigated by organized religious extremists. Ahmadi leaders charge that militant Sunni mullahs and their followers sometimes stage marches through the streets of Rabwah, a predominantly Ahmadi town and spiritual center in central Punjab. Backed by crowds of 100 to 200 persons, the mullahs purportedly denounce Ahmadis and their founder, a situation that sometimes leads to violence. The Ahmadis claim that police generally are present during these marches but do not intervene to prevent trouble. For example, in January Ghulam Mustafa Mohsin was killed in his home in District Toba Tek Sing, after receiving a series of death threats.

Ahmadis suffer from harassment and discrimination and have limited chances for advancement into management levels in government service. In the past few years Ahmadis claim that even the rumor that someone may be an Ahmadi or have Ahmadi relatives can stifle opportunities for employment or promotion. Ahmadi students in public schools are subject to abuse by their non-Ahmadi classmates, and the quality of teachers assigned to predominantly Ahmadi schools by the Government generally is poor. However, most Ahmadis are home-schooled or go to private Ahmadi-run schools. Young Ahmadis complain of difficulty in gaining admittance to good colleges and consequently having to go abroad for higher education. Certain sections of the Penal Code discriminate against Ahmadis, particularly the provision that forbids Ahmadis from "directly or indirectly" posing as Muslims. Armed with this vague wording, mullahs have brought charges against Ahmadis for using standard Muslim salutations and for naming their children Mohammed.

The predominantly Ahmadi town and spiritual center of Chenab Nagar (formerly known as Rabwah) in Punjab often has been a site of violence against Ahmadis (see Section 5).

Other religious minority groups also experienced considerable discrimination in employment and education. In the country's early years, minorities were able to rise to the senior ranks of the military and civil service; now many were unable to rise above mid-level ranks. The Government claimed that officers in the military were promoted strictly on merit, and there were two active duty generals who were members of religious minorities. The lack of religious minorities at higher levels of the military partially may be due to the limited number of minorities who opt for a career in the armed forces.

Discrimination in employment reportedly was common. Christians in particular have difficulty finding jobs other than menial labor, although Christian activists say the employment situation has improved somewhat in the private sector. Christians were overrepresented in the country's most oppressed social group—that of bonded laborers. Many Christians complained about the difficulty that their children face in gaining admission to government schools and colleges, a problem they attribute to discrimination. Many Christians continued to express fear of forced marriages between Muslim men and Christian women, although the practice was relatively rare. Reprisals against suspected converts to Christianity occur, and a general atmosphere of religious intolerance has led to acts of violence against religious minorities.

Although there were few Jewish citizens in the country, anti-Semitic sentiments appeared to be widespread, and anti-Semitic and anti-Zionist press articles were common.

However, the return of joint electorates eliminated parliamentary and assembly seats reserved for minorities. Some minority leaders complained that these seats should have been retained after the joint electorate system was eliminated.

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

d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation.—The law provides for these rights; however, the Government limited them in practice. The Government at times prevented political party leaders and religious leaders from traveling to certain parts of the country (see Section 2.b.). Travel to Israel is prohibited by law, but some citizens may visit Israel without penalty by not getting their passports stamped by the Government of Israel. Government employees and students must obtain “no objection” certificates before travelling abroad, although this requirement rarely was enforced against students.

Citizens regularly exercised the right to emigrate. However, an Exit Control List (ECL), which was made public but was revised constantly, was used to prevent the departure of wanted criminals and individuals under investigation for defaulting on loans, corruption, or other offenses. Soon after coming to power, the Musharraf government increased the use of the ECL, reportedly to prevent those suspected of loan defaults or corruption from leaving the country. The focus apparently was on potential loan defaulters as part of the Musharraf government's emphasis on accountability. However, according to the Government, there were approximately 2,450 names on the ECL for the period of January to September. No judicial action was required to add a name to the ECL; those named have the right to appeal to the Secretary of Interior and, if refused, to the Advocate General of the senior judiciary. In practice courts have directed the Government to lift restrictions on some politicians on the ECL.

The law does not provide for the granting of refugee or asylum status in accordance with the 1951 U.N. Convention Relating to the Status of Refugees or its 1967 Protocol, nor has the Government adopted domestic legislation concerning the treatment of refugees or the granting of asylum status. In December 1999, the office of the U.N. High Commissioner for Refugees (UNHCR) noted a change from the practice of granting “prima facie” status to all Afghans in the country; under the current policy, the Government treats all undocumented Afghans as aliens under the Foreigners Act, making them potentially subject to deportation. However, in practice the Government has allowed the vast majority of the Afghans who have entered the country to remain. On October 22, the Government, Afghanistan and UNHCR agreed on an Afghan/Pakistan refugee accord, which institutionalized the voluntary repatriation of 1.8 million Afghan refugees from Pakistan for three years. The Government will continue its negotiation with UNHCR and the Government of Afghanistan on procedures for the screening and repatriation of Afghans in the refugee camps. In the past, the fear of large numbers of new refugees trying to enter the country coupled with the absence of a legalized asylum framework and the sharp economic competition with host communities led to a more restrictive admissions policy and a deterioration in protection for many refugees.

The Government generally cooperates with the U.N. High Commissioner for Refugees and other humanitarian organizations in assisting registered refugees. The Government provided first asylum to approximately 200,000 persons during the

year. First asylum has been provided to refugees from Afghanistan since 1979. In November 2001, President Musharraf announced that limited numbers of "vulnerable" Afghan refugees would be allowed to enter the country, including injured persons, unaccompanied minors, the elderly, and those from drought-affected areas of Afghanistan; adherence to this policy fluctuated through year's end. Refugees that did not fit into this category still were denied entry to the country. The Government refers to refugees who entered the country after September 2001 as "externally displaced persons" and works with UNHCR to provide services to them. There remain an estimated 1.5 million Afghan refugees in the country who have been granted first asylum, and live in refugee camps (mainly in the NWFP and Baluchistan). There also were an estimated 1.4 million unregistered Afghans in urban areas throughout the country, including in Peshawar, Quetta, Islamabad, Rawalpindi, and Lahore. In January UNHCR set up two new camps (Dara I and Dara II) on the Pakistan side of Chaman border to accommodate the approximately 20,000 refugees in one week. On February 27, the Ministry of Interior announced that the country would not allow UNHCR to process new arrivals. At one point, there were up to 40,000 persons waiting to be registered and relocated. The Government officially never reversed its position on vulnerable persons, but said that none of the new arrivals met the vulnerable criteria. In response, UNHCR improved the humanitarian conditions in the waiting areas and redoubled its efforts to establish Zhare Dasht settlement on the Afghan side of the Chaman border. UNHCR reported the situation for refugees improved during the year.

Many Afghan refugees continued to live and work in the country, and were self-supporting and lived outside of refugee camps, usually in urban or semi-urban areas. This resulted in some hostility among local communities whose residents resent the economic competition and believe that the refugees contribute to high crime rates. Conditions for refugees outside of the camps often were worse than for those in the camps. Refugees outside the camps also faced harassment by the police, especially in Peshawar, Islamabad, and Rawalpindi. Single women, female-headed households, and children who work on the streets faced particular security problems.

Most refugee camps were well established, and living conditions resembled those in neighboring villages, even though most direct assistance to the camps ended in the early 1990's. Most recent arrivals have gone to urban areas like Peshawar or Quetta, but some have settled in the new Akora Khattak camp, the Shamshatoo camp, and the New Shamshatoo camp. Conditions for newly arrived Afghans generally were worse than conditions in the well-established camps. For example, sanitation, health care, shelter, and fresh water were continuing problems in the new camps. Some of the most recent arrivals still reside in makeshift tents. Severe overcrowding was a problem (at one point the camp housed approximately 60,000 persons). The Government and UNHCR opened several camps to house the most recent arrivals from Afghanistan, and to accommodate undocumented refugees from Quetta. By year's end, more than 100,000 refugees were housed in the new refugee camps. Refugees in the Nasir Bagh camp were evicted on June 8 because the owners of the land the camp was located on proceeded with the construction of a housing development. Some residents returned to Afghanistan voluntarily; others were relocated to other camps.

The Government occasionally harassed refugees and threatened them with deportation; harassment and threats of deportation of Afghan refugees increased during the year. On May 8, officials in Islamabad and Rawalpindi rounded up and arrested 580 Afghans, after a killing of two policemen in Rawalpindi. On June 11, 68 of the 580 were deported and the remainder were released on June 21 without being deported. There were reports of instances in which police demanded bribes from Afghans and threatened them with deportation if they did not pay. It is unknown how many Afghans may have been deported in this manner during the year. Complaints were made with the State and Frontier Regions Ministry, the Interior Ministry, and the NWFP provincial government that such summary deportations did not comply with the law. The refugee community expressed increasing fear of deportation, and cited this fear as the reason why more male family members remained at home, thus reducing family income.

The Government cooperated with UNHCR to support voluntary repatriations to rural areas of Afghanistan considered to be safe. On March 1, UNHCR started a voluntary repatriation program and opened centers throughout both the country and Afghanistan and offered financial and other assistance to repatriating refugees. UNHCR estimated that approximately 400,000 Pakistan-based Afghan refugees would participate; however, by the end of September, over 1.5 million had repatriated. Afghan refugees have limited access to legal protection and depend on UNHCR and group leaders to resolve disputes among themselves and with the Government.

Most able-bodied male refugees have found at least intermittent employment; however, they are not covered by local labor laws. NGOs and private entities provided women and girls with better education and health care than was available in Afghanistan. However, Afghan women working for NGOs were targets for occasional harassment and violence by conservatives and Taliban sympathizers.

The resettlement of Biharis continued to be a contentious issue, and at year's end no further resettlement has occurred.

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

The Constitution provided citizens with the right to change their government peacefully, and citizens participated in government elections during the year. However, in practice, President Musharraf and the military continued to dominate the federal coalition government led by the Pakistan Muslim League (Quaid-e-Azam). In June 2001, President Musharraf issued an amendment to the existing PCO that allowed him to become President and formally dissolved the National Assembly, the Senate, and the provincial assemblies. The Musharraf government pledged to return the country to a democracy; however, President Musharraf stressed his priority first to build a strong economic and political foundation in order to avert another bout of "sham" democracy. President Musharraf abided by the May 2000 Supreme Court ruling that mandated that national elections were to be held in October. The October national elections were deemed somewhat free and fair by many international observers. However, some NGOs and election observers accused the Government of pre-poll rigging, poll irregularities, and tampering with results on selected seats to help pro-government candidates.

The Government announced a series of ordinances that regulated the elections. These ordinances limited political parties' ability to organize and campaign before the October elections. One measure required all political parties to elect their leadership and refused registration to any party whose leaders had a court conviction. Individuals with convictions were barred from running for office. Effectively this measure sidelined the PPP's Benazir Bhutto, convicted in absentia of absconding from NAB charges, and PML-N's Nawaz Sharif, convicted of hijacking in 2000. Other changes included limiting the size of gatherings, processions, the use of loudspeakers, the size of posters and hung banners, and educational requirements for candidates. The late announcement of the election schedule also curtailed the campaign season to less than 5 weeks, in contrast to the usual 90 days.

Prior to the elections, political parties and civilian groups alleged the Government wielded its influence unduly in "pre-poll rigging." These NGOs claimed the top provincial leadership as well as members of the federal government and military agencies pressured members of other parties to join the progovernment PML-Q, or run independently. Local government officials, elected in August 2001 as part of a devolution of power program, were accused of helping progovernment candidates by delivering needed services and development funds to key electoral constituencies. Others accused police and army personnel of intimidation of voters and party workers.

On April 30, President Musharraf held a nationwide referendum on a five-year extension of his presidency and claimed to have received a 97.5 percent vote in favor of the referendum. However, some independent observers found evidence of widespread fraud and coerced voting. Politicians, lawyers, and civil society groups criticized the referendum and argued that a president could only be elected as prescribed in the Constitution, and that the referendum could not be used to elect a president. In June the Supreme Court ruled that the referendum was constitutional; however, the court allowed the results to be revisited by an elected parliament. By year's end, the elected Parliament had not debated the April referendum. In August the Government announced the Legislative Framework Order (LFO), which amended the Constitution and the PCO to allow: the empowerment of the President to dismiss the Prime Minister and dissolve the Parliament; the creation of a National Security Council as a constitutional body; and the insertion of a number of qualification requirements for candidates for Parliament. Under the auspices of the LFO-amended constitution, Pakistan held the first national and provincial assembly elections since the October 1999 coup. International observers, NGOs, and human rights activists, including the European Union election observation mission (EUEOM), alleged serious flaws in the national and provincial election framework; however, these observers stated that the election day itself was free of serious irregularities. There were reports of election day violence that killed 7 persons. The Government had established the National Reconstruction Bureau (NRB) to develop political reforms and a framework for elections in previous years. During the year, the NRB reformed electoral laws that included the elimination of the separate electorates system for religious minorities (see Section 2.c.) and the tripling of National Assembly

seats reserved for women. Although many persons welcomed these changes, the major political parties continued to call for the return of exiled political leaders.

Citizens' right to change their government also was restricted by the executive's strong influence on the judiciary. The Supreme Court demonstrated little independence during the year. Its unanimous decision in favor of the presidential referendum and its consistent support of government changes to electoral procedures resulted in approval of all of the Government's proposed electoral and constitutional changes. In January 2000, President Musharraf ordered all of the justices in the country to swear to uphold his PCO, and not to make any decision against the Chief Executive or any person exercising powers or jurisdiction under his authority; as a result, government directives and ordinances under the PCO no longer are subject to judicial review (*see* Section 1.e.).

Citizens participated in national government elections during the year; however, many NGOs alleged there were serious flaws in the election. The PML-Q won a majority of seats and formed a government.

Despite the measures the Government designed to make the electoral commission independent of government control, the election commission came under severe criticism when it failed to protect an area clearly within its mandate from interference by state authorities. According to the EU, the electoral commission's failure to curb the authorities' misuse of state resources in favor of political parties for the PML-Q raised serious doubts about its independence. Furthermore, in January the Government appointed Irshad Hassan Khan, the retired Chief Justice of the Supreme Court, to be Chief Election Commissioner. Irshad was known for his role in presiding over the April 2000 Supreme Court ruling that upheld the legality of the October 1999 coup. His appointment raised further doubts about the commission's independence.

During 2001, President Musharraf focused on the need to reduce the power of the central government by devolving power to the local level. Between December 31, 2000, and August 2001, elections for local government assemblies were held in the country's 97 districts. Directly elected union councilors formed an electoral college to elect a district mayor (*nazim*) and members of district council. According to local and international election observers, the elections generally were free and fair. However, the Government was accused by some political parties of intervening in several mayoral races to ensure that the pro-Musharraf candidates were elected. Such government pressure was most evident in Lahore and Rawalpindi. In February 2001, the Government modified laws governing local elections to permit minorities to vote for district and township mayoral positions on a joint-electoral basis.

The Musharraf government did not ban political parties, and the parties active prior to the 1999 coup, including the Pakistan Muslim League (which was led by former Prime Minister Nawaz Sharif) continued some activities. During the year, the Government forced the PPP and PML-N to elect leaders other than Benazir Bhutto and Nawaz Sharif by refusing to register any parties whose leaders had a court conviction. The Government also amended the Political Parties Act to bar any person from becoming Prime Minister for a third time. This amendment effectively barred Benazir Bhutto and Nawaz Sharif from power.

The Government permitted progovernment and religious parties to assemble and hold processions; however, other political parties often were denied permission to stage political events (*see* Section 2.b.). The Government arrested 3,000 persons in opposition political parties during the year. On March 23, police detained 400 leaders and workers of the Alliance for the Restoration of Democracy (ARD) to prevent them from attending an opposition rally in Lahore. In March 2000, President Musharraf issued an ordinance banning all political gatherings held outdoors (*see* Section 2.b.). The ban remained in effect at year's end. The National Accountability Ordinance (NAO) prohibits those convicted of corruption under the NAO from holding political office for 10 years (*see* Section 1.d.). In August 2000, the Government amended the Political Parties Act to disqualify automatically anyone with a court conviction from holding party office. Legal observers expressed concern over the concentration of power in the NAO, the fact that NAO chairmen have all been members of the military, and the presumption of guilt in accountability cases.

Because of a longstanding territorial dispute with India, the political status of the northern areas—Hunza, Gilgit, and Baltistan—was not resolved. As a result, more than 1 million inhabitants of the northern areas were not covered under the Constitution and have had no representation in the federal legislature. An appointed civil servant administers these areas; an elected Northern Areas Council serves only in an advisory capacity and has no authority to change laws or to raise and spend revenue.

There are 60 of women in the 342-seat National Assembly; there is one woman in the Cabinet; and none in the Supreme Court. During 2001 the Musharraf govern-

ment set aside one-third of the seats in the local council elections for female candidates. During the year, the NRB enacted electoral reforms that include the tripling of National Assembly seats reserved for women. According to the Election Commission, 2,621 women competed for 1,867 reserved seats at the district level in 2001. In some districts, social and religious conservatives prevented women from becoming candidates; however, in several districts, female candidates were elected unopposed. Women participate in large numbers in elections, although some are dissuaded from voting by family, religious, and social customs. In districts of the NWFP and southern Punjab's tribal areas, conservative religious leaders lobbied successfully to prevent women from contesting elections or casting ballots. According to press reports, female voters were threatened and their families intimidated from voting and running for office. In October the MMA coalition of religious parties declared that the families of women who voted in NWFP would be fined. Prime Minister Jamali has one female minister and one female special advisor. Provincial governors appointed by President Musharraf also have named women to serve in provincial cabinets.

There are 10 minorities in the 342-seat legislature; there are none in the Cabinet; and there are none in the Supreme Court. The Government distinguished between Muslims and non-Muslims with regard to politics and political rights (*see* Section 2.c.). Furthermore, according to the Constitution, the President and the Prime Minister must be Muslim. The Prime Minister, federal ministers, and ministers of state, as well as elected members of the Senate and National Assembly (including non-Muslims) must take an oath to "strive to preserve the Islamic ideology, which is the basis for the creation of Pakistan." Electoral reforms prepared during the year eliminated the separate electorate system for religious minorities. In addition to joint electorates, minorities could vote for reserved at-large candidates who would represent their groups. The Musharraf government restored the conditions for voting as outlined in the Constitution; however, pressure from religious groups led the Government to declare that Muslim voters had to sign an oath to declare the finality of the prophet Mohammed. Voters who did not sign the oath would be put on a separate electoral roll in the same constituency. This requirement singled out Ahmadis. Under the previous electoral system, minorities voted for reserved at-large seats, not for nonminority candidates who represent actual constituencies. Under Article 106 of the Constitution, minorities also had reserved seats in the provincial assemblies (*see* Section 2.c.).

Prior to 1997, in keeping with local traditions, tribal leaders, or maliks, appointed in the governor's name by the central government's political agents in each agency, elected the FATA National Assembly members. In accordance with the Government's general ban on political party activities in the FATA, candidates were not allowed to register by political party, and political party rallies were not allowed. However, several political parties did campaign covertly. Tribal members, including large numbers of women in some areas, registered to vote despite campaigns by some tribes against their participation. However, on election day far fewer registered women than registered men actually voted.

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

A wide variety of domestic and international human rights groups generally operated without government restriction, investigating and publishing their findings on human rights cases; however, they are required to be licensed. Government officials often were cooperative and responsive to their views. Human rights groups reported that they generally had good access to police stations and prisons. The Government cooperated with international and local NGOs in a number of high profile cases, including the Merrwala gang rape incident. These NGOs provided access to international organizations and helped to spearhead investigations into the incident. The Government provided protection to human rights lawyers defending accused blasphemers following threats and attacks on the lawyers by religious extremists. In early June 2001, the Human Rights Commission of Pakistan called on the Government to end the harassment of HRC employees by lower level functionaries. The HRC also accused government officials of launching tax investigations against HRC employees who had been critical of government policies.

The Musharraf government made some attempts to ease some of the previous government's restrictions on NGOs. President Musharraf appointed several persons with prominent NGO backgrounds to his Cabinet, and many NGO workers reported a smooth working relationship with the Government during the year. The new government in Punjab under President Musharraf also lifted the previous ban on NGO registration.

International observers were permitted to visit the country and travel freely. Several international organizations, focused on refugee relief, maintained permanent offices in the country, although some reported difficulty in securing visas for their foreign staff. Also, during the October elections, international observers were present at various numbers of polling stations; however, some reported obstruction of their mission by the Government.

The Ministry of Human Rights, a department within the Ministry of Law, Justice, Human Rights, and Parliamentary Affairs, finalized and began limited implementation of a reform program for jails. During the year, it increased its capacity to collect and catalog reports of human rights abuses. However, the department is not viewed as effective by human rights observers. The Government has failed to take follow-up action on the 1997 report of the Commission of Inquiry for Women.

The Government made some limited progress towards achieving the other human rights goals, after an April 2000 conference on human rights. In late April 2001 former President Tarar issued an amendment ordinance to the citizenship law to enable women married to foreigners to claim citizenship for their children (*see* Section 5). The Government inaugurated a National Commission on the Status of Women in September 2000.

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

The Constitution provided for equality before the law for all citizens and broadly prohibited discrimination based on race, religion, caste, residence, or place of birth; however, in practice there was significant discrimination based on these factors.

Women.—Domestic violence was a widespread and serious problem. Human rights groups estimated that a large number of women were victims of domestic violence at the hands of their husbands, in-laws, or other relatives. According to the HRCP one out of every two women was the victim of mental or physical violence. The Parliamentary Commission of Inquiry for Women reported in 2001 that violence against women “has been described as the most pervasive violation of human rights” in the country, and it called for legislation clearly stating that domestic violence against women is a criminal offense. Husbands were known to kill their wives even for trivial offenses, and often newly married women were abused and harassed by their in-laws. While abusers may be charged with assault, cases rarely were filed. Police usually returned battered women to their abusive family members. Women were reluctant to file charges because of societal mores that stigmatize divorce and make women economically and psychologically dependent on their relatives. Relatives also were reluctant to report abuse to protect the reputation of the family. There are no specific laws pertaining to domestic violence, except for the Qisas and Diyat ordinances, which rarely were invoked and may privatize the crime. However, Qisas and Diyat cannot be invoked where the victim was a direct lineal descendant of the perpetrator. Police and judges tended to see domestic violence as a family problem, and were reluctant to take action in such cases. Thus it was difficult for women to obtain relief from the justice system in cases of domestic violence.

During the year, the press reported on hundreds of incidents of violence against women and drew attention to the killings of married women by relatives over dowry or other family-related disputes. Most of the victims were burned to death, allegedly in kitchen stove accidents; some women reportedly were burned with acid. During 2001, 471 dowry deaths were reported, but according to one NGO, only 60 to 70 percent of such cases are reported. During the year, 317 burn cases were reported to the Progressive Women’s Association (PWA). Human rights monitors asserted that many cases were not reported by hospitals and that, even when they were, the police were reluctant to investigate or file charges. Furthermore, human rights monitors agree that most “stove deaths” in fact are killings based upon a suspicion of illicit sexual relationship or upon dowry demands. Increased media coverage of cases of wife burnings, spousal abuse, spousal killing, and rape has helped to raise awareness about violence against women.

By year’s end, The Crisis Center for Women in Distress helped 89 women through legal and medical referrals, counseling from trained psychologists, and a hotline for women in distress. A second crisis center in Vehari, in southern Punjab, opened in 1998.

Rape was a pervasive problem. In 2001 the HRCP estimated that at least eight women, five of them minors, were raped every day, and more than two-thirds of those were gang-raped. The law provides for the death penalty for persons convicted of gang rape. No executions have been carried out under this law and conviction rates remain low. It is estimated that less than one-third of all rapes are reported to the police. Police rarely respond to and sometimes are implicated in these attacks (*see* Section 1.c.). On June 22, a woman in Meerwala, Punjab was gang-raped on the orders of a council of tribal elders (*see* Section 1.d.).

According to HRCP, in most rape cases the victims are pressured to drop charges because of the threat of Hudood adultery or fornication charges against them if they cannot prove the absence of consent. All consensual extramarital sexual relations are considered violations of the Hudood Ordinances, and carry Hadd (Koranic) or Tazir (secular) punishments (*see* Section 1.e.). Accordingly, if a woman cannot prove the absence of consent, there was a risk that she may be charged with a violation of the Hudood ordinances for fornication or adultery. The Hadd—or maximum punishment for this offense—was public flogging or stoning; however, for Hadd punishments to apply, especially stringent rules of evidence were followed. Hadd punishments were mandatory if evidentiary requirements were met; for sexual offenses, four adult male Muslims must witness the act or the alleged perpetrator must confess. For non-Muslims or in cases where all of the 4 male witnesses were not Muslim, the punishment was less severe. The testimony of four female witnesses, or that of the victim alone, was insufficient to impose Hadd punishments; therefore, even if a man rapes a woman in the presence of several women, he cannot be subjected to the Hadd punishment. If Hadd punishment requirements were not met, the accused may be sentenced to a lesser class of penalties (Tazir); in practice most rape cases were tried at this level. Under Tazir a rapist may be sentenced to up to 25 years in prison and 30 lashes. No Hadd punishment has been applied in the more than 20 years that the Hudood ordinances have been in force. For Tazir punishments, there was no distinction between Muslim and non-Muslim offenders.

According to an HRCP lawyer, the Musharraf government has brought fewer charges against women under the Hudood Ordinance than were brought in the past, and the courts have shown greater leniency toward women in their sentences and in the granting of bail. According to AI, men accused of rape sometimes were acquitted and released, while their victims were held on adultery charges.

According to a 2001 HRW report, women face difficulty at every level of the judicial system in bringing rape cases to trial. Police are reluctant to take the complaint and sometimes are abusive toward the victim; the courts do not have consistent standards of proof as to what constitutes rape and what corroboration is required; and judges, police, and prosecutors are biased against female rape victims, tending towards a presumption of female consent and the belief that women lie about such things. Judges on the whole reportedly were reluctant to convict; however, if there was some evidence, judges have been known to convict the accused of the lesser offense of adultery or fornication (consensual sex). In 2001 HRW also reported that women face problems in the collection of evidence; that the doctors tasked to examine rape victims often believe that the victims are lying; that the doctors were trained insufficiently and have inadequate facilities for the collection of forensic evidence pertaining to rape; that they do not testify very effectively in court; and that they tend to focus on the virginity status of the victim, and, due either to an inadequate understanding of the need for prompt medical evaluations or to inadequate resources, often delay the medical examinations for many days or even weeks, making any evidence that they collect of dubious utility. Medical examiners and police personnel sometimes are abusive physically or verbally during these exams, especially in cases where a woman is charged with adultery or fornication (for which an exam may be requested) and does not wish to be examined (such women, despite the fact that by law they should not be examined without their consent, have been examined, and even have been beaten for their refusal to be examined). Police and doctors often do not know that a woman must consent to this type of exam before it can be performed, and judges may not inform women of their right to decline. If they report rape to the police, women's cases often are delayed or mishandled, and women frequently were harassed by police or the alleged perpetrators to drop the case. Police sometimes accept bribes from the accused rapist to get the victim to drop a case; however, in other cases, police will request bribes from the victim to pursue the case against the accused rapist. Police tend to investigate the cases poorly, and may not inform women of the need for a medical exam or may stall or block women's attempts to obtain one.

The Parliamentary Commission of Inquiry for Women in 2001 criticized Hudood Ordinances relating to extramarital sex and recommended that they be repealed, asserting that they are based on an erroneous interpretation of Shari'a. The Commission charged that the laws on adultery and rape have been subject to widespread misuse, with 95 percent of the women accused of adultery being found innocent either in the court of first instance or on appeal. However, the Commission pointed out that, by that time, the woman may have spent months in jail, suffered sexual abuse at the hands of the police, and seen her reputation destroyed. According to one human rights monitor, 80 percent of adultery-related Hudood cases were filed without supporting evidence. The Commission found that the main victims of the Hudood Ordinances are poor women who were unable to defend themselves against

slandorous charges. These ordinances also have been used by husbands and other male family members to punish their wives and female relatives for reasons having nothing to do with sexual propriety, according to the Commission. One NGO run by a prominent human rights activist reported that 262 women were on trial for adultery in Lahore as of May 2001. An additional 33 were awaiting trial and 26 had been convicted under the Hudood Ordinances in 2001, the most recent statistics available.

Marital rape is not a crime. The Hudood Ordinances abolished punishment for raping one's wife. However, the Commission of Inquiry for women has recommended reinstating penalties for marital rape. Marriage registration (*nikah*) sometimes occurs years before a marriage is consummated (*rukhsati*). The *nikah* (unconsummated) marriage is regarded as a formal marital relationship, and thus a woman or girl cannot be raped by a man to whom her marriage is registered, even if the marriage has not yet been entered into formally.

There were numerous reports of women killed or mutilated by male relatives who suspected them of adultery. Few such cases were investigated seriously and those who are arrested often were acquitted on the grounds that they were "provoked," or for a lack of witnesses. While the tradition of killing those suspected of illicit sexual relations, in order to restore tribal or family honor women are far more likely to be killed than men. The HRCP estimated in 2001 that as many as 204 women were killed by their husbands or family, mostly as a result of honor killings, known as "karo/kari" (or adulterer/adulteress) in Sindh. Around 278 honor killings took place in Punjab according to the HCRP. More than 800 women were killed by family members in honor killings during 2001. The problem was believed to be even more extensive in rural Sindh and Baluchistan, where "karo/kari" killings were common. Tribal custom among the Baluch and the Pathans sanctions such killings. The Commission of Inquiry for Women has rejected the concept of "honor" as a mitigating circumstance in a murder case and recommended that such killings be treated as simple murder. Women who were the victims of rape may become the victims of their families' vengeance against the victims' "defilement." The Government failed to take action in honor killing cases, particularly when influential families were involved. In April 2001 Mehvish Miankhel was killed by her uncle and the Government did not arrest her attacker.

Female genital mutilation (FGM) is practiced by the Bohra Muslims. There are an estimated 100,000 Bohra Muslims in the country; the Bohra observe a form of Shi'a Islam that was practiced in medieval Cairo. There were no available statistics on the extent to which the Bohra practice FGM; however, the practice of FGM in the Bohra community reportedly has declined in the last few years.

Sexual harassment is a widespread problem in the country but there is no separate law to prosecute offenders. There is one article in the Pakistan Penal Code that deals with harassment.

Significant barriers to the advancement of women begin at birth. In general female children are less valued and cared for than are male children. According to a U.N. study, girls receive less nourishment, health care, and education than do boys. In June, the New York Times reported that the country has only 94 females for every 100 males, when the international average is 104 females for every 100 males.

Human rights monitors and women's groups believe that a narrow interpretation of Shari'a has had a harmful effect on the rights of women and minorities, as it reinforces popular attitudes and perceptions and contributes to an atmosphere in which discriminatory treatment of women and non-Muslims is accepted more readily.

The value of women's testimony is not equal to that of a man's in certain court cases tried under the Hudood Ordinances or before a federal Shariat Court (*see* Section 1.e.).

In inheritance cases women generally do not receive—or are pressed to surrender—the share of the inheritance they legally are due.

Civil marriages do not exist; marriages were performed and registered according to one's religion. Upon conversion to Islam, the marriages of Jewish or Christian men remain legal; however, upon conversion to Islam, the marriages of Jewish or Christian women, or of other non-Muslims, that were performed under the rites of the previous religion are considered dissolved (*see* Section 2.c.). Children born to Jewish or Christian women who convert to Islam after marriage were considered illegitimate only if their husbands do not also convert, and if women in such cases do not separate from their husbands.

Both civil and religious laws theoretically protect women's rights in cases of divorce, but many women are unaware of their rights, and often the laws were not observed. One NGO reported that legal literacy is constrained by the lack of laws

printed in local languages. Judicial reforms begun in April with foreign funding included plans to publish laws in Urdu, which is understood by the majority of citizens; some laws had been published in Urdu as of year's end. The Parliamentary Commission of Inquiry for Women recommended that marriage registration (nikahnama) be obligatory and that women, as well as men, have the right to initiate divorce proceedings. It also called for the punishment of those who coerce women or girls into forced marriages. A husband legally is bound to maintain his wife until 3 months after the divorce. A father is bound to maintain his children until they reach the age of 14 for males, or 16 for females. However, the legal process is so complicated and lengthy that it can take years for the children to get maintenance.

Discrimination against women particularly is acute in rural areas. In some areas of rural Sindh and Baluchistan, female literacy rates were 2 percent or less. A survey of rural females by the National Institute of Psychology found that 42 percent of parents cited "no financial benefit" as the reason they kept their daughters from attending school and sent their sons instead. Similarly a study by the NWFP directorate of primary education concluded that most girls in rural areas do not go to school because they have to look after the household while their mothers help in the fields. In Karachi only 28 percent of girls completing matriculation (10th grade) exams in science during the year would be able to find places in government-run colleges, as opposed to 83 percent of boys passing the same tests. In Baluchistan conditions were much worse, with only 2 percent of the province's women having received any formal education. Education activists noted that many parents would like to educate their daughters; however, many parents reportedly chose not to send their daughters to school due to the poor quality of instruction and the lack of facilities.

In rural areas, the practice of a woman "marrying the Koran" still was accepted widely if the family cannot arrange a suitable marriage or wants to keep the family wealth intact. A woman "married to the Koran" is forbidden to have any contact with males more than 14 years of age, including her immediate family members. Press reports indicate that the practice of buying and selling brides still occurs in parts of the NWFP and the Punjab.

A special three-member bench of the Lahore High Court upheld in 1997 the federal Shariat Court's ruling that a Muslim woman can marry without the consent of her wali (guardian—usually her father). However, in practice social custom dictates that couples are to marry at the direction of family elders. When this custom was violated, especially across ethnic lines, violence against the couple may result, and the authorities generally failed to prosecute such cases vigorously.

Although a small number of women study and teach in universities, postgraduate employment opportunities for women largely remain limited to teaching, medical services, and the law. Nevertheless an increasing number of women are entering the commercial and public sectors.

Women's organizations operate primarily in urban centers. Many concentrate on educating women about existing legal rights. Other groups concentrate on providing legal aid to poor women in prison who may not be able to afford an attorney.

In 2001 an amendment ordinance to the citizenship law was issued which enabled women married to foreigners to claim citizenship for their children.

Children.—The Government, through its laws and programs, does not demonstrate a strong commitment to children's rights and welfare. There is no federal law on compulsory education, and neither the federal nor provincial governments provide sufficient resources to assure universal education. The education system is in disarray, with studies showing that only 65 to 70 percent of children under the age of 12 are enrolled in school, less than half of whom actually complete primary school. A reported 10,000 schools have closed in recent years due to a lack of teachers. Even those children who go to school are not assured of being able to read and write. According to UNICEF figures in 2001, a nationwide sample of children in grade five revealed that only 33 percent could read with comprehension, while a mere 17 percent were able to write a simple letter. Development experts point to a number of factors for the poor state of public education, including the low percentage of gross national product devoted to education and inefficient and corrupt federal and provincial bureaucracies. Those fortunate enough to pursue higher education often face inordinate delays in receiving the results of final exams.

Information about progress in educating girls was contradictory. A survey in 2001 found that the enrollment rate for girls under age 12 was 65 percent, which was less than that of boys (75 percent), but considerably higher than the 1990 figure of 50 percent. Since official government figures count at most 1.5 million school-age children in public and private schools and madrassahs in Karachi (of an estimated 4 million or more between the ages of 5 and 14), enrollment figures of 65 and 75

percent are difficult to substantiate. The female literacy rate has doubled during the past two decades, although, at roughly 27 percent, it was just more than half that of males.

Education was a provincial responsibility. In previous years, comprehensive surveys were performed to identify school buildings that were being misused as well as the large numbers of teachers and administrators who were not performing their duties or even showing up for work. Administrative action against these "ghost schools" began, and the Government was better placed to ensure that its education budget was not misused. The Punjab government also worked closely with both international and local NGOs to improve primary and secondary education. However, no legal action was taken against those found responsible for the misuse of government property. In August 2001, a former provincial official reported that a survey revealed that half of the third grade teachers at one school in Punjab did not know their multiplication tables. Nevertheless, the official claimed the Punjab government refused to dismiss unqualified teachers.

In June the Government announced a new ordinance regulating madrassahs under a voluntary registration program that included the setting up of model schools, the setting of teacher training standards, and the standardization of the curricula in participating schools to include general education subjects. A board was to be set up to enforce the regulations, oversee participating schools, and control all internal and external funding for participating schools. Religious clerics objected to any government regulation of the madrassahs and as a result, the Government withdrew most of the requirements and ceased to pursue madrassah reform.

According to press reports, there are several madrassahs where children were confined illegally and kept in unhealthy conditions, and there were reports of the abuse of children studying at madrassahs during the year. Sexual abuse of boys was believed widely to occur at some madrassahs.

Health care services, like education, remained seriously inadequate for the nation's children. Children suffered a high rate of preventable childhood diseases. According to the National Institute of Child Health Care, more than 70 percent of deaths between birth and the age of 5 years were caused by easily preventable ailments such as diarrhea and malnutrition. Public health administration suffers from poor management, lack of accountability, unreliable or falsified statistics, and lack of cooperation among agencies. In 2001 30 million children under the age of 5 were targeted for polio vaccinations. According to the Extended Program for Immunizations, 27 million children were successfully vaccinated. Only 116 cases of polio were reported in 2001. The International Labor Organization (ILO) reported that 8 percent of children suffer from iron deficiency and 30 to 40 percent of children in the country suffer from stunted growth. According to a family-planning NGO, up to 50 percent of children were born iodine-deficient, resulting in high rates of mental retardation.

Children sometimes were kidnaped to be used as forced labor, for ransom, or to seek revenge against an enemy (*see* Section 6.d.). In July in Punjab eight girls were forced to marry significantly older men in a rival family, in exchange for commuted death sentences on members of their families. In rural areas, it is a traditional practice for poor parents to give children to rich landlords in exchange for money or land, according to human rights advocates. These children frequently were abused by these landlords and held as bonded laborers for life. Landlords also have been known to pay impoverished parents for the "virginity" of their daughters, whom the landlords then rape. Incidents of rape were common. A UNICEF-sponsored study of Punjab found that 15 percent of girls reported having been abused sexually. Sexual abuse of boys was more common in segments of society where women and girls traditionally remain within the home. According to a local NGO, 459 boys and 615 girls were reported to have been sexually abused during 2001.

The HRCP reported that in the majority of child abuse cases, children were abused by acquaintances. There were credible reports of boys being sexually abused in a jail located in Punjab province in 2000. Child prostitution involving boys and girls widely is known to exist but rarely is discussed (*see* Section 6.f.). All forms of prostitution were illegal, and a person who abducted a child under the age of 10 and committed sexual assault may be sentenced to death. The Shabab-i-Milli, the youth wing of the Jaamat-i-Islami party, launched a campaign in May 2000 to combat child prostitution by raising public awareness of the problem. The Commission of Inquiry for Women has observed that child sexual abuse is a subject that "has been virtually ignored" and called for a public education campaign on the subject, including introducing it into school curriculums and training nurses and doctors in how to handle such cases.

Children's rights theoretically were protected by numerous laws that incorporate elements of the U.N. Convention on the Rights of the Child. In September 2001, the

Government signed the Optional Protocols to the Convention on the Rights of the Child on Involvement of Children in armed conflict and the Rights of the Child on the Sale of Children, Child Prostitution, and Child Pornography. However, the Government frequently failed to enforce these laws.

In July 2000, the Government passed the Juvenile Justice System Ordinance. The ordinance abolished the death penalty for minors under 18 years of age, mandates that the Government provide children with legal assistance, prohibited children from being tried for crimes with adults, and prohibited the proceedings of juvenile courts from being published.

Trafficking in children is a serious problem (see Section 6.f.).

Child labor is a significant problem (see Section 6.d.).

There are several NGOs that promote children's labor rights and child protections, operating in Islamabad, and in the provinces.

Persons with Disabilities.—There are no laws requiring equal accessibility to public buildings for persons with disabilities. The vast majority of persons with physical and mental disabilities are cared for by their families. However, in some cases these individuals are forced into begging; organized criminal “beggarmasters” skim off much of the proceeds. Parents reportedly have given children as offerings to Baba Shah Dola, a shrine in Punjab where the children reportedly are deformed intentionally by clamping a metal form on the head that induces microcephalitis. Some human rights organizations asked local authorities to investigate this practice; however, there have been no investigations. There is a legal provision requiring public and private organizations to reserve at least 2 percent of their jobs for qualified persons with disabilities. Organizations that do not wish to hire persons with disabilities instead can give a certain amount of money to the Government treasury, which goes into a fund for persons with disabilities. This obligation rarely was enforced. The National Council for the Rehabilitation of the Disabled provides some job placement and loan facilities.

Mentally ill prisoners normally lack adequate care and were not segregated from the general prison population (see Section 1.c.).

Section 6. Worker Rights

a. The Right of Association.—The Industrial Relations Ordinance (IRO) permits industrial workers to form trade unions subject to major restrictions in some employment areas. However, the International Confederation of Free Trade Unions (ICFTU) reported the IRO only covers companies that employ 50 or more persons, and that companies sometimes subdivided their workforces into artificial subsidiaries (while keeping them all on the same premises) to evade the IRO. The Essential Services Maintenance Act (ESMA) covers the state administration, government services, and state enterprises such as oil and gas production, electricity generation and transmission, the state-owned airline, the national railroad, and ports. Workers in these sectors are allowed to form unions. However, the ESMA sharply restricts normal union activities, usually prohibiting, for example, the right to strike in affected organizations. A worker's right to quit also may be curtailed under the ESMA. For each industry subject to the ESMA, the Government must make a finding, renewable every 6 months, on the limits of union activity.

An amendment to the IRO states that: 1) Only employees of the represented industry can hold office in a trade union; and 2) federations formed by trade unions cannot bargain with individual employers; each union has to bargain for itself. The first provision disadvantages smaller unions, which may not have enough officers capable of bargaining. The second provision is an attempt to weaken the power of the federations. This amendment has been challenged by the trade unions and, as a result, has not yet come into force. An amendment to the IRO states that unions which received less than 15 percent of worker's votes were to be dissolved automatically and their registrations canceled. No action has been taken to implement these elements.

The ILO has stated repeatedly that the country's law and practice violate the Government's commitments under ILO Convention 87. The ILO has urged the Government to lift prohibitions against union activity by teachers, radio, television, railway, forestry, hospital, banking, and other government employees, as well as to rescind the existing ban on strikes. The ILO also expressed concern about the practice of artificial promotions that exclude workers from the purview of Convention 111. In response to a government request, the ILO has provided technical assistance to help bring the country's labor laws into conformity with the ILO's conventions. However, no legislative action has been taken.

Unions may belong to federations, and there are eight major federations. The Government permits trade unions across the political spectrum. While many unions remain aloof from politics, some are associated with political parties. Unions associ-

ated with opposition parties are allowed to carry on their activities freely. During the local government elections, unions fielded candidates for labor councilor positions.

The IRO prohibits antiunion discrimination by employers. Under the law, private employers are required to reinstate workers fired for union activities. However, in practice, such redress has not been available to workers, because workers usually do not pursue redress through the courts due to the fact that the legal system was slow, prohibitively expensive, and often corrupt.

Federations were free to affiliate with international federations and confederations. Pakistani trade unions belong to the ICFTU and to secretariats affiliated with the ICFTU.

The United States revoked the Generalized System of Preferences trade benefits in 1996 for certain goods, such as leather sporting goods, surgical instruments, and hand-loomed carpets, due to failure to make progress on various worker rights issues including child labor (*see* Section 6.d.).

b. The Right to Organize and Bargain Collectively.—The right of industrial workers to organize and freely elect representatives to act as collective bargaining agents is established in law. In general legal unions have the right to bargain collectively. However, the many restrictions on forming unions (*see* Section 6.a.) preclude collective bargaining by large sections of the labor force.

There is no provision allowing agricultural workers to unionize as they are not defined as “an industry.” Water and power workers may engage in “responsible trade unionism.”

According to government estimates, union members make up approximately 10 percent of the industrial labor force and 3 percent of the total estimated work force. Unions claimed that the number of union members was underestimated.

Legally required conciliation proceedings and cooling-off periods constrain the right to strike, as does the Government’s authority to ban any strike that may cause “serious hardship to the community” or prejudice the national interest. The Government also may ban a strike that has continued for 30 days. The rare strikes that did occur were generally short and illegal. Police do not hesitate to crack down on worker demonstrations. The law prohibits employers from seeking retribution against leaders of a legal strike and stipulates criminal penalties for offenders. Under the Industrial Relations Ordinance of 2002, courts only may impose fines for violations of this provision; imprisonment no longer is permitted. The level of fines has been increased. The law does not protect leaders of illegal strikes. There were no strikes during the year, and some labor leaders attribute this to the ban on strikes by large unions, such as Pakistan Railways and Pakistan International Airways (PIA). The ICFTU reported in 2001 that the Government also suspended union activities, including canceling collective bargaining agreements and closing union offices, at PIA.

The ESMA also restricts collective bargaining. For each industry subject to the ESMA, the Government must make a finding, renewable every 6 months, on the limits of union activity. In cases in which the Government prohibits collective bargaining, special wage boards decide wage levels.

The special wage boards were established at the provincial level and were composed of representatives from industry, labor, and the provincial labor ministry, which provided the chairman. Despite the presence of labor representatives, unions generally were dissatisfied with the boards’ findings. Disputes were adjudicated before the National Industrial Relations Commission. A worker’s right to quit also may be curtailed. Dismissed workers have no recourse to the labor courts.

The ESMA exempts export promotion zones (EPZs) from the IRO’s granting of workers the right to form trade unions. The workers in EPZs have no protection against employer interference or anti-union discrimination. There was only 1 EPZ, in Karachi, with nearly 6,000 employees, according to government sources.

c. Prohibition of Forced or Bonded Labor.—The Government prohibits forced or bonded labor, including by children; however, the Government did not enforce these prohibitions effectively. Critics argue that the ESMA’s limitation on worker rights, especially the right to quit, constitutes a form of compulsory labor. The ILO objected to this as a violation of Convention 29. The Government responded that the maintenance of essential services is required for the defense and security of the country, and that continued reviews have limited these services to a few core areas such as electricity generation and distribution, and air and sea ports.

The Bonded Labor System (Abolition) Act (BLAA) outlawed bonded labor, canceled all existing bonded debts, and forbade lawsuits for the recovery of existing debts. The act makes bonded labor by children punishable by up to 5 years in prison and up to \$900 (PKR 50,000) in fines. However, provincial governments, which are

responsible for enforcing the law, have failed to establish enforcement mechanisms. Strong social ties between employers and public officials at the local level further undercut the law's effectiveness. In addition the law is written in English and frequently is incomprehensible to persons it is intended to protect. Some provincial laws appeared to violate the BLAA.

It is likely that handmade bricks and hand-woven wool carpets were produced with forced or indentured child labor. Illegal bonded labor is widespread. It was common in the brick, glass, and fishing industries and was found among agricultural and construction workers in rural areas. The Government undertook a survey of bonded labor during the year that was to be completed in 2002. Bonded laborers often were drawn from the ranks of the unskilled, low-caste, and often non-Muslim. The Bonded Labor Liberation Front (BLLF), an NGO that advocated for the rights of bonded laborers and provided a safe haven and educational and vocational training for those who have escaped their bondage, reported that it had freed about 1,000 bonded brick kiln workers. Bonded labor, including bonded child labor, reportedly is used in the production of carpets for export under the peshgi system, by which a worker was advanced money and raw materials for a carpet he promises to complete (see Section 6.d.). The lack of education among bonded laborers deprived them of the ability to perform the necessary calculations to know when they have paid their debts to bondholders. Bonded laborers who escape often face retaliation from former employers. In March 2000, the Lahore High Court ordered the release of 24 brick kiln workers, including 10 women and children. According to press accounts, the laborers were kept in chains, were not compensated for their work, and were beaten frequently. Press reports indicate that there were similar numbers of bonded laborers freed during the year. Others returned to their former status after being freed because they lack the education, money, and mobility to seek a different livelihood. Although the police arrested violators of the law against bonded labor, many such individuals bribed the police to release them. Conservative estimates put the number of bonded workers at several million. The Government disputed that peshgi workers were "bonded" or "forced" laborers and argued that they were "contract laborers" who negotiate a salary advance in a free and open market.

Human rights groups report that as many as 50 private jails housing some 4,500 bonded laborers were maintained by landlords in rural Sindh.

The Constitution and the law prohibited slavery. However, in remote areas of rural Sindh, bonded agricultural labor and debt slavery have a long history. Landlords have kept entire families in private prisons and sold families to other landlords.

d. Status of Child Labor Practices and Minimum Age for Employment.—The Government has adopted laws and promulgated policies to protect children from exploitation in the workplace; however, enforcement of child labor laws was lax and child labor was a serious problem. The Constitution prohibits the employment of children under age 14 years in factories, mines, and other hazardous occupations. The Employment of Children Act prohibits the employment of children under age 14 in certain occupations and regulates their conditions of work. Under this law, no child is allowed to work overtime or at night. Penalties for the violation of the act include fines of up to \$300 (PKR 20,000) or 1 year in prison. As of year's end, no one had ever received the maximum penalty. Child labor was common and resulted from a combination of severe poverty, employer greed, and inadequate enforcement of laws intended to control it. The Government issued a national policy to combat child labor and by year's end, the Ministry of Labor and Ministry of Social Welfare received \$172,400 (PKR 100 million) to fund the national child labor action plan. A board was formed to launch projects to combat child labor, and provincial governments were asked to submit proposals during the year. In addition, every province has been asked to appoint an official responsible for child labor programs and initiatives, and a proposal has been submitted to Ministry of Labor to begin informal education centers for child workers.

Only the Government and exporters regard the ILO 1996 survey as an accurate measurement of the incidence of child labor. Many observers believed that it understated the problem, and gave higher estimates of as many as 20 million child laborers. A recent ILO survey indicated that agriculture was the largest child labor industry; followed by the informal sector, which included domestic work, street vending, illegal work, and family businesses; hazardous work, such as the leather, surgical instruments, and brick kiln industries ranked third. The report also noted that when programs were developed to eliminate child labor in one industry, parents often shift their children to work in other industries.

During a press conference in February 2000, the president of the Punjab Laborers Front stated that 100,000 children between the ages of 5 and 12 years were working in more than 4,500 brick kilns in Punjab. The ILO, the Ministry of Labor, and the

Federal Bureau of Statistics were scheduled to conduct a new survey during the year in more than 30,000 households; this survey is to include the agricultural sector and rural areas where the worst forms of child labor often occur. The survey was expected to be completed in 2002; however, at year's end, the survey had not been completed.

Child labor, mostly female, was common in the carpet industry, much it family-run. Carpet manufacturers, along with the ILO-IPEC, have established a program to eliminate child labor from the industry through monitoring and rehabilitation, which continued throughout the year. In 2001, 285 informal education centers had been set up. Of the 9,519 children enrolled in the centers in 2001, 8,114 were active in the carpet industry and 1,405 were working siblings. In 2001, 30 new rehabilitation centers, capable of serving 950 children, were added to the existing 153 rehabilitation centers. The ILO runs a program that aimed to decrease child labor in the carpet industry by promoting educational opportunities for children. Its efforts have been extremely successful, and as a result, the demand for enrollment in public schools far exceeds the capacity of existing schools.

Although surgical instrument manufacturers have acted to remove child laborers from their factories, child labor still occurs at rudimentary offsite filing and polishing centers run by subcontractors for low-end items. Almost all children working in the surgical instrument industry are male. According to the ILO and the Punjab Welfare Department in 2001, children constitute about 15 percent of the work force in the surgical instrument industry in Sialkot; 3,200 of these children are estimated to be under age 14. According to a June 1999 report issued by Public Services International, the average age of children in the surgical instrument industry was 12. Children in the surgical instrument industry were prone to injuries from machinery and burns from hot metal, as well as respiratory illnesses from inhaling poisonous metal dust. The successful efforts to eliminate child labor in other industries have not been matched in the surgical instrument industry.

Child labor was not regarded as a particular problem in the textile and apparel industries, but no specific studies of this sector have been performed.

In response to international criticism, the Government began to push provincial authorities to enforce child labor laws. However, enforcement of these laws remained a problem. There were few child labor inspectors in most districts, and the inspectors often had little training and insufficient resources. They reportedly also were corrupt. By law inspectors also may not inspect facilities that employ less than 10 persons; most child labor occurs in such facilities. Hundreds of convictions were obtained each year for violations of child labor laws, but low fines levied by the courts—ranging from an average of \$6 (PKR 364) in the NWFP to an average of \$110 (PKR 7,280) in Baluchistan—were not a significant deterrent. The Employment of Children Act allows for fines of up to \$275 (PKR 18,200). Penalties often were not imposed on those found to be violating child labor laws.

Soccer ball manufacturers, importers, the ILO, and UNICEF have implemented a plan to eliminate child labor from the soccer ball industry. This project, based in Sialkot, monitors the production of soccer balls at established stitching centers, and set up as many as 185 rehabilitation centers to educate former child laborers and their younger siblings. At the end of 2000, there were 153 rehabilitation centers, and an additional 70 centers were planned for the next 2 years. The ILO child labor program has entered the phase out and assessment stage with a total 74 centers. This year they will begin closing them and assessing their impact on child labor. In addition, the project sought to identify unemployed adults, especially women, from the families of former child stitchers to take up stitching work and replace lost income. Women initially were reluctant to move from their homes to stitching centers.

Under a memorandum of understanding with the Government, the ILO/IPEC program in the country is involved with other child labor projects, beginning in 2001 and continuing at year's end. Projects in Sialkot include one in the surgical instruments industry and one in the nonformal (nonexporting) sectors. The ILO works with the Government, employers, workers, and NGOs to pursue the Government's policy and plan of action for child labor. The Government established 30 rehabilitation centers (50 are planned) for former child laborers through the Pakistan Bait-ul-Mal, the Government's social welfare fund. Each center educates 120 children. The ILO created a similar program in conjunction with the European Union, specifically targeting child bonded laborers, and during the year the Government took charge of 18 centers begun by the European Union. In 1998 the ILO and the Swiss Agency for Development and Cooperation (SDC) launched a large project to combat child labor and child abuse in the NWFP. This program, which targets children in the automobile repair sector, aims to provide children with vocational training and informal education. During the year, this project was extended through 2005. It has

targeted assistance to 720 children; so far, it has provided informal education to 160 children and pre vocational training to 393 others.

The Child Care Foundation of Pakistan, a national NGO, was established in 1996 with support from the Ministry of Commerce. Other NGOs, such as the Pakistan Bait-ul-Mal, conduct programs to end child labor. Bait-ul-Mal, with funding from the Government and international organizations, operates 33 education centers for children known collectively as the National Center for the Rehabilitation of Child Labor. Parents of working children are offered compensation of \$5 (PKR 300) per month, plus a small daily stipend of approximately \$0.08 (PKR 5) in exchange for sending their children to school. Children in the centers receive free schooling, uniforms, books, and meals. However, many children apparently did not remain there for more than a year; the schools often were in areas far from their clients. The Bunyad Literacy Community Council and Sudhaar also run schools focusing on children who work in the soccer ball and carpet industries; their programs aim to transition children out of working and into mainstream schooling. Other local NGOs, such as the Society for the Protection of the Rights of the Child, are working to eliminate child labor.

In August 2001, the Government ratified ILO Convention 182 on the worst forms of child labor.

The law prohibits forced and bonded child labor; however, forced child labor was a problem. There were reports that children in juvenile detention facilities were required to work. Children at the Karachi Central Jail, who were imprisoned for crimes they committed, were detained with their parents, or were born in jail, reportedly were involved in woodcrafts and television repairs. Verifying these reports was difficult because of limited outside access to the jail.

Children sometimes were kidnaped to be used for forced labor (*see* Section 5). Seventy percent of working children have the status of "unpaid family helpers." Observers also believed that the incidence of bonded labor among such children was significant, but there were no reliable figures available on this.

e. Acceptable Conditions of Work.—Federal statutes applicable throughout the country govern labor regulations. The minimum wage for unskilled workers is \$42 (PKR 2,500) per month, with only slightly higher minimum rates for skilled workers. It applies only to industrial and commercial establishments employing 50 or more workers and not to agricultural or other workers in the informal sectors. The national minimum wage usually does not provide a decent standard of living for a worker and family.

Federal law provides for a maximum workweek of 48 hours (54 hours for seasonal factories) with rest periods during the workday and paid annual holidays. These regulations do not apply to agricultural workers, workers in factories with fewer than 10 employees, and contractors. Large numbers of workers do not enjoy these benefits. Many workers were unaware of their rights.

Additional benefits required by the Federal Labor Code include official government holidays, overtime pay, annual and sick leave, health and safety standards in the workplace, health care, education for workers' children, social security, old age benefits, and a worker's welfare fund. Employees earning more than \$47 (PKR 3,120) per month do not receive all of these benefits.

The provinces have been ineffective in enforcing labor regulations because of limited resources, corruption, and inadequate regulatory structures. In general health and safety standards are poor. Although organized labor presses for improvements, the Government has done little and its efforts to enforce existing legal protection are weak. There is a serious lack of adherence to mine safety and health protocols. For example, mines often only have one opening for entry, egress, and ventilation. Workers cannot remove themselves from dangerous working conditions without risking loss of employment.

In April 2001, the Government announced a labor reforms package. The package includes the introduction of voluntary group insurance, expansion of existing low-cost housing projects, an increase in monetary compensation for death or disability, and an increase in old age pensions. Government officials stated that progress in implementing the reform package was made by year's end. Labor leaders continued to criticize the reform package as too limited in scope.

f. Trafficking in Persons.—The law prohibits trafficking in persons; however, trafficking in persons, especially in women, is a serious problem. The law prohibits the trafficking of women under age 21 into the country for sexual purposes or kidnaping. The Constitution prohibits slavery and forced labor. The Government has done little to stem the flow of women trafficked into the country or to help victims of trafficking. For example, despite the estimated thousands of women involved, only 88 cases were registered in Sindh between 1990 and 1999. Of the 260 men and

110 women arrested, 87 were charged and only 7 were sentenced. The Government does not provide direct assistance to victims but does provide legal assistance and funding for NGOs that assist victims.

Pakistan is a source, transit, and destination country for trafficking in women and children for sexual exploitation, but more significantly, for use as bonded labor. Thousands of women are trafficked into the country every year, mainly from Bangladesh. Smaller numbers of Burmese, Sri Lankan, Indian, Afghan, and Central Asian women also are trafficked into the country and some Pakistani women are trafficked overseas, mainly to Afghanistan or Saudi Arabia to work as prostitutes or domestic workers. East Asian and Bangladeshi women are trafficked through the country en route to other destinations. Internal trafficking of Pakistani women and Afghani refugees from rural areas to urban centers is a problem. Trafficking in women has occurred for decades; there likely are several hundred thousand trafficked women in the country. Press reports indicate that the buying and selling of brides persists in parts of the NWFP and Punjab.

Foreign trafficking victims usually were deceived with false prospects of marriage or offers of legitimate jobs in the country. Traffickers also used force, abduction, threats, and coercion to entice and control trafficking victims. Traffickers generally were affiliated with powerful criminal interests. There have been some reports of lower level official complicity and corruption with regard to trafficking. The border police, immigration officers, customs officials, police, and other officials (including members of the judiciary), reportedly sometimes facilitated trafficking in return for bribes.

Trafficking victims do not have legal residency and, if found by the authorities, are detained, arrested, and prosecuted for violation of immigration laws or of the Hudood ordinances. The Hudood ordinances criminalize extramarital sexual relations and place a burden on female rape victims because testimony of female victims and witnesses carry no legal weight. If a woman brings charges of rape to court and the case cannot be proved, the court automatically takes the rape victim's allegations as a confession of her own complicity and acknowledgment of consensual adultery (*see* Section 5). These laws discourage trafficking victims from bringing forward charges. Without money to pay for bail, trafficking victims often were bailed out by their pimps, who require them to return to prostitution. Small numbers of escaped victims of trafficking end up in shelters run by NGOs that assist trafficking victims, but most did not because there were few such shelters available. Many women who were not bailed out were not repatriated. Since most Bangladeshi women arrive without documentation, the Bangladesh High Commission will not take responsibility for them, and they remain confined to women's shelters. Some have been repatriated at the expense of individuals who discover them and pay for their return home. The Commission of Inquiry for Women drew attention to the problem of "enforced prostitution and trafficking in women," noting that women are the victims of exploitation by police and pimps, and should be treated with compassion. One NGO, Lawyers for Human Rights and Legal Aid (LHRLA), has reported extensively on trafficking and has provided documentation of the problem; several other NGOs occasionally work on the issue. Lawyers for Human Rights and Legal Aid and the Society for Human Rights and Prisoner's Aid run specific programs to assist trafficking victims, and a few other local NGOs also assist trafficking victims on a smaller scale.

Physical beauty and educational level were major factors in determining prices. Some women reportedly were sold into slavery and sent to Persian Gulf countries; women sent to rural Pakistan reportedly were *de facto* slaves. Buyers in such shops reportedly purchased women for purposes of labor or sex; some married their buyers.

Young boys were trafficked to the Persian Gulf to work as camel jockeys; reports estimated that there were between several hundred and a few thousand boys between the ages of 3 and 10 working as camel jockeys, mostly in the United Arab Emirates (UAE). Most are from Punjab or Sindh. There are approximately 1,000 such children in Qatar, and there are reports of such children in Saudi Arabia. Dera Ghazi Khan in Punjab is a center for trafficking in children, and is a major source of children trafficked as camel jockeys. The majority of these boys were sent to the Gulf countries by their parents, landless agricultural workers who receive either a monthly sum of money or a lump sum for their child's labor. Parents occasionally also accompany their children to the Persian Gulf. However, some of these children were abducted by traffickers in the country and were sent abroad without the knowledge of their parents. The boys generally were sent to the Gulf countries under the passports of women posing as their mothers. The conditions such children live under often were poor, and many children reportedly are injured or maimed while racing camels. The children reportedly do not receive proper medical care or

schooling, and deliberately are underfed to keep them as light as possible. When they become too old to race, they are sent back to the country and left to fend for themselves. In February 2000, the district administration in Multan approached the Pakistan Ambassador to the UAE for the return of two children reportedly sold to a UAE citizen for approximately \$400 (PKR 20,000) each, and the federal investigation agency filed charges against four residents of Multan who were involved in the deal. As of year's end, there was no report on the return of the boys. The Government recently broke two trafficking rings of children smuggled into Iran, and was attempting to extradite eight adults wanted for trafficking. Within the country, children sometimes are kidnaped to be used as forced labor, for ransom, or to seek revenge against an enemy (*see* Section 6.d.).

The Government assists underage children and has rescued some kidnaped victims. On March 15, police in Karachi announced they had rescued 11 infants and arrested 8 persons on suspicion of trafficking.

The Government sponsors shelters and training programs for actual and potential trafficking victims. There were 276 detention centers where women were sheltered and given access to medical treatment, limited legal representation, and some vocational training. The Government provided temporary residence status to foreign trafficking victims; however, police often treated victims of trafficking as criminals. The Government does not provide specialized training to assist trafficking victims. Very few NGOs deal specifically with trafficking; however, many local and provincial NGOs provide shelter to victims of trafficking and women and children at risk for trafficking.

SRI LANKA

Sri Lanka is a democratic republic with an active multiparty system. Constitutional power is shared between the popularly elected President and the 225-member Parliament. Since 1983, the Government had fought the Liberation Tigers of Tamil Eelam (LTTE), a terrorist organization fighting for a separate ethnic Tamil state in the north and east of the country; however, in December 2001, the Government and the LTTE each announced unilateral cease fires. This historic process of reconciliation between the Government and the LTTE continued during the year in Norwegian-facilitated talks in Thailand and Norway. By all accounts, the talks were successful and both sides agreed to hold further meetings in 2003. As a result of the peace process, there has been a sharp reduction in roadblocks and checkpoints around the country, the return of approximately 220,000 internally displaced persons (IDPs) to their points of origin in the north and east, and to the opening of numerous investigations into questionable actions by security force personnel.

Violence, including at least 50 deaths, and irregularities marred the December 2001 parliamentary elections in which the United National Front (UNF), a coalition of parties led by the United National Party (UNP), won a majority in Parliament for a 6-year term. Fearing possible infiltration by the LTTE, the Government prohibited more than 40,000 Tamil voters from crossing army checkpoints from LTTE controlled territories to vote. Chandrika Kumaratunga, head of the People's Alliance (PA) coalition, won reelection in 1999 for a second 5-year presidential term. The Government generally respected constitutional provisions for an independent judiciary.

The Ministry of Interior controls the 60,000-member police force, which is responsible for internal security in most areas of the country, and has been used in military operations against the LTTE. The Ministry of Defense controls the 120,000-member Army (which includes the Army Volunteer Force), the 17,000-member Navy, and the 18,500 member Air Force. In the past, the police paramilitary Special Task Force (STF) battled the LTTE. The more than 20,000 member Home Guards, an armed force drawn from local communities and responsible to the police, provide security for Muslim and Sinhalese village communities near LTTE-controlled areas. In previous years, the Government also armed and appeared to direct various anti-LTTE Tamil militias; however, during the year, the Government implemented programs to disarm the militias that previously had been linked with the security forces. Some members of the security forces committed serious human right abuses.

Sri Lanka is a low-income country with a market economy based mainly on the export of textiles, tea, rubber, coconuts, and gems. It also earns substantial foreign exchange from the repatriated earnings of citizens employed abroad, and from tourism. The population is approximately 18.5 million. Real GDP growth was -1.4 percent in 2001. Growth during the year was forecast at 2-3 percent. The decline in 2001 was attributed mainly to the worldwide economic downturn, the July 2001 LTTE attack on Colombo's international airport, and prolonged power outages

throughout the country. The economy recovered slowly during the year, aided by economic reform and increased donor assistance.

The Government generally respected the human rights of its citizens; however, there were serious problems in some areas. Unlike previous years, there were disputed reports of security forces committing extrajudicial killings and no reports of disappearances. However, the military and police reportedly tortured detainees. There was at least one report of a death in custody. Security forces have raped a woman while they were in custody. Torture remained a problem and prison conditions remained poor. There were no reports of arbitrary arrest during the year. During the year, the Government released more than 750 Tamils held under the Prevention of Terrorism Act (PTA) and no new arrests under the PTA occurred during the year. Observers claim that the PTA, like the Emergency Regulations (ER) repealed in 2001, permitted arbitrary arrests of Tamils. Unlike in previous years, there were no reports of the security forces failing to comply with legal protections, including impunity for those responsible for human rights violations.

The Government infringed on citizens' privacy rights; however, restrictions on the freedom of the press were eased somewhat. Unlike in previous years, there were no reports that security forces harassed journalists. The LTTE permitted controlled access to uncleared areas of the country to journalists, in effect lifting some censorship in the areas it controls. Some LTTE-imposed restrictions remained on freedom of movement, such as from Vavuniya to Jaffna. Violence and discrimination against women, child prostitution, child labor, and discrimination against persons with disabilities continued to be problems. There is some discrimination and occasional violence against religious minorities, and institutionalized ethnic discrimination against Tamils remains a problem. Trafficking in women and children for the purpose of forced labor occurs, and there is some trafficking of women and children for the commercial sex industry. There is evidence of a continued but declining international interest in the country's children for sex trade. Sri Lanka was invited by the Community of Democracies' (CD) Convening Group to attend the November 2002 second CD Ministerial Meeting in Seoul, Republic of Korea, as a participant.

In the past few years, the Government has taken steps to address human rights concerns. During the year, the Government named a new chairman for the National Human Rights Commission (HRC). In 2000 the Government established an Interministerial Permanent Standing Committee and an Interministerial Working Group on Human Rights Issues, chaired by senior officials, to investigate human rights abuses. At the same time, the Government established the Prosecution of Torture Perpetrators Unit, under the direct supervision of the Attorney General.

Unlike in previous years, former Tamil terrorist organizations aligned with the former PA government, who were suspected still to be armed, were not implicated in cases involving extrajudicial killing and torture, although incidents of detention and extortion still were reported during the year.

The LTTE continued to commit serious human rights abuses. The LTTE reportedly committed several unlawful killings, and was responsible for disappearances, torture, arbitrary arrest, detentions, and extortion. Through a campaign of intimidation, the LTTE continued to undermine the work of elected local government bodies in Jaffna. On occasion the LTTE prevented political and governmental activities from occurring in the north and east. The LTTE continued to control large sections of the north and east of the country. The LTTE denied those under its control the right to change their government, did not provide for fair trials, infringed on privacy rights, somewhat restricted freedom of movement, used child soldiers, and discriminated against ethnic and religious minorities. The LTTE released all of the military personnel it reportedly held in its custody during the year.

RESPECT FOR HUMAN RIGHTS

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

a. Arbitrary or Unlawful Deprivation of Life.—Unlike in previous years, there were no credible reports that security forces committed extrajudicial killings. There were no developments in the following 2001 cases: The death in custody of Kanapathypillai Udayakumar in January; the security forces killing of two persons during a rally in July; the air force personnel killing of Sivagnanam Manohari in September.

Impunity remained a problem. Between April 1995 and December 2001, several hundred persons were killed or disappeared after being taken into security force custody. With the exception of the six security force personnel convicted in the 1996 killing of university student Krishanthi Kumaraswamy; there have been no other convictions for extrajudicial killings. At year's end, the Government was investigating 29 cases of rape, 109 cases of torture, and 500 cases of disappearance by

security force personnel. Although there were numerous cases in which military personnel may have committed human rights violations for which they have not been identified and brought to justice, the Government passed indictments against security force personnel in a number of high profile cases; including the Bindunuwewa massacre and the Ranjani rape and murder case.

In 2000 nine Tamil civilians were reported missing in Mirusuvil after being arrested by the army (SLA). One person escaped, and reported the incident to police and the local magistrate. The escapee identified two SLA soldiers as the perpetrators, and the soldiers admitted to torturing nine civilians and murdering eight of them. Nine soldiers later were arrested for the torture and killings. The army commander administratively punished the soldiers by having their salaries withheld (see Sections 1.b. and 1.c.). The case was transferred to the Anuradhapura Magistrate's Court for adjudication in November 2001. On November 27, five members of the army were charged with the murders and were standing trial at year's end.

In November 2000, four mutilated bodies were found in Nilaveli. The following day Tamil civilians protested against the deaths claiming that the naval personnel involved attempted to coerce statements from relatives of the deceased that the dead were members of the LTTE. The bodies of the two primary organizers of the demonstration later were found. Following a military investigation, the commander of the local navy base and other key military personnel were transferred in June 2001, but no one has been charged in connection with the killings and no further action was expected in this case.

In October 2000 local villagers killed 27 Tamil men held at the Bindunuwewa rehabilitation camp for former child soldiers and 15 others were injured. Police allegedly took part in the killings and did nothing to prevent the villagers from entering the detention camp. Violence after the killings continued for almost 1 week before police were able to restore order. The HRC stated that the police were guilty of "grave dereliction of duty." Three of the survivors were able to testify at a Presidential Hearing, which met regularly throughout 2001. Many witnesses at the hearing criticized police actions at the scene and during the initial investigations. In 2001 all suspects in the case were released on bail. Due to the failure to show at the scheduled hearing in November, the court has remanded all suspects until completion of the trial. At year's end, 10 police officers and 41 villagers were indicted and were standing trial.

There were no developments in the April 2000 killing of the chief suspect in the 1993 killing of prominent politician Lalith Athulathmudali.

In previous years, some cases of extrajudicial killings were reprisals against civilians for LTTE attacks in which members of the security forces or civilians were killed or injured. In most cases, the security forces claimed that the victims were members of the LTTE, but human rights monitors believed otherwise. In Thampalakamam, near Trincomalee, in 1998, police and home guards allegedly killed eight Tamil civilians, possibly in reprisal for the LTTE bombing of the Temple of the Tooth a week earlier. The Government arrested police officers and home guards, charging 4 with murder and 17 with unlawful assembly. At year's end, eight police officers had been indicted and hearings continued.

Although the courts in 2000 ordered five soldiers arrested for the 1999 gang rape and murder of Ida Carmelita, a young Tamil girl, the case remained pending at year's end. Court hearings continued during the year.

At his sentencing for the 1998 rape and murder of Krishanthi Kumaraswamy, a Tamil university student, former Lance Corporal Somaratne Rajapakse claimed knowledge of mass graves at Chemmani in Jaffna containing the bodies of up to 400 persons killed by security forces in 1996. The other five defendants corroborated his claim of mass graves in the Chemmani area, where they allegedly had buried between 120 and 140 bodies on the orders of their superiors. Exhumations in 1999 yielded 15 skeletons. Two of the victims were identified as young men who had disappeared in 1996. In 2001, 13 of the bodies had not been identified. Rajapakse and others named a total of 20 security force personnel, including former policemen, as responsible for the killings. The remaining unidentified bodies underwent DNA testing for identification purposes. The Attorney General's office has indicated that it was not satisfied with the inconclusive initial results and reportedly was searching for funds to provide for a more detailed test. At year's end, the case still was pending. All suspects in the case have been released on bail.

There were no developments in the case against eight soldiers and one reserve police constable arrested on suspicion of the massacre of 24 Tamil villagers in Kamarapuram in February 1996. In addition, there were no developments in the trial of 22 Special Task Force (STF) members arrested on suspicion of killing 23 Tamil youths at Bolgoda Lake in 1995.

In 1994 the PA government began prosecutions in several extrajudicial killings allegedly committed by members of the security forces. The trial of 21 soldiers accused of massacring 35 Tamil civilians in 1992 in the village of Mailanthani in Batticaloa district was transferred to the Colombo High Court in 1996. Many witnesses for the case live in displaced persons camps, and could not come to court to give evidence. A jury trial, which began in January, ended on November 25 when the security forces were acquitted. At year's end, representatives of the victims were requesting that the Attorney General appeal the jury's decision.

There were no developments in the January 2000 killing of Tamil politician Kumar Ponnambalam.

Although former terrorist Tamil militant groups armed by and aligned with the former PA government committed extrajudicial killings in the past, there were no credible reports of such killings during the year.

In the past, the military wing of the People's Liberation Organization of Tamil Eelam (PLOTE) and the Razeek group were responsible for killing a number of persons; however, there were no reports of such killings during the year. The security forces had armed and used these militias and a number of other Tamil militant organizations to provide information, to help identify LTTE terrorists, and, in some cases, to fight in military operations against the terrorists. The exact size of these militias was impossible to ascertain, but they probably totaled fewer than 2,000 persons. These groups were asked to disarm following the formal February ceasefire agreement between the Government and LTTE. The militia did hand over some weapons to the Government; however, most observers believe that the groups kept some arms. Persons killed by these militants in the past probably included LTTE operatives and civilians who failed to comply with extortion demands.

There were no developments in the 2000 death of Jaffna media correspondent Mayilvaganam Nimalarajan.

There were unconfirmed reports that the LTTE continued to commit unlawful killings. Due to the inaccessibility of LTTE-controlled areas and the LTTE's prevention of investigations by outside agencies, the exact number and type of killings in LTTE-controlled areas is unknown. Some observers believe that the amount of killings was reduced drastically last year. Attacks by the LTTE killed civilians outside of LTTE-controlled areas in the past; however, there were no such confirmed reports during the year.

In 2001 attacks and counter-attacks between government forces and the LTTE occurred almost daily; however, there were no such attacks during the year. There were two suicide bombing attacks attributed to the LTTE during 2001, on September 15 and October 29, in addition to the July attack on the airport north of Colombo (*see* Section 1.g.). There were no reports of suicide bombings during the year. There were reports that the LTTE committed unlawful killings, including lamppost killings in 2001 (*see* Section 1.g.).

b. Disappearance.—Unlike in previous years, there were no credible reports of disappearances at the hands of the security forces.

In 2001 the army, navy, police, and paramilitary groups were involved in as many as 10 disappearances, primarily in Vavuniya. Between January and September 2001, the Human Rights Commission received 44 reports of disappearances in Vavuniya alone. These cases were not confirmed. In December 2000, eight Tamil civilians were reported missing in Mirusuvil. Two SLA soldiers were identified as perpetrators and admitted to killing eight of the civilians. The soldiers were punished administratively by the army (*see* Sections 1.a. and 1.c.).

In February 2000, a fisherman seen arrested by naval personnel near Trincomalee disappeared. During the year, the Trincomalee High Court ordered a police line up; however, the witness did not identify any of the suspects. At year's end, the High Court was conducting a habeas corpus hearing in conjunction with the case.

Those who disappeared in 2001 and previous years usually are presumed dead. The 2000 U.N. Working Group on Enforced or Involuntary Disappearances lists the country as having an extremely large number of "nonclarified" disappearances. The Commander of the Army and the Inspector General of Police both criticized the disappearances and stated that the perpetrators would be called to account. Although there have been few prosecutions of security force personnel to date, during the year there were numerous indictments and investigations, including the case against the security forces involved in the Bindunuwewa massacre and the killings in Mirusuvil.

The Attorney General's office successfully prosecuted 4 cases by year's end involving members of the security forces on abduction and murder charges. In November the Government formed a new commission to investigate disappearances in Jaffna area during 1996 and 1997. The commission was expected to begin work in 2003.

In 1999 the U.N. Working Group on Enforced or Involuntary Disappearances made its third visit to the country. Its report, released in December 1999 cited the PTA and ER as important factors contributing to disappearances and recommended the abolition or modification of these laws to bring them into conformity with internationally accepted human rights standards. The ER was repealed in 2001 and there were no arrests under the PTA during the year; however, some arrests were being made without proper procedures and the Government had not all persons detained under the PTA in previous years at year's end (*see* Section 1.d.). The reviewing process for some cases still was ongoing at year's end.

Tamil militias aligned with the former PA government also were responsible for disappearances in past years; however, there were no reports during the year. These militias detained persons at various locations that in effect served as undeclared detention centers. The HRC had no mandate or authority to enforce respect for human rights among these militia groups. It was impossible to determine the exact number of victims because of the secrecy with which these groups operated. During the year, the Government took steps to disarm these militias as part of the peace process.

The LTTE was responsible for an undetermined number of civilian disappearances in the north and east during the year. Although the LTTE previously has denied taking any prisoners from its battles in January, they released 10 citizens, including some soldiers, to the International Committee of the Red Cross (ICRC). On September 28, the LTTE exchanged 7 soldiers in exchange for 13 LTTE cadre. At year's end, the LTTE was not known to be holding any prisoners (*see* section 1.g.).

c. Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment.—Despite legal prohibitions, the security forces and police continued to torture and mistreat persons in police custody and prisons. The Convention Against Torture Act (CATA) made torture a punishable offense. Under the CATA, torture is defined as a specific crime, the High Court has jurisdiction over violations, and criminal conviction carries a 7-year minimum sentence. However, according to a recent Amnesty International (AI) report and press release, the CATA does not implement several provisions of the U.N. Convention; this results in torture being prohibited under specific circumstances but allowed under others. Consequently, torture continued with relative impunity. In addition, the PTA makes confessions obtained under any circumstance, including by torture, sufficient to hold a person until they are brought to court. In some cases, the detention can extend for years.

Since 2000 the Government has been working on developing regulations to prosecute and punish military and police personnel responsible for torture. The Attorney General's Office and the Criminal Investigation Unit have established units to focus on torture complaints; the units forwarded 14 cases for indictments during the year. The Interparliamentary Permanent Standing Committee and its Interministerial Working Group on Human Rights Issues have begun tracking criminal investigations of torture. In addition, the Government also ceased paying fines incurred by security force personnel found guilty of torture. Security force personnel have been fined under civil statutes for engaging in torture. According to the Attorney General's Office, members of the security forces and police have been prosecuted under criminal statutes, but none of the cases had come to conclusion.

Members of the security forces continued to torture and mistreat detainees and other prisoners, particularly during interrogation. Methods of torture included electric shock, beatings, suspension by the wrists or feet in contorted positions, burning, slamming testicles in desk drawers, and near drowning. In other cases, victims must remain in unnatural positions for extended periods or have bags laced with insecticide, chili powder, or gasoline placed over their heads. Detainees have reported broken bones and other serious injuries as a result of their mistreatment. There were reports of rape in detention during the year. Medical examination of persons arrested since 2000 continued to reveal multiple cases of torture.

In December 2000, the bodies of eight Tamils tortured and killed by the army in Mirusuvil were exhumed after one person escaped and notified authorities. Nine soldiers were arrested, and by year's end, a trial had begun (*see* Sections 1.a. and 1.b.). The military also conducted its own inquiry; the personnel involved were discharged.

On March 15, Thivyan Krishnasamy, a student leader and an outspoken critic of the actions of security forces in Jaffna, was released from custody. Human rights observers claim that he was arrested because of his political activism, but the police stated that he was connected to the LTTE. He was arrested in July 2001 and when he was brought before a court in August he complained of being tortured. In response to his allegations of torture, the Jaffna Student Union held protests during the fall of 2001. In response university administrators temporarily closed the university to avoid violence.

During 2001 there were a number of reports of women being raped by security forces while in detention. One such case involved two women arrested in March 2001 in Mannar who claimed that they were tortured and repeatedly raped by naval and police personnel. The women were released on bail in April 2001 and filed charges against their assailants. At year's end, the 14 accused were standing trial for rape, torture, or both. A fundamental rights case also was opened against the accused. Four other cases in which the security forces are accused of raping women in detention still were pending at year's end.

Under fundamental rights provisions in the Constitution, torture victims may file civil suit for compensation in the high courts or Supreme Court. Courts have granted awards ranging from approximately \$175 (14,200 rupees) to \$2,280 (182,500 rupees). However, most cases take 2 years or more to move through the courts.

Impunity remained a problem. In the majority of cases in which military personnel may have committed human rights abuses, the Government has not identified those responsible or brought them to justice.

At the invitation of the Government, the U.N. Committee on Torture sent a five-person mission to Colombo in 2000 to determine whether a systematic pattern of torture exists in the country and, if so, to make recommendations for eliminating the practice. In 2001 the mission had submitted its confidential report to President Kumaratunga; however, by year's end, the report had not been released to the public.

In the past, Tamil militants aligned with the former PA government engaged in torture; however, there were no such reports during the year.

The LTTE reportedly used torture on a routine basis.

Prison conditions generally were poor and did not meet international standards because of overcrowding and lack of sanitary facilities; however, the Government permitted visits by independent human rights observers. The Government permitted representatives from the ICRC to visit places of detention. The ICRC conducted 185 visits to 35 government locations. The HRC also visited 681 police stations and more than 326 detention facilities by year's end (*see* Section 1.d.).

Conditions also reportedly were poor in LTTE-run detention facilities. The ICRC conducted 8 visits in LTTE-controlled detention facilities.

The LTTE permitted the ICRC to visit soldiers detained in the Vavuniya region approximately once every 6 weeks until their release (*see* Section 1.g.). Due to the release of detainees in 2000 and the apparent release of the remaining soldiers held by the LTTE, ICRC visited fewer LTTE detention centers than in previous years (*see* Section 1.d.).

d. Arbitrary Arrest, Detention, or Exile.—In the past, arbitrary arrest and detention were problems; however, there were no reports of arbitrary arrests or detentions during the year. Under the law, authorities must inform an arrested person of the reason for arrest and bring that person before a magistrate within 24 hours. In practice, persons detained generally appear before a magistrate within a few days of arrest. The magistrate may authorize bail or order continued pretrial detention for up to three months or longer. Security forces must issue an arrest receipt at the time of arrest, and despite some efforts by the Government to enforce this standard, arrest receipts rarely were issued. Observers believed that the lack of arrest receipts prevents adequate tracking of cases, which permits extended detentions and torture without making any persons directly responsible for those detainees.

Under the ER and the PTA, security forces could detain suspects for extended periods of time without court approval. The ER, in force periodically since 1979 and in force island-wide from August 1998 until July 2001, gave security forces broad powers to arrest and detain without charge or the right to judicial review. ER provisions permitted police to hold individuals for up to 90 days to investigate suspected offenses, although the police had to present detainees to a court within 30 days to record the detention. The court was able to order a further 6 months' detention.

In past years, the army generally turned over those that it arrested under the ER to the police within 24 hours, although the police and the army did not always issue arrest receipts or notify the HRC within 48 hours. The HRC has a legal mandate to visit those arrested, and police generally respected this. Due to censorship and infrequent access, observers could not determine the state of affairs in LTTE-controlled areas.

In the past, there were credible reports that the military held persons for short amounts of time in smaller camps for interrogation before transferring them to declared places of detention; however, there were no such reports during the year. This procedure, which allegedly occurred on the Jaffna peninsula, in Vavuniya, and in the east (*see* Section 1.c.), did not comply with requirements to notify the HRC of arrests and to issue arrest receipts. The military maintained the detainees were "in transit," and claimed they did not violate the detainees' rights.

Unlike in previous years, there were no large-scale arrests of Tamils during the year. In the past, many detentions occurred during operations against the LTTE. Most detentions lasted a maximum of several days although some extended to several months. As of September 1, 222 Tamils charged under the PTA remained in detention without bail awaiting trial. As part of the peace process' confidence building measures, the Government released more than 750 Tamils arrested under the PTA during the first 8 months of the year.

Unlike in previous years, there were no reports of arbitrary arrests or searches of residents. In previous years, Tamils complained that they were abused verbally and held for extended periods at security checkpoints throughout Colombo. During the week following the July 2001, attack on Colombo's main airbase and international airport, security forces detained hundreds of Tamils in the Colombo region for questioning. In addition, those arrested sometimes were held in prisons with convicted criminals. The vast majority of checkpoints were removed in January and the reports of regular mistreatment by security forces largely ceased.

The Committee to Inquire into Undue Arrest and Harassment (CIUAH), which includes senior opposition party and Tamil representatives, examines complaints of arrest and harassment by security forces and takes remedial action as needed. The Committee received more than 1,200 complaints in 2001. Opinions on the effectiveness of the CIUAH were mixed. Some human rights observers believe that the work of the committee deterred random arrests and alleviated problems encountered by detainees and their families. The role of the CIUAH diminished drastically during the year due to peace-process related improvements.

The HRC investigated the legality of detention in cases referred to it by the Supreme Court and private citizens. Although the HRC is legally mandated to exercise oversight over arrests and detentions by the security forces and to undertake visits to prisons, members of the security forces sometimes violated the regulations and failed to cooperate with the HRC.

The Government continued to give the ICRC unhindered access to approximately 160 detention centers, police stations, and army camps recognized officially as places of detention. Due to the lapsing of the ER in July 2001, the total number of persons detained in military bases at any one time has been reduced dramatically, with the military making fewer arrests and transferring detainees to police facilities more quickly than in previous years. With the ceasefire agreement, the number of arrests by the military has dramatically declined.

The EPDP reportedly detained its own members for short periods in Jaffna as punishment for breaking party discipline. Unlike in previous years, there were no reports of the PLOTE continuing to run places of illegal detention in Vavuniya.

The LTTE in the past has detained civilians, often holding them for ransom. There were reports of this practice during the year, such as the multiple reports of kidnaping of Muslim businessmen in Batticaloa area, particularly during the first 4 months of the year. Reports indicate that the LTTE demanded anywhere from a few hundred dollars to upwards of \$10,415 (1,000,000 Rupees) for their release. At year's end, all the Muslim businessmen reportedly had been released.

The Government does not practice forced exile, and there are no legal provisions allowing its use.

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

The President appoints judges to the Supreme Court, the courts of appeal, and the high courts. A judicial service commission, composed of the Chief Justice and two Supreme Court judges, appoints, transfers, and dismisses lower court judges. Judges serve until the mandatory retirement age of 65 for the Supreme Court and 62 for other courts. Judges can be removed for reasons of misbehavior or physical or mental incapacity, but only after a legal investigation followed by joint action of the President and the Parliament.

In criminal cases, juries try defendants in public. Defendants are informed of the charges and evidence against them, and may be represented by the counsel of their choice, have the right to appeal. The Government provides counsel for indigent persons tried on criminal charges in the high courts and the courts of appeal, but it does not provide counsel in other cases. Private legal aid organizations assist some defendants. In addition, the Ministry of Justice operates 11 community legal aid centers to assist those who cannot afford representation and to serve as educational resources for local communities. However, these legal aid centers had tried no cases by the end of September. There are no jury trials in cases brought under the PTA. Confessions, obtained by various coercive means, including torture, are inadmissible in criminal proceedings, but are allowed in PTA cases. Defendants bear the burden of proof to show that their confessions were obtained by coercion. Defendants in PTA cases have the right to appeal. Subject to judicial review in certain cases, de-

defendants can spend up to 18 months in prison on administrative order waiting for their cases to be heard. Once their cases come to trial, decisions are made relatively quickly. During the year, more than 750 PTA cases were dropped and the prisoners released.

Most court proceedings in Colombo and the south are conducted in English or Sinhala, which, due to a shortage of court-appointed interpreters, has restricted the ability of Tamil-speaking defendants to get a fair hearing. Trials and hearings in the north and east are in Tamil and English, but many serious cases, including those having to do with terrorism, are tried in Colombo. While Tamil-speaking judges exist at the magistrate level, only four high court judges, an appeals court judge, and a Supreme Court justice speak fluent Tamil. Few legal textbooks and only one law report exist in Tamil, and the Government has complied only slowly with legislation requiring publishing all laws in English, Sinhala, and Tamil.

In the past in Jaffna, LTTE threats against court officials sometimes disrupted normal court operations. Although the Jaffna high court suspended activities due to security concerns in 2000, it reopened in 2001 and still was functioning at year's end. During the year, the LTTE expanded the operations of its court system into areas previously under the Government's judicial system in the north and east. With the expansion, the LTTE demanded all Tamil civilians stop using the Government's judicial system and only rely on the LTTE's legal system. Credible reports indicated that the LTTE has implemented the change through the threat of force.

The LTTE has its own self-described court system, composed of judges with little or no legal training. The courts operate without codified or defined legal authority and essentially operate as agents of the LTTE rather than as an independent judiciary. The courts reportedly impose severe punishments, including execution.

The Government claims that all persons held under the PTA are suspected members of the LTTE and therefore are legitimate security threats. Insufficient information exists to verify this claim and to determine whether these detainees are political prisoners. In many cases, human rights monitors question the legitimacy of the criminal charges brought against these persons. More than 750 PTA cases were dismissed by the Attorney General by September 1. The Attorney General's office expected a few more of the 222 remaining cases to be dismissed at year's end. The Government claimed that the cases that remained only will be of those individuals directly linked to suicide bombings or other terrorist and criminal acts.

The LTTE also reportedly holds a number of political prisoners. The number is impossible to determine because of the secretive nature of the organization. The LTTE refuses to allow the ICRC access to these prisoners.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence.—The Constitution provides for the right to privacy, and the Government generally respected this provision in practice; however, it infringed on citizen's privacy rights in some areas. The police obtained proper warrants for arrests and searches conducted under ordinary law; however, the security forces were not required to obtain warrants for searches conducted either under the now lapsed ER or the PTA. The Secretary of the Ministry of Defense was responsible for providing oversight for such searches. Some Tamils complained that their homes were searched as a means of general harassment by the security forces. The Government was believed to monitor telephone conversations and correspondence on a selective basis. However, there were no reports of such activity by security forces during the year.

On September 4, taking into account the fast progress of the peace process, the Government legalized the LTTE.

The LTTE routinely invaded the privacy of citizens, by maintaining an effective network of informants. The LTTE also forcibly recruited children during the year (*see* Section 6.d.). During August and September, the LTTE handed over 85 children to UNICEF, stating that the children had volunteered to serve, but that the LTTE does not accept children (*see* Section 6.d.). Unlike in the previous year, there were no reports that the LTTE expelled Muslims from their homes.

g. Use of Excessive Force and Violations of Humanitarian Law in Internal Conflicts.—Hostilities between the Government and the LTTE abated with the announcement of unilateral ceasefires in December 2001, followed by a formal ceasefire accord agreed to in February. Subsequently, a number of prisoners have been exchanged and the key road connecting Jaffna has been opened. The reconciliation also has led to a sharp reduction in roadblocks and checkpoints around the country, the return of approximately 150,000 IDPs to their points of origin in the north and east, and to the opening of numerous investigations into actions by security force personnel.

On April 29, in Nilaveli, on the east coast, naval personnel opened fire and injured two Tamil women. The circumstances surrounding the incident remained un-

clear at year's end. The investigation into the incident remained open. On October 10, seven civilians were killed when security force personnel fired into a crowd storming their compound in the east. Some observers claimed the security forces used excessive force in repelling a peaceful crowd that was demonstrating against the alleged harassment of LTTE cadre earlier in the day. Others claim the security forces were justified in repelling what appeared to be a LTTE-instigated attack.

In 2001 an estimated 2,000 combatants and 100 civilians were killed in conflict-related incidents. Unlike in previous years, there were no reports that the airforce carried out a bombing campaign.

In the past, the Government often publicized aspects of its planned operations to allow civilians time to vacate the probable areas to be affected. However, in 2001, the armed forces did not give public warnings before the commencement of operations.

Investigations into the May 2000 incident in which a bomb exploded at a Buddhist temple in Batticaloa concluded in 2001. After the bomb exploded, security forces reportedly opened fire, killing four children and injuring eight more. The Government maintained that the evidence and interviews of witnesses do not support those claims. No arrests have been made to date, and the incident no longer was under investigation.

In November 2001, the SLA created the Directorate of Human Rights and Humanitarian Law in the army. The directorate is charged with coordinating all human rights activities for the army from ICRC training classes (*see* Section 4) to overseeing the human rights cells that are assigned throughout the military. The SLA also states that all of its personnel have completed the appropriate training and pledged to adhere to the "rules of international Humanitarian Law." Early in the year, the air force and navy instituted similar programs. The armed forces operated under written rules of engagement that severely restricted the shelling, bombardment, or other use of firepower against civilian-occupied areas.

The Government continued to provide food relief, through the Commissioner General for Essential Services (CGES) and the Multi-Purpose Cooperative Societies (MCPS), to displaced and other needy citizens, including those in areas controlled by the LTTE. The Government delivered food rations to the Vanni area through a checkpoint that is controlled on one side by the security forces and on the other by the LTTE. The border into the territory controlled by the LTTE was not closed during the year.

In previous years, NGOs and other groups that sought to take controlled items to LTTE-controlled areas in the Vanni region needed permission from local officials as well as from the Ministry of Defense. Delays were common and approval sometimes was denied. As a result, many medical items in the Vanni region and Jaffna were in short supply, which contributed to a deterioration in the quality and quantity of medical care furnished to the civilian population. Previous restrictions on the transport of items such as cement, batteries, and currency into the LTTE-controlled areas no longer were in effect during the year.

The Ministry of Defense reported capturing several LTTE terrorists with weapons in government-controlled areas in direct contradiction of the terms of the ceasefire agreement. The Government reportedly returned most LTTE personnel directly to the closest LTTE checkpoint; however, some were detained for longer periods. Previously the military sent the cadre they captured or who surrendered to rehabilitation centers. The ICRC continued to visit former LTTE members in government rehabilitation camps, although the October 2000 massacre of more than 20 such detainees at a government-run detention facility at Bindunuwewa, near Bandarawella, led observers to question the continued security of residents of these facilities (*see* Sections 1.a. and 1.g.).

In view of the scale of hostilities in previous years and the large number of LTTE casualties, some observers have found the number of prisoners taken under battlefield conditions to be low and have concluded that many LTTE fighters apparently were killed rather than taken prisoner. Some observers believed that, on the Government side, an unwritten "take-no-prisoners" policy had been in effect. The military denied this claim, stating that other factors limited the number of prisoners taken, such as the LTTE's efforts to remove injured fighters from the battlefield, the proclivity of its fighters to choose suicide over capture, and the LTTE's occasional practice of killing its own badly injured fighters. There were no reports of security forces personnel executing LTTE cadres during the year.

In previous years, the Government refused to permit relief organizations to provide medical attention to injured LTTE fighters, although it has offered to treat any LTTE injured entrusted to government care. According to credible reports, injured LTTE cadres surrendering to the Government received appropriate medical care.

The LTTE admitted that in the past it killed security forces personnel rather than take them prisoner. Past eyewitness accounts confirm that the LTTE has executed injured soldiers on the battlefield. At year's end, the LTTE reportedly had released all security force personnel they were holding. The LTTE is believed to have killed most of the police officers and security force personnel captured in the past few years. In January the LTTE unilaterally released 10 citizens including some soldiers. On September 28, the LTTE released 7 prisoners in exchange for the release of 13 of their cadres.

The LTTE used excessive force in the war. During the year, the LTTE engaged in hostage taking, hijackings, and forcible recruitment, including of children.

In July 2001, the LTTE attacked Colombo's main airbase and international airport. During the attack, the LTTE destroyed six military and four civilian aircraft. The LTTE also damaged the civilian airport.

In the past, the LTTE regularly was accused of killing civilians. For example, the LTTE was accused of killing four Sinhalese villagers at Wahalkada village in March 2001, and killing a Tamil civilian and injuring 15 others in Trincomalee in June 2001.

The LTTE uses child soldiers. In October four children ranging in age from 15 to 17 years surrendered to a local church near Trincomalee after escaping from the LTTE. According to Sri Lanka Monitoring Mission, the international monitors received approximately 600 complaints about child abductions since early March, and credible sources say those children are recruited to be child soldiers. Credible sources reported increased LTTE recruitment, including recruitment of children during the year.

The LTTE expropriates food, fuel, and other items meant for IDPs, thus exacerbating the plight of such persons in LTTE-controlled areas. Malnutrition remained a problem in LTTE-controlled areas as well as in other parts of the Vanni region, with nutrition levels falling below the national average. Experts have reported a high rate of anemia and a low birth rate, both of which indicate lower levels of nutrition. Confirmed cases of malnutrition included hundreds of children. However, a survey completed by Medecins Sans Frontieres in 1999 found malnutrition levels in the war-affected areas at about the same level as in the war-free south of the country.

Landmines were a problem in Jaffna and the Vanni and to some extent in the east (see Section 5). Landmines, booby traps, and unexploded ordnance pose a problem to resettlement of displaced persons and rebuilding. A U.N. landmine team tasked with locating and mapping LTTE and army mines in the Jaffna peninsula suspended its mission in 2000 stating that it was impossible to continue as long as hostilities continued. At year's end, a U.N. team had begun coordinating the process of mapping the mined areas in the country and established oversight for a mine removal program. During the year, the Sri Lankan Military and the LTTE removed mines in areas they controlled. During the year, the Government reported four mine-related casualties among civilians per month. In August 2001, a civilian bus travelling to Trincomalee hit a land mine injuring 30 of its passengers. In September 2001, a vehicle carrying a family hit a mine approximately 5 kilometers north of Jaffna, killing all six passengers and the driver.

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Speech and Press.—The Constitution provides for freedom of speech and of the press, and the Government generally respected these rights in practice. In the past, the Government restricted these rights in practice, often using national security grounds permitted by law; however, there were no reports of such practices during the year. During the year, criminal defamation laws, which had often been used by the Government to intimidate independent media outlets, were eliminated. In 2001 the Government officially lifted the censorship on war reporting. However, even when no specific government censorship is exercised, private television stations impose their own, informal censorship on international television news rebroadcast in the country.

The Government controls the country's largest newspaper chain, two major television stations, and the Sri Lanka Broadcasting Corporation (SLBC). There are a variety of independent, privately owned newspapers, journals, and radio and television stations, most of which freely criticize the Government and its policies. The Government imposes no political restrictions on the establishment of new media enterprises.

The President officially eased censorship restrictions on foreign journalists in a circular published in June 2000; however, material for publication or broadcast within the country, regardless of author, remained subject to government approval until the repeal of censorship laws in June 2001. Claims of harassment and intimi-

dition of private media by the Government continue. In November Paul Harris, a foreign national and a journalist loosely affiliated with the "Daily Telegraph" was denied a visa extension, allegedly for violation of the terms of his visa. Speculation in the press is that the denial was based on political pressure because of Mr. Harris' criticism of the Government and the LTTE. Multiple organizations, including the Editor's Guild of Sri Lanka, the Free Media Movement, the Foreign Correspondents Association of Sri Lanka, and the President's office have criticized the decision as an infringement on freedom of the press.

Human rights observers commented that in the past Tamils from the north or east who criticized the Sri Lankan military and government often were harassed and sometimes arrested. They cite the case of Thiviyan Krishnasamy, a student leader in Jaffna and critic of the military in the Jaffna area. He was arrested in July 2001 and released in March (*see* Section 1.c.).

In September 2000, police arrested a young man for criticizing the president on a radio call-in show. Police traced the call to discover the caller's address. The young man's parents alleged that he had a mental illness and could not be held responsible for his comments. At year's end, the young man was released and the case was dismissed.

In 2000 police detained two persons for questioning in connection with the 1999 murder of Rohana Kumara, editor of a Sinhala-language newspaper that had been critical of leading figures in the ruling coalition. By year's end, no one had been charged in connection with the case.

No action was taken, nor is any likely, into the following: The 1999 killing of editor Ramesh Nadarajah, and the 1999 abduction of a journalist by an army brigadier. On February 9, two airforce personnel were given lengthy jail sentences for the February 1998 killing of a journalist who regularly reported on defense matters, including corruption in military procurements. At year's end, the airforce personnel were released on bail pending conclusion of the appeals process.

During the year, the defamation laws were repealed and all cases pertaining to the defamation laws were dropped.

The Sri Lanka Tamil Media Alliance (SLTMA) was formed in 1999 to protect the interests of Tamil journalists, who allege that they are subject to harassment and intimidation by Tamil paramilitary groups and Sri Lankan security forces. Regional Tamil correspondents working in the war zones have complained of arbitrary arrest and detention in the past and difficulty in obtaining press accreditation. The SLTMA has filed cases on behalf of Tamil journalists, but its cases have not yet succeeded in the courts.

Unlike in the previous year, travel by local and foreign journalists to conflict areas was not restricted. The LTTE does not tolerate freedom of expression. It tightly restricts the print and broadcast media in areas under its control. The LTTE has killed those reporting and publishing on human rights.

The Government did not restrict access to the Internet.

The Government did not restrict academic freedom.

The LTTE restricted academic freedom, and it has repressed and killed intellectuals who criticize it, most notably the moderate and widely respected Tamil politician and academic, Dr. Neelan Tiruchelvam, who was killed by a suicide bomber in July 1999. The LTTE also has severely repressed members of human rights organizations, such as the University Teachers for Human Rights (UTHR), and other groups. Many former members of the UTHR have been killed.

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. Although the PTA may be used to restrict this freedom, the Government did not use the act for that purpose during the year. Numerous peaceful political and nonpolitical rallies were held throughout the country during the year.

In July 2001, the opposition held a rally that the Government claimed was illegal under the 1981 Referendum Act, which essentially states that rallies and demonstrations of a political nature cannot be held when a referendum is scheduled. Security forces killed two persons when the Government confronted the rally with force, prompting further demonstrations. However, the Government generally grants permits for demonstrations, including those by opposition parties and minority groups.

On October 9, eight Tamil civilians were killed by Special Task Force police during a protest in Akkaraipattu. Police and the commission tasked with investigating the incident claim that the crowd was trying to forcefully enter the police compound and the police were defending themselves. Tamils have disputed this finding, asserting that the protest was peaceful. In April 2001, a violent clash between the Sinhalese and Muslim communities occurred in Mawanella. The Muslim community protested alleged police inaction concerning the assault on a Muslim store clerk. In

response, a group of Sinhalese attacked the Muslim protesters. As the conflict escalated, two Muslims were killed and scores of buildings and a few vehicles were destroyed. Police reportedly did nothing to stop the destruction of Muslim property. The investigation into the Mawanella incident remained open at year's end.

The LTTE does not allow freedom of association in the areas that it controls. The LTTE reportedly has used coercion to make persons attend rallies that it sponsors. On the Jaffna Peninsula, the LTTE occasionally has posted in public places the names of Tamil civilians accused of associating with security forces and other government entities. The LTTE has killed Tamil civilians who have cooperated with the security forces in establishing a civil administration in Jaffna under a political leadership elected freely and fairly in January 1998.

c. Freedom of Religion.—The Constitution accords Buddhism a foremost position, but it also provides for the right of members of other faiths to practice their religions freely, and the Government generally respected this right in practice. Despite the special status afforded by the Constitution to Buddhism, major religious festivals of all faiths are celebrated as public holidays.

Foreign clergy may work in the country, but the Government has sought to limit the number of foreign religious workers given temporary work permits. Permission usually is restricted to denominations registered with the Government. The Government has prohibited the entry of new foreign clergy on a permanent basis. It permitted those already in the country to remain.

Some evangelical Christians have expressed concern that their efforts at proselytizing often meet with hostility and harassment from the local Buddhist clergy and others opposed to their work. In April two Christians were physically assaulted by a Buddhist monk. Evangelicals sometimes complain that the Government tacitly condones such harassment, but there is no evidence to support this claim.

In April 2001, a Muslim cashier was attacked by 4 Sinhalese. When the Muslim community protested police inaction, the Muslim persons were confronted by rioting Sinhalese, and 2 Muslims were killed. The police investigation into this incident remains open and no arrests have been reported.

The LTTE expelled virtually the entire Muslim population from their homes in the northern part of the island in 1990. Most of these persons remain displaced. During the year, the LTTE leadership has met with the leaders of the Muslim community on their incorporation into the peace process. In the past, the LTTE has expropriated Muslim homes, land, and businesses and threatened Muslim families with death if they attempt to return. The LTTE has made some conciliatory statements to the Muslim community, but the statements are viewed with skepticism by some Muslims.

In September a group of Christians vandalized a Jehovah's witness hall, breaking windows, ripping through electrical systems, and burning equipment used to establish a new hall in Negombo. Witnesses claimed that the police did not react to the disturbance until after the crowd dispersed.

The LTTE attacked Buddhist sites, most notably the historic Dalada Maligawa or "Temple of the Tooth," the holiest Buddhist shrine in the country, in Kandy in January 1998. In May 2000, an LTTE bombing near a temple at the Buddhist Vesak festival in Batticaloa killed 23 persons and injured dozens of others.

The LTTE has been accused in the past of using church and temple compounds, where civilians were instructed by the Government to congregate in the event of hostilities, as shields for the storage of munitions.

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

d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation.—The Constitution grants every citizen "freedom of movement and of choosing his residence" and "freedom to return to [the country]," and the Government generally respected the right to domestic and foreign travel. However, in the past, the war with the LTTE prompted the Government to impose more stringent checks on travelers from the north and the east and on movement in Colombo, particularly after dark. Tamils had to obtain police passes to move freely in the north and east, and frequently they were harassed at checkpoints throughout the country. These security measures had the effect of restricting the movement of Tamils.

However, during the year, the Government lifted a majority of the travel restrictions within the country. Areas near military bases and high security zones still have limited access. Some observers claim the high security zones are excessive and unfairly claim Tamil lands, particularly in Jaffna. The LTTE limited travel on the road connecting Jaffna in the north to the rest of the country; however, in April the Government lifted all of its restrictions on travel to Jaffna.

Fighting between government and the LTTE has displaced hundreds of thousands of persons, with many displaced multiple times as front lines shifted. The UNHCR reports that there are less than 600,000 IDPs in country. Since September 2000, 172,000 IDPs have been living in welfare centers ranging from camps, where conditions vary considerably, to settlements with a full range of government social services and food aid. By the end of 2001, an estimated 500,000 to 800,000 IDPs, including those in the Vanni, had registered for government food aid, and were receiving medicine and other essential supplies from the Government. However, by year's end, more than 220,000 IDPs returned to points of origin in country, with more than half of the returnees transited to points in Jaffna District.

The Government has sought to resettle the displaced when possible and has arranged for a number of those from Jaffna to return to their homes. Over the years, the Government, in cooperation with the UNHCR, built permanent housing for 18,000 Muslims in the Puttalam area. An additional one-time resettlement program relocated 1,000 families by the end of 2001.

The LTTE has discriminated against Muslims, and in 1990 expelled some 46,000 Muslim inhabitants—virtually the entire Muslim population—from their homes in areas under LTTE control in the northern part of the island. Most of these persons remain displaced and live in or near welfare centers. There were credible reports that the LTTE has warned thousands of Muslims displaced from the Mannar area not to return to their homes until the conflict is over. However, it appeared that these attacks by the LTTE were not targeted against persons due to their religious beliefs, rather, it appeared that they were part of an overall strategy to clear the north and east of persons not sympathetic to the cause of an independent Tamil state. During the year, the LTTE has invited the Muslim IDPs to return home, asserting they will not be harmed. Although some Muslim IDPs have begun returning home, the vast majority have not and were instead waiting for a guarantee from the Government for their safety in LTTE-controlled areas.

Between October 1996 and the end of 1999, more than 150,000 persons moved out of LTTE-controlled regions through Vavuniya and other transit points into government controlled regions. Of these, more than 100,000 reached Jaffna and other Tamil-majority areas. Many had left the Vanni region with the intention of proceeding south; they opted for other destinations only after learning that they would have to remain in transit camps until security clearances for southward travel were obtained. Obtaining a clearance could take up to 4 months in some cases, and some human rights groups alleged that the procedures were arbitrary and unreasonably strict. The Government restricted the movement of displaced Tamils due to possible security, economic, and social concerns. These restrictions have been lifted with the onset of the peace process.

The LTTE occasionally disrupts the flow of persons exiting the Vanni region through the two established and legal checkpoints. In particular the LTTE taxes civilians travelling through areas it controls. In the past, the LTTE disrupted the movement of IDPs from Trincomalee to Jaffna by hijacking or attacking civilian shipping, although there were no such reports this year. Humanitarian groups estimate that more than 200,000 IDPs live in LTTE-controlled areas (*see* Section 1.g.).

An estimated 65,000 Tamil refugees live in camps in Tamil Nadu in Southern India. Approximately 100,000 refugees may have integrated into Tamil society in India over the years. UNHCR reports that a small number may have returned from India during the year.

The law does not provide for the granting of asylum or refugee status in accordance with the 1951 U.N. Convention Relating to the Status of Refugees and its 1967 Protocol. The Government cooperates with the office of the U.N. High Commissioner for Refugees and other humanitarian organizations in assisting refugees. The issue of the provision of first asylum did not arise during the year. The Government does not permit the entry of refugees into the country or grant first asylum, nor does it aid those who manage to enter to seek permanent residence elsewhere. There were no reports of the forced return of persons to a country where they feared persecution.

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

The Constitution provides citizens with the right to change their government peacefully, and citizens exercise this right in practice through periodic, free, fair, and multiparty elections held on the basis of universal suffrage; however, recent elections have been marred by violence and some irregularities. The country is a longstanding democratic republic with an active multiparty system. Power is shared between the popularly elected President and the 225-member Parliament. The right to change the Government was exercised in the December 2001 parliamentary elec-

tions in which the United National Front, a coalition of parties led by the UNP, won a majority in Parliament for the next 6-year period. Fearing possible infiltration by the LTTE, the Government prohibited more than 40,000 Tamil voters from LTTE controlled territories from crossing army checkpoints to vote.

Following the December 2001 elections, the UNP and its allies formed the new government. The president's party, the PA, is now the opposition in Parliament. The UNP, led by Prime Minister Ranil Wickremesinghe, has formed the new government and filled the positions in the cabinet. Cohabitation ties between the President and Prime Minister have been difficult.

The President suspended Parliament from July to September 2001 out of concern that her coalition had lost its majority in Parliament because of defections. The suspension of Parliament angered opposition parties, which sponsored numerous demonstrations. One of these demonstrations, ended with the deaths of two marchers killed by security forces (*see* Section 2.b.). After further defections from her coalition, the President dissolved Parliament in October 2001, and called for elections to take place in December 2001.

In December 2001, 12 supporters of the Sri Lankan Muslim Congress were killed, apparently by hired thugs of a PA candidate. Former PA MP Anuruddha Ratwatte and his two sons have been indicted for conspiracy. In addition, 15 others, including security force personnel, were indicted for their alleged involvement in the murders. The trial continued at year's end. Despite an extremely violent campaign, including credible reports on the use of intimidation by both of the major parties, voter turnout exceeded 70 percent. The People's Alliance for Free and Fair Elections (PAFFREL) reported 755 incidents of violence and 49 deaths; the Center for Monitoring Election Violence (CMEV) reported 4,208 incidents, and 73 deaths; and the police reported 2,247 incidents, and 45 deaths during the year.

In September 2001, the Parliament passed the 17th Amendment, which established an independent Commission on Elections (among other commissions), which is to be tasked with ensuring free and fair elections; however, implementing legislation has yet to be passed.

A delegation from the European Union monitoring the election expressed concern about violence and irregularities in the voting, but concluded that the election "did to a reasonable degree reflect the will of the electorate."

The Commissioner of Elections recognized 46 parties at the time of general elections in October 2000; only 13 parties actually held seats in the 225-member Parliament elected during 2001. The two most influential parties, the Sri Lanka Freedom Party (the principal component party of the governing PA coalition) and the UNP, generally draw their support from the majority Sinhalese community. These two parties have alternated in power since independence.

There are 9 women in the 225 Parliament. There was one in the 73 member Cabinet and the Supreme Court. In December 1999, a woman was elected President for a second term. One woman (Minister of Women's Affairs) was appointed to the new cabinet formed after the December 5 elections.

There are 28 Tamil and 21 Muslim persons in the 225 member Parliament elected in December 2001. The Parliament elected in October 2000 had 23 Tamil and 22 Muslim members.

The LTTE refuses to allow elections in areas under its control, although it did not oppose campaigning by certain Tamil parties in the east during the December 2001 parliamentary elections. In previous years, the LTTE effectively had undermined the functioning of local government bodies in Jaffna through a campaign of killing and intimidation. This campaign included the killing of 2 of Jaffna's mayors and death threats against members of the 17 local councils. During the period of the conflict, the LTTE killed popularly elected politicians, including those elected by Tamils in areas the LTTE claimed as part of a Tamil homeland.

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

Several domestic human rights NGOs, including the Consortium of Humanitarian Agencies (CHA), the University Teachers for Human Rights, Jaffna (UTHR-J), the Civil Rights Movement (CRM), and the Law and Society Trust (LST), monitor civil and political liberties. There are no adverse regulations governing the activities of local and foreign NGOs, although the Government officially requires NGOs to include action plans and detailed descriptions of funding sources as part of its registration process. Some NGO workers have seen this as an attempt by the Government to exert greater control over the NGO sector after previous human rights groups criticisms. Few NGOs complied with these new reporting requirements. A number of domestic and international human rights groups generally operate with-

out government restriction, investigating and publishing their findings on human rights cases. Government officials are cooperative and responsive to their views.

The Government allowed the ICRC unrestricted access to detention facilities (*see* Sections 1.c. and 1.d.). The ICRC provides international humanitarian law training materials and training to the security forces. The UNHCR, the ICRC, and a variety of international NGOs assisted in the delivery of medical and other essential supplies to the Vanni area (*see* Section 1.g.).

In the first 6 months of the year, the HRC conducted more than 600 visits to police stations and more than 300 visits to detention facilities. The HRC has more than 4,500 cases of alleged human rights abuse pending. The Commission's investigation into the allegations by former Lance Corporal Rajapakse about mass graves at Chemmani in Jaffna resulted in exhumations in 1999 that provided the basis for the ongoing case (*see* Section 1.a.). Nonetheless, some human rights observers believed that the work of the HRC was hampered by a lack of strong leadership; however, over the past year, many human rights observers recognized that the new leader of the HRC was willing to confront other branches of the Government on human rights problems and new standard procedures. Activists have expressed some satisfaction with the new leadership's prompt investigation into the November 2000 Bindunuwewu massacre.

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

The Constitution provides for equal rights under the law for all citizens, and the Government generally respected these rights. The Supreme Court regularly upholds court rulings in cases in which individuals file suit over the abridgment of their fundamental civil rights. The HRC and the CIUAH are other mechanisms that the Government has established to ensure enforcement of constitutional provisions in addition to access to the courts (*see* Section 1.d.).

Women.—Sexual assault, rape, and spousal abuse (often associated with alcohol abuse) continued to be serious and pervasive problems. Amendments to the Penal Code introduced in 1995 specifically addressed sexual abuse and exploitation and modified rape laws to create a more equitable burden of proof and to make punishments more stringent. Marital rape is considered an offense in cases of spouses living under judicial separation, and laws govern sexual molestation and sexual harassment in the workplace. While the Penal Code may ease some of the problems faced by victims of sexual assault, many women's organizations believe that greater sensitization of police and judicial officials is required. The Government set up the Bureau for the Protection of Children and Women within the police in 1994 to respond to calls for greater awareness and attention; however, there was no information on any actions taken by the Bureau nor on the number of crimes against women.

In the previous year, police reported 500 rape case investigations. From January 1 to October 1, the police have reported a total of 865 rape investigations in country, and 29 involve security force personnel. In 2001 there were a number of reports of security forces raping women in custody (*see* Section 1.c.). During the year, there was one such report. There have been no convictions in the cases involving security force personnel.

Although laws against procuring and trafficking were strengthened in 1995, trafficking in women for the purpose of forced labor occurs (*see* Sections 6.f.).

The Constitution provides for equal employment opportunities in the public sector. However, women have no legal protection against discrimination in the private sector where they sometimes are paid less than men for equal work, often experience difficulty in rising to supervisory positions, and face sexual harassment. Women constitute approximately one-half of the formal work force.

Women have equal rights under national, civil, and criminal law. However, questions related to family law, including divorce, child custody, and inheritance, are adjudicated by the customary law of each ethnic or religious group. The minimum age of marriage for women was 18 years, except in the case of Muslims, who continue to follow their customary marriage practices. The application of different legal practices based on membership in a religious or ethnic group often results in discrimination against women.

Children.—The Government is committed to protecting the welfare and rights of children, but is constrained by a lack of resources. The Government demonstrated this commitment through its extensive systems of public education and medical care. The law requires children between the ages of 5 and 14 to attend school. Approximately 85 percent of children under the age of 16 attend school. Education was free through the university level. Health care, including immunization, also was free.

In the period from January 1 to October, the police recorded 613 cases of pedophilia, compared with 767 cases of crimes against children for January 2001 to August 2001. Many NGOs attribute the problem of exploitation of children to the lack of law enforcement rather than adequate legislation. Many law enforcement resources were diverted to the conflict with the LTTE, although the police's Bureau for the Protection of Children and Women conducts investigations into crimes against these two groups. In September the police opened an office to work directly with the National Child Protection Authority (NCPA) on children's issues to support NCPA investigations into crimes against children and to arrest suspects based on those investigations.

Under the law, the definition of child abuse includes all acts of sexual violence against, trafficking in, and cruelty to children. The law also prohibits the use of children in exploitative labor or illegal activities or in any act contrary to compulsory education regulations. The legislation further widened the definition of child abuse to include the involvement of children in war. The NCPA is comprised of representatives from the education, medical, retired police, and legal professions; it reports directly to the President.

The Government has pushed for greater international cooperation to bring those guilty of pedophilia to justice. The penalty for pedophilia is not less than 5 years and up to 20 years as well as an unspecified fine. Four cases of pedophilia were brought to court in 2000, one involving a foreigner. Two cases were brought to court during the year; however, in both cases the accused fled the country. There were few reported arrests for pedophilia during the year, but there were no convictions.

Child prostitution is a problem in certain coastal resort areas. The Government estimates that there are more than 2,000 active child prostitutes in the country, but private groups claim that the number is much higher (*see* Section 6.f.). The bulk of child sexual abuse in the form of child prostitution is committed by citizens; however, some child prostitutes are boys who cater to foreign tourists. Some of these children are forced into prostitution (*see* Section 6.f.).

The LTTE uses child soldiers and recruits children, sometimes forcibly, for use in battlefield support functions and in combat. LTTE recruits, some as young as 13, have surrendered to the military, and credible reports indicate the LTTE has stepped up recruiting efforts (*see* Section 1.g.). In May 1998, the LTTE gave assurances to the Special Representative of the U.N. Secretary General for Children in Armed Combat that it would not recruit children under the age of 17. The LTTE has not honored this pledge, and even after the ceasefire agreement there were multiple credible reports of the LTTE forcibly recruiting children (*see* Section 6.d.).

Persons with Disabilities.—There was some discrimination against persons with disabilities in employment, education, or in the provision of other state services. The law does not mandate access to buildings for persons with disabilities. The World Health Organization estimates that 7 percent of the population was persons with disabilities. Most persons with disabilities, who are unable to work, were cared for by their families. The Department of Social Services operated eight vocational training schools for persons with physical and mental disabilities and sponsored a program of job training and placement for graduates. The Government also provided some financial support to NGOs that assist persons with disabilities; subsidized prosthetic devices and other medical aids for persons with disabilities; make some purchases from suppliers with disabilities; and has registered 74 schools and training institutions for persons with disabilities run by NGOs. The Department of Social Services has selected job placement officers to help the estimated 200,000 work-eligible persons with disabilities find jobs. In spite of these efforts, persons with disabilities still face difficulties because of negative attitudes and societal discrimination. The law forbidding discrimination against any person on the grounds of disability. No cases were known to have been filed under this law.

Indigenous Persons.—The country's indigenous people, known as Veddas, number fewer than 1,000. Some prefer to maintain their isolated traditional way of life, and they are protected by the Constitution. There are no legal restrictions on their participation in the political or economic life of the nation. In 1998 the Government fulfilled a long-standing Vedda demand when the President issued an order granting Veddas the right to hunt and gather in specific protected forest areas. The executive order granted the Veddas the freedom to protect their culture and to carry on their traditional way of life without hindrance. Under a pilot program, Veddas received special identity cards to enable their use of these forest areas. Some Veddas still complain that they are being pushed off of their land.

National/Racial/Ethnic Minorities.—There were approximately one million Tamils of comparatively recent Indian origin, the so-called "tea estate" Tamils or "Indian" Tamils, whose ancestors originally were brought to the country in the 19th

century to work on plantations. Approximately 75,000 of these persons do not qualify for either Indian or Sri Lankan citizenship and face discrimination, especially in the allocation of government funds for education. Without national identity cards, they also were vulnerable to arrest by the security forces. However, the Government has stated that none of these persons would be forced to depart the country. During 1999 the Government introduced a program to begin registering these individuals; 15,300 tea estate Tamils received identity cards between January and September 2001. Some critics charged that the program did not progress fast enough.

Both Sri Lankan and "tea estate" Tamils maintained that they long have suffered systematic discrimination in university education, government employment, and in other matters controlled by the Government.

Section 6. Worker Rights

a. The Right of Association.—The Government respects the constitutional right of workers to establish unions, and the country has a strong trade union tradition. Any seven workers may form a union, adopt a charter, elect leaders, and publicize their views; however, in practice such rights can be subject to administrative delays, and unofficially are discouraged. Nonetheless, approximately 25 percent of the 6.7 million person work force nationwide and more than 70 percent of the plantation work force, which is overwhelmingly Hill Tamil, is unionized. In total there were more than 1,000,000 union members, 650,000 of whom were women. Approximately 20 percent of the nonagricultural work force in the private sector was unionized. Unions represent most workers in large private firms, but those in small-scale agriculture and small businesses usually do not belong to unions. Public sector employees are unionized at very high rates and are highly politicized.

Most large unions are affiliated with political parties and play a prominent role in the political process, though major unions in the public sector are politically independent. More than 30 labor unions have political affiliations, but there are also a small number of unaffiliated unions, some of which have active leaders and a relatively large membership. The Ministry of Labor registered 147 new unions and canceled the registration of 155 others, bringing the total number of functioning unions to 1,580. The Ministry of Labor is authorized by law to cancel the registration of any union that does not submit an annual report. This requirement was the only legal grounds for cancellation of registration.

This law is being implemented. Employers found guilty of such discrimination must reinstate workers fired for union activities but may transfer them to different locations.

During the year, the Government was cited by the ICFTU for failure to observe an ILO convention. Unions may affiliate with international bodies, and some have done so. The Ceylon Workers Congress, composed exclusively of Hill Tamil plantation workers, is the only trade union organization affiliated with the International Confederation of Free Trade Unions (ICFTU), although a new trade union in the Biyagama export processing zone (EPZ) is affiliated with the Youth Forum of the ICFTU. No national trade union center exists to centralize or facilitate contact with international groups.

b. The Right to Organize and Bargain Collectively.—The law provides for the right to collective bargaining; however, very few companies practice it. Large firms may have employees in as many as 60 different unions. In enterprises without unions, including those in the EPZs, worker councils—composed of employees, employers and often a public sector representative—generally provide the forums for labor and management negotiation. The councils do not have the power to negotiate binding contracts, and labor advocates have criticized them as ineffective.

In 1999 Parliament passed an amendment to the Industrial Disputes Act to require employers to recognize trade unions and the right to collective bargaining. The law prohibits antiunion discrimination.

All workers, other than civil servants and workers in "essential" services, have the right to strike. By law workers may lodge complaints with the Commissioner of Labor, a labor tribunal, or the Supreme Court to protect their rights. These mechanisms were effective and new reforms placed limits on the amount of time allowed to resolve arbitration cases; however, there continued to be substantial backlog delays in the resolution of cases. The Government periodically has controlled strikes by declaring some industries essential under the ER (which lapsed in 2000). The President retains the power to designate any industry as an essential service. The ILO has pointed out to the Government that essential services should be limited to services where an interruption would endanger the life, personal safety, or health of the population.

Civil servants collectively may submit labor grievances to the Public Service Commission, but they have no legal grounds to strike. Nonetheless, government workers

in the transportation, medical, educational, power generation, financial, and port sectors have staged brief strikes and other work actions in the past few years. There were numerous public sector strikes during the year.

The law prohibits retribution against strikers in nonessential sectors. Employers may dismiss workers only for disciplinary reasons, mainly misconduct. Incompetence or low productivity were not grounds for dismissal. Dismissed employees have a right to appeal their termination before a labor tribunal.

There are approximately 110,000 workers employed in three EPZs, a large percentage of them women. Under the law, workers in the EPZs have the same rights to join unions as other workers. Few unions have formed in the EPZs, partially because of severe restrictions on access by union organizers to the zones. While the unionization rate in the rest of the country is approximately 25 percent, the rate within the EPZs was only 10 percent. Labor representatives alleged that the Government's Board of Investment, which manages the EPZs, including setting wages and working conditions in the EPZs, has discouraged union activity. The short-term nature of employment and relatively young workforce in the zones makes it difficult to organize. Work councils in the EPZs are chaired by the Government's Board of Investment (BOI) and only have the power to make recommendations. Labor representatives also allege that the Labor Commissioner, under BOI pressure, has failed to prosecute employers who refuse to recognize or enter into collective bargaining with trade unions. While employers in the EPZs generally offer higher wages and better working conditions than employers elsewhere, workers face other concerns, such as security, expensive but low quality boarding houses, and sexual harassment. In most instances, wage boards establish minimum wages and conditions of employment, except in the EPZs, where wages and work conditions are set by the BOI.

c. Prohibition of Forced or Bonded Labor.—The law prohibits forced or bonded labor; however, there were reports that such practices occurred. ILO Convention 105 was not ratified yet by the end of September. The law does not prohibit forced or bonded labor by children specifically, but government officials interpret it as applying to persons of all ages (see Section 6.d.). There were credible reports that some rural children were employed in debt bondage as domestic servants in urban households, and there were numerous reports that some of these children had been abused.

There were credible reports that some soldiers attached to an army camp north of Batticaloa forced local villagers to build a wall around the camp during 2000, and that they beat individuals who refused to comply. The military apparently transferred the officer responsible for the forced labor when the abuse was publicized.

d. Status of Child Labor Practices and Minimum Age for Employment.—The law prohibits labor by children under 14 years of age, but child labor is a problem and still exists in the informal sectors. The NCPA combats the problem of child abuse, including unlawful child labor. The act consolidated existing legislation that established what types of employment are restricted for children, which age groups are affected. The Ministry of Labor is the competent authority to set regulations and carry out implementation, and monitoring. The minimum age for employment is 14, although the law permits the employment of younger children by their parents or guardians in limited work. The law permits the employment of persons from the age of 14 for not more than one hour on any day before school. However, the Trade Union Ordinance of 1935 allows membership only from the age of 16. The law also permits employment in any school or institution for training purposes. The Compulsory Attendance at Schools Act, which requires children between the ages of 5 and 14 to attend school, has been in effect since January 1998, although it still is being implemented. Despite legislation, child labor still exists in the informal sector. A child activity survey carried out in 1998 and 1999 by the Department of Census and Statistics found almost 11,000 children between the ages of 5 and 14 working full time and another 15,000 engaged in both economic activity and housekeeping. The survey found 450,000 children employed by their families in seasonal agricultural work.

Persons under age 16 may not be employed in any public enterprise in which life or limb is endangered. There are no reports that children are employed in the EPZs, the garment industry, or any other export industry, although children sometimes are employed during harvest periods in the plantation sectors and in nonplantation agriculture.

Many thousands of children were believed to be employed in domestic service, although this situation is not regulated or documented. A 1997 study reported that child domestic servants are employed in 8.6 percent of homes in the Southern Province. The same study reported that child laborers in the domestic service sector

often are deprived of an education. Many child domestics reportedly are subjected to physical, sexual, and emotional abuse.

Regular employment of children also occurs in the informal sector and in family enterprises such as family farms, crafts, small trade establishments, restaurants, and repair shops. Government inspections have been unable to eliminate these forms of child labor (*see* Section 5), although an awareness campaign coupled with the establishment of hot lines for reporting child labor has led to an increase in the prosecutions regarding child labor violations by the Labor Department. The Labor Department reported 194 complaints regarding child labor in 2000, with 79 of these cases withdrawn due to lack of evidence or faulty complaints. The Department prosecuted 7 cases in 2000. In the first 8 months of the year, the Labor Department reported 199 complaints, with 48 cases withdrawn and 40 prosecuted. According to the Ministry of Labor, there were 10 prosecutions for child labor (below the age of 14) during 2000. Under legislation dating from 1956, the maximum penalty for employing minors is about \$12 (1,000 rupees), with a maximum jail term of 6 months.

Although forced or bonded labor by persons of any age is prohibited by law, some rural children reportedly have served in debt bondage (*see* Sections 5 and 6.c.).

The LTTE continued to use high school-age children for work as cooks, messengers, and clerks. In some cases, the children reportedly help build fortifications. In the past, children as young as age 10 were said to be recruited and placed for 2 to 4 years in special schools that provided them with a mixture of LTTE ideology and formal education. The LTTE uses children as young as 13 years of age in battle, and children sometimes are recruited forcibly into the LTTE (*see* Section 5). A program of compulsory physical training, including mock military drills, for most of the population of the areas that it controls, including for schoolchildren and the aged reportedly still functions. According to LTTE spokesmen, this work is meant to keep the population fit; however, it is believed widely that the training was established to gain tighter control over the population and to provide a base for recruiting fighters. Despite repeated claims to the contrary by the LTTE, there were credible reports that the LTTE continued to recruit forcibly children throughout the year. Individuals or small groups of children intermittently turned themselves over to security forces or religious leaders saying they had escaped LTTE training camps throughout the year. During August and September, the LTTE handed over 85 children to UNICEF, stating that the children had volunteered to serve, but that the LTTE does not accept children.

e. Acceptable Conditions of Work.—The national minimum wage does not provide a decent standard of living for a worker and family, but the vast majority of families have more than one breadwinner. The Ministry of Labor effectively enforces the minimum wage law for large companies through routine inspections; however, staffing shortages prevent the department from effectively monitoring the informal sector. While there is no universal national minimum wage, approximately 40 wage boards set minimum wages and working conditions by sector and industry. In 2001 minimum wage rates averaged approximately \$29.38 (2,625 rupees) per month in industry, commerce, and the service sector. The rate was approximately \$1.38 (104.53 rupees) per day in agriculture. The minimum wage in the garment industry was \$25.73 (2,300 rupees) per month.

Most permanent full-time workers are covered by laws that prohibit them from regularly working more than 45 hours per week (a 5½-day workweek). Overtime is limited to 60 hours per month under a recent ruling. Labor organizers are concerned that the new legislation does not include a provision for overtime to be done with the consent of the worker. Such workers also receive 14 days of annual leave, 14 to 21 days of medical leave, and approximately 20 local holidays each year. Maternity leave is available for permanent and seasonal or part-time female workers. Several laws protect the safety and health of industrial workers, but the Ministry of Labor's small staff of inspectors is inadequate to enforce compliance with the laws. Health and safety regulations do not meet international standards. Workers have the statutory right to remove themselves from situations that endanger their health, but many workers are unaware of, or indifferent to, health risks, and fear that they would lose their jobs if they removed themselves.

f. Trafficking in Persons.—The law prohibits trafficking in persons; however, Sri Lanka is a country of origin and destination for trafficked persons, primarily women and children for the purposes of forced labor, and for sexual exploitation. Sri Lankan women travel to Middle Eastern countries to work as domestics and some have reported being forced into domestic servitude and sexual exploitation. A small number of Thai, Russian, and Chinese women have been trafficked to Sri Lanka for purposes of sexual exploitation. Some Sri Lankan children are trafficked internally

to work as domestics and for sexual exploitation. There were unconfirmed reports that boys were trafficked to the Middle East as camel jockeys.

The law provide for penalties for trafficking in women including imprisonment for 2 to 20 years, and a fine. For trafficking in children, the law allows imprisonment of 5 to 20 years, and a fine.

Internal trafficking in male children was also a problem, especially from areas bordering the northern and eastern provinces. Protecting Environment and Children Everywhere (PEACE), a domestic NGO, estimated that in 2001 there were at least 5,000 male children between the ages of 8 and 15 years who were engaged as sex workers both at beach and mountain resorts. Some of these children were forced into prostitution by their parents or by organized crime (*see* Section 5). PEACE also reports that an additional 7,000 young men aged 15 to 18 years are self-employed prostitutes; however, some organizations believe the PEACE numbers to be inflated.

The Government took action during 2001 to prepare a national plan to combat the trafficking of children. The project was part of a regional project funded by the ILO. On a local level, on October 1, the police opened an office to work as part of the NCPA in children's issues, including trafficking in children.

The country has a reputation as a destination for foreign pedophiles. Officials believe that approximately 30 percent of the clients were tourists and 70 percent are locals. The Government occasionally prosecuted foreign pedophiles, and there have been some convictions; however there were no such convictions during the year. Many NGOs attribute the problem of child exploitation to a lack of law enforcement. There was evidence of continuing, but reduced, international interest in Sri Lankan children for the sex trade as evidenced in tourism by foreign pedophiles, and in Internet sites featuring child pornography involving the country's children.

The Government has undertaken several initiatives to provide protection and services to victims of internal trafficking, including supporting rehabilitation camps for victims. In addition, the Government has initiated some awareness campaigns to educate women about the dangers of trafficking; however, most of the campaigns are through local and international NGOs and somewhat through the Bureau of Foreign employment.