

SOUTH ASIA

AFGHANISTAN

Afghanistan made significant progress in establishing its institutions of democracy and governance; however, during the second year of its transition, reconstruction and recovery from the 23 years of civil war was the central focus of activity, and numerous problems remained. The Transitional Islamic State of Afghanistan (TISA) continued to govern the country and began the task of drafting a new constitution, overseeing the formation of a national army, and of preparing for elections in 2004. In June 2002, the Emergency Loya Jirga (ELJ), a gathering of Afghan representatives from throughout the country called for by the 2001 Bonn Agreement, elected Hamid Karzai as President of the TISA. President Karzai subsequently formed a 30-member cabinet including a broad ethnic representation and 2 female members. Some major provincial centers were under the control of regional commanders. With some significant exceptions, these commanders acknowledged the Karzai administration as the legitimate central authority. Karzai appointed governors to all 32 provinces. The legal framework and judicial system of the country were set forth in the 2001 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. The judiciary deteriorated during the Soviet occupation and civil war and operated on an ad hoc basis during the year.

The registration of district representatives to elect delegates for the Constitutional Loya Jirga (CLJ) was completed in mid-November. Countrywide elections for the candidates to the CLJ took place in November and December. Despite reports of intimidation of representatives, most independent observers deemed the registration and election free and fair. In November, the TISA released a draft Constitution. In December, 502 delegates to a CLJ met to discuss the new charter. Presidential elections were scheduled for June 2004. The Bonn Agreement stipulated that national elections must take place by June 2004, which the country is preparing for.

Among the TISA's security forces, the police officially had primary responsibility for internal order; however, local and regional commanders maintained considerable power, as the TISA was not in a position to exercise control nationwide. Outside the capital, there was some fighting between local militias maintained by rival commanders who were also often government officials, and insecurity and the absence of robust legal institutions threatened stability and development. On August 11, NATO assumed command of the International Security Assistance Force (ISAF) with responsibility for the security of Kabul. On October 13, the U.N. Security Council extended ISAF's mandate for another year and authorized its expansion to other parts of the country. By year's end, there were more than 5,300 active members of the Afghan National Army (ANA) working with coalition partners. A resurgence of Taliban and al-Qa'ida activity, particularly in the South and Southeast, added to security concerns. U.N. agencies and Non Governmental Organization (NGOs) temporarily cancelled or curtailed their activities in these areas at various times during the year.

The country remained engaged in agriculture and animal husbandry and remained extremely poor; per capita earnings for the population of 26 million was below subsistence level. The World Bank unofficially estimated the growth rate at 30 percent for the year. Illegal opium poppy was the mainstay of the economy and largely financed the military operations of various provincial authorities. According to the U.N., the poppy harvest grew by an estimated additional 6 percent during the year. There was little manufacturing, and there were few exports; a projected 36 percent of the Government's operating budget came from domestic revenues; the rest, as well as the development budget, was donor-financed. In December, the coun-

try celebrated the reconstruction of Kabul-Kandahar road. Reconstruction of the devastated infrastructure proceeded in differing degrees throughout the country. Twenty-three years of fighting and decades of corruption and mismanagement resulted in a devastated infrastructure.

The TISA and its agents' respect for human rights improved during the year; however, many serious problems remained, especially where its authority was challenged outside Kabul. Members of local security forces committed arbitrary, unlawful, and some extrajudicial killings, and officials used torture in jails and prisons. Prolonged pretrial detention, due to a severe lack of resources in the judicial system, remained a problem. Prison conditions remained poor. Overcrowding and limited food and medical supplies contributed to deteriorating health and even death among prisoners. The Karzai Government generally provided for the freedom of speech, the press, assembly, association, religion, and movement; however, problems remained. Approximately 60,000 Pashtun internally displaced persons (IDPs) had yet to return to their former homes in northern provinces after local commanders targeted Pashtuns after the fall of the Taliban for murder, looting, rape, and destruction of property. Security concerns, as well as the drought, discouraged some refugees from returning to their country. Violence and societal discrimination against women and minorities were problems. Women and girls were subjected to rape and kidnapping, particularly in areas outside Kabul where security problems persisted. There was widespread disregard for, and abuse of, internationally recognized worker rights. Child labor continued to be a problem. Trafficking of persons was a problem.

Terrorist attacks and severe violence continued. The remnants of the Taliban and rogue warlords 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.

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 Operation Enduring Freedom (OEF) forces and the collapse of the Taliban in 2001 helped begin an end the decades-long pattern of serious human rights abuses, including extrajudicial killings. However, inter-factional fighting between regional commanders, persistent Taliban and al-Qa'ida activity, and criminal activity contributed to continued reports of unlawful deprivations of life. Militants targeted foreigners and local employees of NGOs for unlawful killings. Civilians also were killed during fighting between OEF forces and rebel forces.

During the year, the TISA investigated the November 2002 unlawful police killing of two demonstrators in Kabul and an unknown number of persons have been arrested. The case has been referred to the Supreme Court; however, there had been no trial date set by year's end. There were reports of deaths in custody.

Intimidation, attacks, and killings took place during the 2002 Loya Jirga process. Further, Human Rights Watch (HRW) stated that several powerful military and party leaders threatened less powerful delegates, and agents of the intelligence service, the National Directorate of Security (also known as Amniat-e-Melli), spied on and delivered threats to delegates.

Human rights sources indicated that political intimidation and violence in the CLJ registration process was a problem. However, other reports, including those prepared by the U.N., suggest that intimidation was localized and did not significantly impact the outcome of elections. In October, HRW reported allegations of violence and intimidation against regional representatives and delegates continued. HRW stated that, in Badakshan and Ghor, candidates withdrew their support, "after a senior commander, allied with former President Burhanuddin Rabbani, allegedly said 'Avoid nominating yourself, otherwise we will kill you and throw your corpse into the Kokcha river.'" At year's end, no investigation or arrests had been made in connection with these threats.

No action was taken against those reportedly responsible for post-battle executions of prisoners in 2001.

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. At year's end, mass killings from 1997 and 1998 had not been fully investigated.

During the year, there were instances of factional forces killing civilians during the fight against Taliban supporters. In addition to the security forces and the coalition forces, there are many groups throughout the country that are armed, including militias and civilians. During the year, battles between rival tribes and local commanders resulted in numerous civilian casualties. During the early part of the year,

unknown numbers of persons reportedly were killed in fighting between forces loyal to General Dostum and General Atta in the northern part of the country. In October, a ceasefire between the forces loyal to General Dostum and General Atta was reached which included the cantonment of heavy weapons.

The ICRC estimated 7,097 Afghans had been killed or wounded by landmines between 1998 and this year. According to NGOs, approximately 44 persons were killed by landmines in the northern province during the year (see Section 1.g.).

Rebel forces, including Taliban, al-Qa'ida, and Hizb-e-Islami Gulbuddin, killed a large number of civilians during their attacks. There were reports that Taliban fighters and allied militias summarily executed persons and NGO workers. Attacks on international NGOs and their local counterparts increased significantly (see Sections 1.g. and 4).

There were numerous bombings during the year. For example, on July 1, 17 persons were injured when a bomb exploded at a mosque in Kandahar. On August 13, 15 persons were killed when a bomb exploded in a bus around Kandahar. No one claimed responsibility for any of these acts. In addition, there have been a number of attacks on international organizations, international aid workers, and foreign interests and nationals (see Section 4).

In many areas, 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.

There was no further investigation or action taken in the following cases in 2002: The April bombing of Vice President and Defense Minister Mohamed Fahim's car, in which several persons were killed; the September car bomb in which 35 persons were killed in Kabul; and the February and July killings of Vice President and Public Works Minister Haji Abdul Qadir and Civil Aviation Minister Abdul Rahman.

No action was taken against those reportedly responsible for post-battle executions of prisoners in 2001.

During the year, TISA and coalition partners made efforts to bring to justice those persons responsible for the most serious abuses committed during the 23-year civil war. The Afghan Independent Human Rights Commission (AIHRC) established a Transitional Justice Unit to address the most recent and serious cases. The investigations continued to proceed slowly during the year due to lack of resources and insecurity in the country.

b. Disappearance.—Abductions and disappearances occurred during the year. In July, the Government investigated a report that three policemen were taken from Herat's central police district and held without charge for several months. The AIHRC alleged that the three were beaten while in custody. In this instance, the Herat provincial security authorities were implicated in the disappearance. The investigation was ongoing at year's end. In December, there were reports that local Shindand district commander Amanullah Khan abducted a commander of Herat's 21st Division, based in Shindand. The investigation was ongoing at year's end. In August, the Government investigated a report that three policemen had been arrested, tortured, and abducted from jail. The Herat Chief of Criminal Justice said that the prisoners were suspected smugglers. There was no information on the whereabouts of the three policemen by year's end. No suspects were identified by year's end for the alleged disappearance of several potential witnesses to the deaths of Taliban prisoners in November 2001.

There continued to be reports of abduction by Taliban, allied militias, and unknown gunmen. For example, in November, gunmen abducted a driver for a mine-clearance agency in Ghazni. His whereabouts remained unknown at year's end.

The whereabouts of most of the women and girls that were kidnapped or abducted by the Taliban between 1998 and 2001 remained unknown at year's end. In addition, the whereabouts of a number of persons arrested for political reasons during the rule of the Taliban remained unknown at year's end.

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 Prisoner of War (POWs), although specific information generally was lacking.

In July, HRW released a report titled "Killing You is a Very Easy Thing for Us" which described numerous cases of local militia arresting, beating, and holding people for ransom, especially in the southeastern part of the country. The report cited a case in early April in which a resident of Jalalabad reported that local police beat his cousin while in custody. The resident said his cousin was "brought to Darunta

Dam [a hydro-electric dam on the western side of Jalalabad], and he told us that they held him over the side of the dam by his feet and threatened him to make him sign a paper admitting that he had committed a crime." In August, a Ministry of Interior investigation into disappearances in Herat found signs of recent torture with electric cables on the feet, legs, and ears of some prisoners.

In 2002, HRW alleged that some local 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 May 2002, 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 Emergency Loya Jirga in June 2002 (see Section 3).

Prison conditions remained poor; there reportedly were many other secret or informal detention centers (see Section 1.d.). Prisoners lived in overcrowded, unsanitary conditions in collective cells and were not sheltered from severe winter conditions. Prisoners reportedly were beaten, tortured, or starved. According to TISA officials, there were 612 prisoners at Kabul City prison at year's end. In March, the justice ministry assumed control of prison management from the interior ministry. Most NGOs noted this change would facilitate an improvement in prison conditions since the Taliban's fall from power. In May, AI reported that the Mazar-i-Sharif was holding up to 20 prisoners in rooms designed for six. In 2002 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.

With the assistance of NGOs and the U.N. during the year, the TISA was organizing programs for the renovation and humanization of prisons. For example, the AIHRC established a "complaints" department within the Ministry of Justice and eight interagency commissions visited prisons in April to assess prison conditions. Further, in May, the Minister of Justice called a donors meeting to discuss moving prisoners from the Welayat detention center to Pul-i-Clarki prison, where two wings of the prison were under renovation; however, no prisoners were moved at year's end.

A number of regional leaders, particularly Ismail Khan in Herat and General Dostum in Shiberghan, maintained secret or unofficial prisons that most likely held political detainees. Herat prison held 600 to 700 prisoners. Shiberghan prison held approximately 3,500 inmates, including Taliban fighters and a number of Pakistanis (see Section 1.d.).

The TISA permitted the International Committee of the Red Cross (ICRC) to visit all prisons which it controlled and the ICRC conducted such visits 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.—The 1964 Constitution, in effect under the Bonn Agreement, prohibits such practices. Legal and law enforcement institutions existed but operated unevenly throughout the country. 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. Arbitrary arrest and detention are serious problems. Human Rights groups reported 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. Limits on lengths of pretrial detention were not respected.

Private prisons were a problem.

In Kanadaha, Chief of Police Akram acknowledged "private prisons" as a significant challenge (see Section 1.c.). AI reported that the Afghan intelligence agency, National Security Directorate, ran at least two prisons and there were unconfirmed reports of private detention facilities around Kabul and in northern regions of the country. Representatives of international agencies were unable to gain access to these prisons during the year. In July, HRW reported numerous cases of soldiers and police arresting, beating, and holding persons for ransom, and the existence of "private prisons" in Kabul city, and in Laghman, Paktia, and Nangarhar Provinces. According to HRW, "residents of Nangarhar, U.N. staff, and even government officials described soldiers and police regularly arresting people, often on the pretext that they were suspected of being members of the Taliban, beating them, and ransoming them to their families for money." U.N. humanitarian officials reported that

they had documented cases of arbitrary or illegal detention of villagers throughout Nangarhar, as well as in neighboring Kunar and Laghman provinces. In addition, HRW reported it had received information about arbitrary arrests and detentions by troops under Governor, currently Minister of Public Works, Gul Agha Shirzai in Kandahar, Mohammad Atta and Rashid Dostum in northern Afghanistan, and Ismail Khan in Herat.

The generally poor security conditions severely impeded the judicial process. The country's law limited pretrial detention to 9 months; however, there were several documented cases where suspects were held over a year awaiting trial. There were credible reports that some detainees were tortured to elicit confessions while awaiting trial.

There were several reports of troops loyal to Commander Ismatullah kidnapping and raping women in Laghman Province (see Section 5).

In the months preceding the 2002 Emergency Loya Jirga, Ismail Khan's officials reportedly arrested Loya Jirga candidates who were not his supporters. There were no similar reports during elections for the CLJ during the year.

The TISA made progress in the disarming of local militias. In November, in concert with coalition partners, 1,000 combatants were disarmed through a U.N. DDR program in Kunduz. In December, nearly 600 combatants turned in their weapons in the Gardez.

The TISA also made progress in training Afghan National Army (ANA) recruits. At year's end, reports indicated that the ANA had approximately 5,300 soldiers working with coalition forces.

There was no information available regarding forced exile.

e. Denial of Fair Public Trial.—The Bonn Agreement—specifically the Judicial Commission—affords for the establishment of a domestic justice system in accordance with Islamic principles, international standards, the rule of law, and local legal traditions. However, with no functioning nationwide judicial system, many municipal and provincial authorities relied on some interpretation of Islamic law and traditional tribal codes of justice. In 2002, 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. During the year, the Supreme Court was expanded from 9 to 137 judges. The Supreme Court also established a National Security Court that will try terrorist and other cases, although by year's end, it was unclear how the new National Security Courts will function in practice. 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. Pressure from armed groups, public officials, and the family of the accused, as well as widespread reports of corruption and bribery, threatened judicial impartiality.

By year's end, TISA had made progress in creating a legal basis for the justice sector, but it still faced serious challenges in recruiting and training enough qualified judges, prosecutors, and defense lawyers. However, the TISA continued its education program to upgrade the qualifications and training of judicial personnel. Numerous judicial personnel received overseas training to qualify them for capacity building in the new judicial system.

In general, defendants did have the right to an attorney and they were permitted attorneys in some instances.

In the rural areas, administration of justice normally is done by tribal elders. They allegedly conducted hearings according to Islamic law and tribal custom. In such proceedings, allegedly the accused have no right to legal representation, bail, or appeal. In even more remote areas, tribal councils levied harsher, unsanctioned punishments, including flogging or death by shooting or stoning. For example, in Jowzjan province elders sentenced a woman to the death penalty. Subsequently, the AIHRC intervened and the woman was not put to death. AI reported that tribal elders resolved murder cases by ordering the defendant to provide young girls in marriage to the victims' family, in exchange for the murder.

A number of regional leaders were suspected of holding political prisoners, but there were no reliable estimates of the numbers involved.

There were no developments in the September 2002 case of Abdullah Shah who was convicted of mass murder and sentenced to death. Shah did not have legal representation during the appeal.

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 the areas controlled by the ISAF. In the north, local commanders, particularly Jumbesh commander Lal, targeted Pashtuns, abused female members of families, confiscated property, and destroyed homes. In Takhar Province, local commanders prevented the return of Pashtun families to their villages, while north of Kunduz Province, Pashtuns were prevented from cultivating their lands.

There were reports of forcible conscription in the north by forces loyal to Jumbesh leader General Dostum.

Government forces demolished homes and forcibly removed populations from and around the homes of high government officials and other government facilities, without any judicial review. In September, police officers, led by Kabul Chief of Police Salangi, destroyed the homes of more than 30 families in Kabul. AIHRC reported that since June, it had investigated and registered approximately 300 cases of police arbitrarily destroying homes.

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. AI reported that 60 women were in Herat jail for defying their family’s wishes at year’s end.

g. Use of Excessive Force and Violations of Humanitarian Law in Internal and External Conflicts.—TISA security forces reportedly used excessive force during their fight against Taliban and al-Qa’ida remnants, including looting, beating, and torture of civilians. Violence and instability hampered relief and reconstruction efforts in various parts of the country and led to numerous human rights abuses. 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.

The Government and government-allied coalition forces carried out raids and attacks on alleged militant settlements particularly in southeastern regions. These raids and bombings reportedly resulted in the deaths of civilians. For example, on December 10, an air and ground assault by coalition forces in the eastern part of the country reportedly killed six children and two adults. Military spokesmen said Islamic guerrillas had stored weapons in the village. Coalition forces issued a statement of regret for the incident, which noted that noncombatants were in a compound known to be used by terrorists.

Intimidation or violence directed at NGO workers, including threats, accusations, kidnapping, attacks, murder, rape of family members of local NGO staff, and armed robbery increased significantly during the year. For example, in September, two Afghan aid workers were shot and killed near Kandahar while working for Voluntary Association for Rehabilitation of Afghanistan, a local NGO which partners with UNHCR. Security forces arrested two suspects at year’s end. On November 16, gunmen shot and killed Bettina Goislard, a 29-year-old French UNHCR worker in Ghazni Province. Security forces arrested the assailants following the attack. At year’s end, several NGOs, including UNHCR, temporarily suspended assistance in some areas of the country. It was believed that the attackers acted with the assistance of Taliban remnants and al-Qa’ida terrorists (see Section 1.a.). There was no further information on the June 2002 rape of the NGO humanitarian assistance worker in Mazar-i Sharif at year’s end.

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.

Fighting in the northern part of the country led to continued displacement of Pashtuns and others from Faryab, Jawzjan, and Badghis Provinces. In April, continued fighting between nomadic Kuchis and locals in Badghis over pasture rights re-

sulted in the death of 60 persons. In Takhar Province, local commanders prevented the return of Pashtun families to their villages, while north of Kunduz Province, Pashtuns were prevented from cultivating their lands. In Paktia Province, 20 persons reportedly were killed and 40 injured over a land dispute between rival tribes in September. Sporadic fighting and lawlessness remained a hindrance to assistance efforts in the north throughout the year.

During 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. In October, military activity between the private militias of General Abdul Rashid Dostum and Commander Atta Mohammad intensified, and all sides of the fighting were responsible for violations of humanitarian law. The Government and coalition forces brokered a ceasefire. During the year, Ismail Khan and Amanullah Khan continued to fight, resulting in civilian casualties. In August, President Karzai decreed that officials could no longer hold both military and civil posts and removed Ismail Khan from his role as military commander of western Afghanistan. He remained the governor of Herat Province at year's end.

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 in 2002 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.

In 2002, Northern Alliance forces reportedly killed at least 120 prisoners at the Qala-i Jangi Fort, allegedly during the suppression of a riot. There were no developments in the 2002 investigation of bodies of Taliban prisoners in Dasht-i Leili. U.N. experts found evidence of summary executions and death by suffocation.

There were credible reports that both the Taliban and the Northern Alliance used child soldiers (see Section 5).

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. 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. The Red Cross estimated that 200,000 persons were killed or maimed by landmines over the last two decades of warfare. In 2002, the Red Cross recorded 1,286 landmine deaths and numerous other deaths were believed to have gone unreported. Injuries continued to occur during the year from landmines previously laid by Northern Alliance forces, Taliban fighters, and fighters during the Soviet occupation.

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 were 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. U.N. agencies and NGOs instituted a number of educational programs and mine awareness campaigns for women and children in various parts of the country. 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, in effect under the Bonn Agreement, somewhat provided for freedom of speech and of the press; however, some senior officials attempted to intimidate journalists and influence their reporting. Government intimidation and surveillance of journalists continued to inhibit open, public discussion of political issues. There were reports of self-censorship by journalists. All information must follow Shari'a law, and a publication could be suspended when the article on "forbidden content" was violated. However, the independent media were active and differing political views publicly were reflected to some extent. The State owned at least 35 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.

During the year, the Government maintained departments that were pre-disposed to crack down on journalists. Members of the intelligence service, National Direc-

torate of Security, reportedly staked out journalists' homes, followed them on the street, visited their offices, and delivered threats to stop publishing critical articles.

While some independent journalists and writers published magazines and newsletters, according to Reporters Without Borders, 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. In June, police interrogated and arrested Saveed Mirhassan Mahdawi and Ali Payam Sistany, editor-in-chief and deputy editor of the weekly newspaper Aftaab, after the newspaper published an article that criticized senior leaders of the Northern Alliance, called for a secular government, and questioned the morals of Islamic leaders. Authorities banned the weekly Aftaab and copies of the publication were withdrawn from newsstands in Kabul after their arrest. On June 25, the two journalists were released; however, the charges of blasphemy were pending at year's end.

According to credible sources, reporters were the target of threats and intimidation from government-related militias during the year. For example, commanders in Jalalabad and Gardez threatened journalists with death for publishing reports about local security problems. In April, Ismail Khan's security forces in Herat arrested and beat a radio journalist for asking questions about women's rights during the opening ceremony for the new office of the AIHRC.

A number of journalists were killed during the intensified fighting late in 2001. In April, five suspects were arrested for suspected involvement in the killing of four journalists in November 2001.

There were a few reports that government forces prohibited music, movies, and television on religious grounds. In January, the Supreme Court banned cable television, calling its content offensive to the moral values of Islamic society. Following an April inquiry by the Afghan Ministry of Information and Culture, the Government eased the ban on most news and sports cable broadcasters—such as BBC, Al-Jazeera, and CNN—but prohibited cable operators from airing Western movie and music channels. At year's end, the government continued to debate which foreign and domestic cable operators will receive broadcast licenses. The Government did not restrict the ownership of satellite dishes by private citizens. However, authorities in Paghman and Shakar Dara arrested and beat musicians and persons dancing. Further, the Government banned the appearance of women singers on television or radio (see Section 5). However, televisions, radios, and other electronic goods were sold freely, and music was played widely.

There were approximately 150 commercial and governmental Internet cafes in the country, 15 of which were in government offices. Poor condition of telephone lines often made Internet connectivity problematic.

The Government did not restrict academic freedom.

b. Freedom of Peaceful Assembly and Association.—The 1964 Constitution, in effect under the Bonn Agreement, 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. On October 11, the TISA passed a Political Parties Law that obliges parties to register with the Ministry of Justice and requires political parties to pursue objectives that are inline with the principles of Islam. In Kabul, a spectrum of organizations and political parties operated.

Police used harassment and excessive force against demonstrators during the year. For example, in May, Kabul police arrested and beat several students for protesting against nepotism in Kabul University's grading system.

No action was taken against security forces who forcibly dispersed demonstrations or meetings in 2002 or 2001.

The Government allows for freedom of association; however, there were reports of harassment by local officials during the year. For example, in Herat, Ismail Khan's officials harassed and interfered with the Professionals' Shura, the Herat Literary Society, and the Women's Shura.

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 reli-

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 Government continued a policy of religious tolerance during the year; however, custom and law required affiliation with some religion.

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 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 were small numbers of Hindus and Sikhs. 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 may practice their faith but may not proselytize. Blasphemy and apostasy were punishable by death. In the spring, a journalist in Mazar-i Sharif was accused in a local newspaper affiliated with the Jamiat-i-Islami Party of insulting Islam in an article she had written about the formation of the country's next constitution. The journalist, Mariya Sazawar, was accused of writing that Islamic rules were oppressive to women. The local religious scholars recommended that she be sentenced to death. In March, a local court acquitted her; allegations of blasphemy were not confirmed.

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 December 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.

Militants sometimes harassed foreign missionaries and other religious oriented organizations. For example, after an attack in late September that killed two employees of the Voluntary Association for Rehabilitation of Afghanistan, a Taliban spokesman accused the organization of preaching Christianity (see Section 1.g.).

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

d. Freedom of Movement within the Country, Foreign Travel, Emigration, and Repatriation.—The 1964 Constitution, in effect under the Bonn Agreement, 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. In some areas, women were forbidden to leave the home except in the company of a male relative.

Commercial trade was impeded as local commanders and criminals continued to demand road tolls and at times closed roads. Taxi, truck, and bus drivers complained that militia and police personnel operated illegal checkpoints and extorted them for money and goods. In September, President Karzai called for an end to all checkpoints; however, warlords largely ignored his order.

There were estimates that up to 220,000 persons were displaced internally. However, over 30,000 IDPs returned to their homes during the year. During the year, the Government worked closely with the UNHCR and with NGO's to provide for the repatriation of refugees from all parts of the country. By year's end, 2.5 million Afghan refugees had been repatriated with UNHCR assistance since March 2002. During the year, some refugees from Afghanistan voluntarily repatriated themselves. UNHCR estimates that more than 2 million Afghan refugees remained in Pakistan, Iran, and other neighboring countries at year's end. In January, representatives of the Pakistan Government, the TISA, and UNHCR signed a tripartite repatriation agreement providing for the return of Afghan refugees from the country. 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 credible sources, 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 remain displaced because of the violence. In 2002, 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. There were no developments during the year in the commission assigned to look into human rights problems faced by the Pashtuns in the north.

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

There was a peaceful transfer of power from the Afghanistan Interim Authority to the TISA during the 2002 Emergency Loya Jirga. The Government allowed citizens the right to change their government through the 2002 Emergency 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 30 ministers. The Loya Jirga deferred a decision on the creation of a national legislature. A Constitutional Loya Jirga was held in December, and a new Constitution was approved in January 2004. Presidential elections were scheduled for June 2004. The Bonn Agreement stipulated that national elections must take place by June 2004, which the country is now preparing for.

The district representatives elected 344 delegates out of a total of 502 who participated in the CLJ. Sixty-four women delegates were elected through a separate woman election for district representatives. President Karzai also appointed 50 delegates, of which 25 women, bringing the total to 89 women at the CLJ. Forty-four delegates were elected from among refugees, IDPs, Kuchis, and Hindus and Sikhs. Two delegates were elected from persons with disabilities.

On December 15, 502 delegates representing 32 provinces of the country began debating a draft constitution unveiled in November. Ratification of the draft constitution will create the framework for the country's first direct national elections, scheduled for June 2004. The draft constitution, which was elaborated by the commission, was debated by public consultation as well as within the Government. Citizens had the opportunity to question senior leaders during the CLJ. However, some observers criticized the proceedings for alleged vote buying and intimidation. According to HRW, local authorities used fraud and intimidation to get their supporters elected to the CLJ "Grand Assembly." However, some of these reports were later determined to be false or exaggerated. Other delegates, according to HRW, expressed alarm at the intrusive presence of agents from the Government's intelligence service.

A number of 2002 Emergency Loya Jirga delegates reported receiving threats after speaking out against the participation of warlords in the gathering. For example, in Jalalabad, HRW received reports that the eastern region commander, Hazrat Ali, ordered a politically motivated arrest of a suspected opponent.

Citizens had the opportunity to question senior leaders during the 2002 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 dialogue 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 killing of two inter-

national staff workers, the firing on NGO vehicles, kidnapping of international contractors working on the Kabul-to-Kandahar road, and attacks on offices (see Section 1.g.). For example, ICRC and other NGOs were forced to temporarily suspend their programs in the south after the killing of NGO worker Ricardo Munguia (see Section 1.g.).

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

The Afghan Independent Human Rights Commission, a government entity, continued its role in addressing human rights problems within the country. The Commission was composed of 11 appointed members. The Commission generally acted independently of the Government, often voicing strong criticism of government institutions and actions. During the year, the AIHRC established 7 field offices outside Kabul which began accepting and investigating complaints of human rights abuses. During the year, the AIHRC received a total of 2,500 complaints and petitions for assistance on human rights abuses countrywide; In 2002, the Commission collected over 500 complaints.

There was no development in the 2002 investigation of the possible mass gravesites in the northern part of the country (see Section 1.g.).

Security conditions and instability, including factional fighting in the north and Taliban activities in the southeast impeded NGO assistance activities (see Sections 1.g. and 2.d.).

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." 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. As the presence of persons with disabilities became more widespread, there was a greater acceptance of persons with disabilities.

Women.—Most in the international and domestic community noted improvement in the status of women since the Taliban's fall from power, despite the persistence of certain areas of concern. The central Government named several women to cabinet positions and other areas of responsibility. The Ministers of Health and Women's Affairs, as well as the Chairwoman of the Afghan Independent Human Rights Commission were women. Women in a number of places regained some measure of access to public life, education, health care, and employment; however, the lack of education perpetuated during the Taliban years and limited employment possibilities continued to impede the ability of many women to improve their situation. According to HRW, "Almost every woman and girl interviewed said that her life had improved since the Taliban were forced from power."

During the year, 45 women leaders from across the country devised the Afghan Women's Bill of Rights, a document that demanded equal treatment. The Committee also pushed for a measure that guarantees that each province elect two women representatives to the lower house of Parliament, rather than the one representative initially provided for.

Women actively participated in the Drafting Committee of the Constitutional Commission set up prior to the CLJ and in the presidential elections. Seven out of the 35 members were women. During the year, Massouda Jalal voiced her intention to challenge President Karzai in the presidential elections scheduled for June 2004. Jalal had challenged and lost to Karzai for President during the ELJ in mid-2002.

Women also actively participated in the December Constitutional Loya Jirga (see Section 3). Women were able to question leaders openly and discussed inter-gender issues during the CLJ. 89 women were elected or appointed as delegates to the CLJ, constituting approximately 20 percent of the 502 delegates. However, some officials attempted to intimidate female participants. For example, during the CLJ, a delegate from Farah Province, Malalai Joya, received death threats for speaking against mujahideen leaders who held positions in the CLJ. After she questioned why some CLJ delegates with jihadi affiliation were selected as committee chairman, dozens of angry delegates rushed the stage and demanded that she be expelled. She participated fully in the remainder of the Loya Jirga, was provided security protection by the CLJ organizers, and female police officers from the Ministry of Interior, and spoke freely with the local and international press after the incident. Further, some women delegates denounced their colleagues in the CLJ for attempting to shut them

out of leadership positions. However, one woman served as Deputy Chairwoman of the CLJ and chaired several sessions of the CLJ, and others held positions of responsibility in the working groups.

On July 26, the President established the Interim Election Commission to register voters and implement other preliminary steps in preparation for the June 2004 elections. The Interim Commission has six members, two of whom are women. Special programs have been implemented that target women voters, to further educate them on the importance of voting and political participation.

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 rape was limited. In a climate of secrecy and impunity, it was likely that domestic violence and rape against women remained a serious problem.

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 were accused of 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 2002, Kabul's Police Chief said 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 human rights sources, Uzbek, Tajik, and Hazara commanders perpetrated many of the attacks in the north and west. Local commanders, particularly in the north, used rape as a tool of intimidation against the international and local NGO community. There were credible reports of soldiers and commanders loyal to Pashtun warlords raping girls, boys, and women in provinces in the southeastern part of the country.

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. In September, a fatwa was issued which allowed a woman to marry again if her husband was missing more than 4 years. Reports of suicide among women were often related to forced marriages. There were reports of death threats against women activists.

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; in some areas, women were forbidden to leave the home except in the company of a male relative (see Section 2.d.). In 2002, President Karzai decreed that women have the right to choose whether to wear the burqa. However, credible sources reported that women and older girls could not go out alone and that, when they did go out, they wore a burqa for fear of harassment or violence. Most said this was because armed men were targeting women and girls. In Jalalabad and Laghman Province, government officials also were policing other aspects of women's appearance. Government-owned television banned the appearance of women singers on television or radio (see Section 1.a.). The curbs on women singing on television date to 1992, when a government of mujahideen replaced a communist regime.

A report released by the International Organization for Migration claims that trafficking was an increasing problem. Human rights violations related to trafficking take the form of forced labor, forced prostitution, and sexual exploitation of children (see Section 6.f.).

Government regulations prohibit women who are married from attending high school classes and during the year, the education ministry ordered all regions to enforce this rule. During the year, thousands of young women were expelled from school because they were married. Deputy education minister Sayed Ahmad Sarwari was quoted as estimating more than 2 or 3 thousand married women were expelled during the year. Supporters of the legislation say it protected unmarried girls in school from hearing "tales of marriage" from their wedded classmates.

In areas outside Kabul, 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.

Healthcare remained a major issue for women who continued to be denied access to adequate medical facilities due to cultural barriers and basic lack of availability of resources. According to Management Sciences for Health, nearly 40 percent of the 756 basic primary-health facilities in 2002 had no female workers, a major deterrent for women because societal barriers discouraged them from seeking care from male health workers. 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. Only 11 of the 32 provinces had obstetric care facilities. Health services reached only 29 percent of the population and only 17 percent of the rural population. The mortality rate was 1,600 per 100,000 live births nationwide.

A Back-to-School campaign launched by the Ministry of Education and coalition supporters led to the enrollment of 4.2 million children in school. A number of incentives were in place to encourage girl's enrollment in education. UNICEF reported there has been an increase of 37 percent in girl's enrollment from 2002 to year's end. Southern provinces also show a net increase of about 30 percent, despite higher levels of insecurity and conflict.

Nevertheless, the lack of teachers, materials, and security concerns remained deterrents to girls' education. In some parts of the country, access to education was further impeded by violent fundamentalism in which schools, teachers, students and others were threatened or physically attacked.

Approximately 85 percent of women were illiterate, and in rural areas, illiteracy rates among women often were nearly 100 percent. The Government, in concert with coalition support, sponsored non-formal education training targeted at 75,000 trainees, reaching more than 38,000 women and adolescent girls participating in skills training, adult literacy and life skills.

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. One in 10 children suffered from acute malnutrition. The infant mortality rate was 250 out of 1,000 births; the mortality rate for children under the age of 5 was 25 percent. 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, such as the killing of parents or relatives.

While most girls throughout the country were able to attend school, the U.N. reported that, in some areas, a climate of insecurity persisted. From August 2002 to June, there were more than 30 attacks on girls and boys schools in Ghazni, Kabul, Kandahar, Logar, Sar-e-Pul, Wardak, Zabul, Jawzjan, and Laghman causing minor injuries and building damage. On September 28, two girls' schools in Balkh Province were set on fire. The school was badly damaged; however, no one was injured in the attack.

There were credible reports that both the Taliban and the Northern Alliance used child soldiers. In previous years, Northern Alliance officials publicly said that their soldiers must be at least 18 years of age, but press sources reported that preteen soldiers were used in Northern Alliance forces. In May, President Karzai issued a decree that prohibited the recruitment of children and young persons under the age of 22 to the Afghan National Army (see Section 6.d.).

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 January, 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. President Karzai met with the protesters, and TISA agreed to raise a monthly stipend for persons with disabilities from \$2 to \$5 (208 AFA).

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 (The CLJ delegate numbers were increased to 502 to allow two delegates with disabilities to join the proceedings).

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 are no export processing zones.

c. Prohibition of Forced or Bonded Labor.—The 1964 Constitution, in effect under the Bonn Agreement, 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 TISA 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. However, in November, President Karzai approved the establishment of the Commission for the Prevention of Child Trafficking and pledged to establish a National Action Plan to combat trafficking. A 2002 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 girls, some as young as 10, reportedly kidnapped 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. UNICEF cited unconfirmed reports of capturing and abduction of women and children in the southern part of the country.

Although prosecutions of traffickers increased, and the Government devoted greater attention to trafficking in persons during the year, prosecution of perpetrators continued to be inconsistent. In October, 42 children trafficking victims were rescued and taken to a shelter operated by a local NGO. Trafficking victims, especially those trafficked for sexual exploitation, faced the risk of contracting sexually transmitted diseases, including HIV/AIDS. Trafficking victims, especially those who were exploited sexually, also faced societal discrimination, particularly in their home villages and within their own families, as a result of having been trafficked.

BANGLADESH

Bangladesh is a parliamentary democracy, with broad powers exercised by the Prime Minister. Khaleda Zia, leader of the Bangladesh Nationalist Party (BNP), became Prime Minister (PM) following parliamentary elections in October 2001, deemed to be free and fair by international and domestic observers. The BNP formed a four-party alliance government with Jamaat-e-Islami (JI), Bangladesh

Jatiya Party (BJP), and Islami Oikko Jote (IOJ). Two major parties dominate the political scene, the BNP and the Awami League (AL). Political competition is vigorous, and violence is a pervasive feature of politics. The 2001 elections, supervised by a nonparty caretaker government (CG), took place in a climate of sporadic violence and isolated irregularities. The major parties continued to boycott Parliament when in the opposition, claiming that they had little opportunity to engage substantively 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 protected corrupt government officials from public scrutiny, hindering transparency and accountability at all levels.

The civilian authorities maintained effective control of the security forces. The Home Affairs Ministry controls the police and paramilitary forces, which have primary responsibility for internal security. The military, primarily the Army, is responsible for external security but also occasionally has been given domestic security responsibilities. Security forces were rarely disciplined, even for the most egregious actions. 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. Members of the security forces committed numerous serious human rights abuses.

The country had a primarily agricultural and market-based economy and a population of approximately 138.4 million. The Government owned most utility companies, many transport companies, and many large manufacturing and distribution firms. The projected economic growth rate for the fiscal year was 5.2 percent, which fell short of the estimated 7 percent needed to reduce significantly the poverty that afflicts 30 percent of the population. Wages and benefits have kept pace with the relatively low rate of inflation. Economic conditions in the country were primarily impacted by a multitude of structural weaknesses the Government had not adequately addressed, and general strikes, often politically motivated, took a heavy toll on the economy. Efforts to improve governance through reform were largely unsuccessful, and often blocked by bureaucratic intransigence, vested economic interests, endemic corruption, and political polarization.

The Government's human rights record remained poor, and it continued to commit numerous serious abuses. 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. The police often employed excessive, sometimes lethal, force in dealing with opposition demonstrators, and the police routinely employed physical and psychological torture during arrests and interrogations. Prison conditions were extremely poor and were a contributing factor in some deaths in custody. Police corruption remained a problem. Nearly all abuses went unpunished, and the climate of impunity remained a serious obstacle to ending abuse and killings. In February, Parliament adopted legislation shielding security forces from any legal consequences of their action, which included numerous abuses during the countrywide anti-crime drive from October 16, 2002, to January 9. In the few instances where charges were levied, punishment of those found guilty was predominantly administrative. Violence, often resulting in deaths, was a pervasive element in the country's politics. 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. Press reports of vigilante killings by mobs were common.

There were no reports of rape in official custody during the year, but 31 cases of rape by either police or other officials were recorded. In addition, there were credible reports that police facilitated or were involved in trafficking in women and children. 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), and included punishments such as whipping. Rejected suitors, angry husbands, or those seeking revenge sometimes threw acid on a woman's face.

The Government arrested and detained persons arbitrarily, and used the Special Powers Act (SPA) and Section 54 of the Code of Criminal Procedure (CrPC), which allowed for arrest without a warrant and preventive detention. In 2002, 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, although wider use of mediation in civil cases quickened the administration of justice. Lengthy pretrial detention was a problem. Police searched homes without warrants, and the Government forcibly relocated ille-

gal 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. Societal discrimination against disabled persons, indigenous people, and religious minorities was a problem. The Government limited worker rights, especially in the Export Processing Zones (EPZs), which are exempt from the major labor laws, and was ineffective in enforcing those workers' rights in place. Child labor and abuse of child workers remained widespread and were serious problems. Abuse of children and child prostitution were problems. Violence and discrimination against women remained serious problems, as did trafficking in women and children for the purpose of prostitution and at times for forced labor.

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 politically motivated and extrajudicial killings. The police, the BDR, the Ansars, and the army used unwarranted lethal force.

During the year, 81 persons died as a result of the use of lethal force by the police and other security forces, and another 113 persons died in prison and police custody during the year (see Section 1.c.). Nearly all abuses went unpunished, and the resulting climate of impunity remained a serious obstacle to ending abuse and killings. In the few instances where charges were levied, punishment of those found guilty was predominantly administrative.

On February 23, the Parliament adopted legislation to shield security forces from legal consequences for all their acts during the countrywide joint security forces "Operation Clean Heart" anti-crime drive, which caused an estimated 50 deaths and involved an unknown number of torture victims. The Joint Drive Indemnity Act barred people from seeking justice through the courts for the deaths and human rights violations that occurred during the drive, which lasted from October 16, 2002 through January 9. On April 13, the High Court issued a show cause notice to the government regarding the legality of the Indemnity Act, but there were no developments at year's end.

On July 4, Gorai village (Tangail District) police arrested Mobarak Hossain and reportedly demanded payment of \$400 (taka 20,000). When his family could not pay, Mobarak's mother stated that she witnessed police beat her son in the police station. The following day, Mobarak's brothers were told that he had committed suicide by hanging. Hospital doctors found no evidence of hanging. The official autopsy report recorded the death as suicide. Three policemen were withdrawn from duty following the incident. Mobarak's wife filed a case against police officials with a magistrate's court, and a judicial inquiry was ongoing at year's end.

In a similar incident on the evening of October 23, police arrested Shumon in the Khilgaon section of Dhaka city. He was taken into police custody after allegedly attempting to commit a robbery. No charge was filed against him, and the owner of the house where the robbery supposedly took place later said he was forced by police to implicate Shumon. When Shumon's family went to the jail, the second officer in charge demanded \$500 (taka 30,000) for their son's release. Shumon's family was unable to raise the entire amount on such short notice. When they went to the jail the next morning, Shumon's parents found him lying on the floor so severely beaten he could not stand. When Shumon's father contacted the officer in charge, the officer demanded an additional \$1,700 (taka 100,000) to release Shumon on bail. The officer became angry when Shumon's father could not give him the money, and began to beat Shumon in plain view of his parents. Eventually Shumon fell unconscious and was transferred to Dhaka Medical College Hospital, where he died the next afternoon. The officer in charge was relieved of his duty, and Shumon's family filed cases against both him and the second officer. On November 4, a three-member investigation committee reported that Shumon died as a result of a mob beating, and that there was no evidence to support his parents' claim of police extortion.

In October 2002, during "Operation Clean Heart," according to a newspaper report, army personnel assaulted, tortured, and killed Abul Hossain Litu at his poultry farm. After Litu's wife filed murder charges against the army forces, a lower court ordered police to investigate the charges. The Joint Drive Indemnity Act made this case null and void. Litu's wife filed a petition with the High Court questioning the constitutionality of the act.

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 436 persons were killed and 6,281 injured in politically motivated violence throughout the year (see Sections 1.c., 1.d., and 2.a.). Unlike in previous years, there were no reports of deaths from violence related to general strikes.

After charges were filed in 2002 regarding the 1999 killing of BNP activist Sajal Chowdhury, the High Court stayed the proceedings based on a petition from the main defendant, a former AL Member of Parliament (M.P.), claiming that the Government was not seriously pursuing the case.

There were no developments in the case of the 1975 killing of Sheikh Mujibur Rahman. The appeals process was stalled because three of the 7-member appellate panel of the Supreme Court refused to hear the case, and two other judges were recused due to their participation in the hearing at the High Court level.

On December 3, the Government announced appointment of special public prosecutors to conduct the trial in the case of four of the eight persons accused of perpetrating the November 1975 killings in jail of four senior AL leaders. The appointments were made on recommendations of the Deputy Leader of the opposition in parliament.

Press reports of vigilante killings by mobs were common. On April 30, 13 alleged robbers were lynched in Mymensingh, and during the week of December 6 villagers lynched over 40 alleged bandits in the Noakhali district. Press editorials and observers 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.

In November, garment workers launched a protest at a factory in Narayanganj District's industrial area. Police were called to the scene and one person, Kamaluddin, was killed during the altercation. Human rights and labor organizations alleged that many more garment workers were missing and presumed dead. A local NGO found a list posted after the event in the emergency ward of a hospital noting 94 persons injured by police and private security forces. Domestic and international organizations publicly called for an investigation, but none had been initiated at year's end.

Violence along the border with India remained a problem. According to press accounts and human rights groups, border violence claimed several hundred citizen lives during the last 6 years. Domestic human rights NGOs reported that Indian border forces killed as many as 44 citizens during the year.

b. Disappearance.—Disappearances were a problem. According to press accounts monitored by the Bangladesh Society for the Enforcement of Human Rights (BSEHR), a total of 910 people were kidnapped during the year. Some kidnapping was for profit. For example, on December 17, Bakhtiaruddin Chowdhury, a businessman in Chittagong, was abducted, and his captors demanded a ransom of \$17,125 (1 million taka). Choudhury was released within 24 hours of his abduction. According to press reports, Choudhury may have paid the ransom, but this was not possible to verify. In general, released victims were unwilling to admit to ransom payment for fear of further attack. Some abductions likely had political motives. For example, the July 24 kidnapping of BNP leader and prominent businessman Jamaluddin Choudhury from Chittagong remained unsolved. His abductors allegedly were linked to politicians and police.

The trial begun in 2002 concerning the alleged abduction and disappearance in 2000 of BNP official Nurul Islam concluded in December with Abu Taher, the main defendant, acquitted and five others given the death sentence. There were no developments in the trial begun in 2002 concerning the disappearance of Mintoo Ghosh.

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 as well as cruel, inhuman, and degrading treatment during arrests and interrogations. Torture may consist of threats and beatings, and the use of electric shock. According to the Bangladesh Rehabilitation Center for Trauma, there were 1,296 victims of torture and 115 deaths due to torture by security forces during the year (see Sections 1.a., 1.d., 2.a.). Victims were predominantly from the lowest end of the economic scale. The Government rarely charged, convicted or punished those responsible, and a climate of impunity allowed such police abuses to continue.

On June 16, three policemen came to the house of Babul, Purbapara Chunkutia village (Keraniganj), demanding payment of \$350 (taka 20,000). They accused him of being involved in illegal drug trade and pressed him to share his profit with them. When he denied dealing drugs, the policemen beat him. Because he attempted

to escape, policemen slapped and hit Babul's pregnant wife and her father with a baton. The three policemen were given temporary administrative duty following investigation.

According to BSEHR, outside of official custody there were 31 incidents of rape by law enforcement personnel or other officials during the year. For example, press accounts reported that a policeman of Jibon Nagor police station in Chuadanga district raped Rubina Khatun on September 11. In another incident, on October 18, a soldier on leave from the East Bengal Regiment allegedly raped a 14-year-old girl from Safaisree in Gazipur district. According to press accounts, police arrested the soldier, and the case was allegedly settled without a trial by a payment to the victim's family.

In addition, after women reported that they were raped, they frequently were detained in "safe custody" (in reality, confined in jail cells) where they endured poor conditions and were sometimes abused and raped again (see Section 5). Although the law prohibits women in safe custody from being housed with criminals, in practice, no separate facilities existed. In 2002, the Government began transferring women in safe custody to vagrant homes or NGO-run shelters, where available.

Police occasionally employed excessive force in dealing with opposition demonstrators. For example, on December 13 police clubbed a procession near Muktaghon in Dhaka causing injuries to some procession participants.

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 2002, 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. In an effort to curb police abuses, the High Court April 7 issued a 15-point directive to amend the CrPC by mid-October. At year's end, this had not happened (see Section 1.d.). 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 (see Section 2.c.), and included punishments such as whipping. During the year, 36 fatwa cases occurred. In these cases, five 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. During the year, 90 persons died in custody (see Section 1.a.). All prisons were overcrowded and lacked adequate facilities. Government figures indicated that the existing prison population of approximately 67,354 was nearly 300 percent of the official prison capacity of approximately 25,000. Prison population figures included 1,910 women. There were 276 persons in prison under 18 years of age. Of the entire prison population, 45,173 were awaiting trial, and 21,251 had been convicted. In most cases, cells were so crowded that prisoners slept in shifts. A new prison facility in Kashimpur, north of Dhaka, opened in 2001, although the first phase of construction had not been completed at year's end. There also were reports of rampant corruption and irregularities in the prisons. According to a 2002 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, where he confiscated two truckloads of unauthorized materials, including knives and liquor, intended for criminals incarcerated there.

Juveniles were required by law to be detained separately from adults; however, due to a lack of facilities, in practice many were incarcerated with adult prisoners. A High Court in April directed the Government to house accused juveniles apart from other prisoners and to transfer them to correctional homes expeditiously. The court also directed the Government to include child rights organization representatives on the list of non-official jail visitors. Women were detained separately from men, but faced the same extremely poor conditions. Pretrial detainees were not held separately from convicted 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 Constitution provides that each person arrested shall be informed of the grounds for detention, provided access to a lawyer of his or her 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, authorities frequently violated these constitutional provisions, even in non-preventive detention cases.

The police force is organized nationally. Other security forces are charged with policing border areas and were asked to perform anti-crime drives. Police were often reluctant to investigate persons affiliated with the ruling party. The Government frequently used the police for political purposes and provided immunity to members of security forces. There was wide spread corruption and a severe lack of resources, training, and discipline. The Government established a battalion of better-equipped policemen, and developed some plans for overall police reform, but few concrete steps were taken to address the rampant problems.

The Government arrested and detained persons arbitrarily, as well as used national security legislation such as the SPA of 1974 to detain citizens without formal charges or specific complaints being filed against them. In an April 1999 ruling, a two-judge High Court panel criticized the police force for rampant abuse of detention laws and powers. There was no change in police methods since that ruling.

Under Section 54 of the CrPC (1898) and Section 86 of the Dhaka Metropolitan Police Ordinance (1976), 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 or 86 subsequently were charged with a crime, while others were released without any charge. According to Odhikar, a local human rights NGO, a total of 436 people were killed, approximately 6,281 people were injured, and 2,381 were arrested for political reasons (see Sections 1.a., 1.c, and 2.a.).

In January, 2 benches of the High Court Division of the Supreme Court declared 248 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. On April 7, the High Court issued a 15-point directive to the government to amend the CrPC within 6 months (from April 16). It included provisions such as making it illegal to hold someone under the SPA if he or she was arrested under Section 54, requiring the arresting officials to identify themselves to the arrestee, and allowing family or legal representatives to visit an individual being held under detention. In August, the Supreme Court accepted a government appeal of the directive, but ordered the Government to implement the April 7 judgment.

The Government frequently used Section 54 and 86 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. The large majority of detainees, however, were from the lowest end of the economic scale.

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. During the year, the court ruled that the District Magistrate of Dhaka should be barred from signing any SPA detention orders and fined other District Magistrates for misusing the SPA.

An advisory board is supposed to examine the cases of SPA detainees after 4 months. In 2002, the High Court stated that the Government does not have the right to extend detention and that SPA detainees must be released after 30 days unless the advisory board recommends an extension. If the defendant in an SPA case is able to present his case before the High Court in Dhaka, the High Court generally ruled 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 control of the Establishment Ministry, were less likely to dismiss a case (see Section 1.e.). Detainees are allowed to consult with lawyers, although usually not until a charge is filed; however, they are not entitled to be represented by a lawyer before an advisory board. Detainees may receive visitors. In the past, the Government has held incommunicado prominent prisoners for extended periods of time. There were no such reports during the year.

Historically, the vast majority of SPA detainees were released on orders from the High Court because the SPA cases were so weak and vague that the court had no alternative but to grant bail. In February 2002, police arrested under Section 54 10 leaders of the BCL near the residence of the AL president without warrant or

charges. All were subsequently released, but detained again several times under new SPA detention orders or newly filed criminal cases, not under Section 54. In December 2002, the High Court declared illegal the detention under Section 54 of A.F.M. Bahauddin Nasim, personal assistant to Sheikh Hasina, and ordered his release. In August 2002, the High Court declared illegal the SPA detention of former State Minister Dr. Mohiuddin Khan Alamgir and ordered his release on bail.

During the year, the Government used Section 54 and the SPA to arrest and detain many opposition activists, including former MPs Haji Selim and Kamal Ahmed Mujumder, as well as AL leader and activist Sayeed Kokon, and former General Secretary of the BCL, Ashim Kumar Ukil. In 2002, Parliament rescinded the Public Safety Act (PSA) enacted by the AL Government in 2000. 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 in special courts of those accused of certain crimes from 30 to 60 days after arrest. Unlike the PSA, the STA has a bail provision with mandatory recording of 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. In June 2002, in response to a writ filed by Lalmonirhat Bar Association President Matiuir Rahman, charged under the STA, the High Court requested the Government to explain why the STA should not be declared unconstitutional. The case remained pending in the High Court. In general, there were no allegations of widespread misuse of the STA.

A High Court ruling questioned the legality of Shariar Kabir's 2002 SPA detention involving a series of bomb explosions in Mymensingh cinema halls and directed the Government to pay compensation to Kabir as well as provide him with medical care. Kabir also was granted bail in December 2002 in connection with a case involving two foreign journalists associated with British TV. According to the CPJ, Kabir was released on January 7 (see Section 2.a.).

Some human rights groups expressed concern that the non-bailable period of detention was a tool for exacting personal vengeance. On July 6, the Government amended the CrPC to provide for deduction of the period an accused served in jail from the term of imprisonment ultimately decided by the court.

There were 713 foreign prisoners in jail awaiting repatriation during the year. Some foreign prisoners remained in prison after having served their term. In Dhaka City Jail, 19 foreign prisoners remained incarcerated after serving their term.

In June 2002, 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. There were no developments in this case during the year. In a similar incident, a 14-year-old boy was released from prison in December after 2.5 years in custody. The child was arrested in a blanket sweep against criminals and was never charged with any offense.

In the past, the Government sometimes used serial detentions to prevent the release of political activists, but there were no reports of serial detention during the year.

It is difficult to estimate the total number of detentions for political reasons. Many activists were charged with crimes, and many criminals claimed 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.

A recent report claimed at least 155 people were held in Dhaka Central Jail without trial or bail for varying lengths of time, with 1 person being held for more than 11 years. A legal aid organization filed a writ with the High Court on this issue, and the court ordered the Government to provide names of these people and the reasons for their detention. At year's end, the matter was pending with the Home Ministry and the Attorney General's office.

The Constitution does not address exile; however, 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 controver-

sial cases. However, there was corruption within the legal process, especially at lower levels.

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.

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

In 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. On May 26, the Supreme Court granted the Government its 15th extension for implementation of its directives, and on November 18 extended the deadline by another 4 months. Law Minister Moudud Ahmed commented that implementation would take more than 6 to 7 years.

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 in 2001 initiated a pilot program offering Alternative Dispute Resolution (ADR) in some civil cases. Citizens have the opportunity for their cases to be mediated by persons with a background in law before filing their cases. According to government sources, wider use of mediation in civil cases has quickened the administration of justice. In February, the Government approved draft legislation, and in July, Parliament codified the use of ADR and extended its use to Sylhet and Chittagong.

The law provides the accused with the right to be represented by counsel, to review accusatory material, to call witnesses, and to appeal verdicts. Trials are public. State-funded defense attorneys rarely were provided, and there were few legal aid programs to offer financial assistance. Under the provisions of the PSA, STA, and the Women and Children Repression Prevention Act, special tribunals hear cases and issue verdicts. Cases under these laws must be investigated and tried within specific time limits, although the law is unclear regarding the disposition of the case if it is not finished before the time limit (see Section 1.d.).

A major problem of the court system was the overwhelming backlog of cases, and trials underway typically were 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.

The Government stated that it holds no political prisoners, but opposition parties and human rights monitors claimed that many political activists were arrested and convicted with criminal charges as a pretext for their political activities (see Section 1.d.). In March 2002, Home Minister Altaf Hossain Chowdhury said the Government had released 11,706 persons in politically motivated cases since the BNP came to power in 2001. In April 2002, the PSA Repeal Law came into effect 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.). NGOs did not have access to prisoners.

There are no military courts or other military tribunals separate from the military court system. There were no reports of civilians appearing before the military court system.

f. Arbitrary Interference with Privacy, Family, Home or Correspondence.—The law requires authorities to obtain a judicial warrant before entering a home; however, police rarely obtained warrants, and officers violating the procedure were not punished. In addition, the SPA permits searches without a warrant. The Government, on occasion, forcibly resettled persons. In March 2002, 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. On December 21, the Housing and Building Research Institute bulldozed a shantytown in Kalyanpur with over 20,000 residents. Human rights groups and the slum's residents claimed they were not properly notified before the eviction drive.

The police Special Branch, National Security Intelligence, and the Directorate General of Forces Intelligence (DGFI) employed informers to report on and conduct surveillance on citizens perceived to be political opponents of the Government. Polit-

ical 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 harassment during the year.

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Speech and Press.—The Constitution provides for freedom of speech and of the press; however, the Government did not respect these rights in practice.

Individuals cannot criticize the Government publicly without fear of reprisal. The Government attempted to impede criticism by prohibiting or dispersing political gatherings.

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) stated 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, and coverage of development activities as factors in allocating advertising. In the past, commercial firms often were reluctant to advertise in newspapers critical of the Government; however, this appeared no longer to 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, Channel 2, NTV, and private broadcaster Radio Metrowave.

In August 2002, 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. However, petitions were filed concerning the shutting down of ETV’s transmission and seizure of its equipment. These petitions were rejected by the High Court in September 2002. In May, ETV reapplied for license to operate, and on August 20, the High Court ordered the Bangladesh Telecom Regulatory Commission (BTRC) to take action on the ETV petition within 30 days, as well as to return the organization’s seized assets. On appeal, the Government was granted a 3-month deadline to replace the original 30-day requirement.

The activities of the Prime Minister occupied the bulk of 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 without compensation government news programs and national addresses by both the Prime Minister and the President. In 2001, Parliament approved two bills granting autonomy to state-run Bangladesh Television (BTV) and Bangladesh Betar (Bangladesh Radio). Passage of these laws did not ensure real autonomy for them, and the Government had not implemented the laws. Government intrusion into the selection of news remained a pervasive problem.

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.

A human rights group stated that over the course of the year, 65 journalists had been injured, including 41 assaults. There had been 10 attempted killings of journalists, 90 had received death threats, 19 had been arrested, 14 had been the target

of abusive lawsuits and prosecutions, and 5 had been abducted (see Section 1.a., 1.c., and 1.d.).

In a letter dated January 6 to the Prime Minister, the CPJ protested the detention of journalist Saleem Samad, charged under the SPA in late 2002 for “anti-state activities” after working with a documentary crew from Britain. Samad was ordered released by the High Court and was freed on January 18. According to the CPJ, Samad reported that while in detention his knees had been beaten repeatedly with a wooden baton when he denied police accusations. In the same letter to the PM, the CPJ protested the continued detention of Shahriar Kabir, charged also in the same case. According to the CPJ, Kabir was released on January 7 (see Section 1.d.). Also arrested from the British documentary crew in late 2002 were two British Television-affiliated foreign journalists, Zeba Naz Malik and Leopold Bruno Sorentino, and a citizen, Moniza Pricila Raj. The three, plus Samad, were charged with sedition, and the three were placed on 5-day remand. In a press briefing in December 2002, the Government stated that the two foreigners were held as NGO activists for their suspected involvement in “subversive” and “anti-state acts.” On December 11, the two foreign journalists were deported after issuing statements expressing their regret for the incident. Raj was granted ad interim bail in December 2002, but remained in prison an additional 4 days.

In September, the CPJ also wrote to the Prime Minister in September to protest the arrest and alleged police beating August 8 of Hiramondol, a correspondent for the Dainik Probarattan, a journal published in Kulna. Police reportedly beat Mondol with hockey sticks and rifles after he wrote an article accusing police of stealing valuable fish from local fishermen. Mondol was charged with extortion under the STA. According to the Khulna Press Club, police later released Mondol.

On November 29, police arrested Salah Uddin Shoaib Choudhury, editor of the weekly Blitz, as he was departing the country en route to Israel to participate in a conference with the Hebrew Writers Association. According to the CPJ, Choudhury was accused of having links to Israeli intelligence (see Section 2.d.). Choudhury remained in police custody and no charges had been filed at year’s end.

There were no developments in the 2002 assault of the Bengali-daily Jugantor’s correspondent Monirul Haider Iqbal, who was assaulted allegedly because of his stories on the illegal occupation of shrimp fields by supporters of the ruling coalition. There also were no developments in the 2002 alleged kidnapping of Shukur Ali, a reporter with Anirban. In 2002, the Bengali-language daily Dainik Uttarbanga Barta’s publishing license had been suspended but later was reinstated following the publication of an article that incorrectly listed the PM as the leader of the opposition.

In December 2002, 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 the Home Minister had ordered a national security alert. The Home Minister denied making the statement, and Reuters retracted the story. In December 2002, police arrested Reuters stringer Enamul Haque Chowdhury, charged him as the author of the article, and searched the Dhaka Reuters office. He was released from jail early in the year.

While some journalists were critical of the Government, 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. 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.

Feminist author Taslima Nasreen remained abroad after being freed on bond while criminal charges were still pending against her for insulting religious (Muslim) beliefs. In October 2002, a court sentenced Nasreen in absentia to 1 year in jail for her “derogatory remarks about Islam” in a case filed in 1999 by a JI leader.

A government Film Censor Board reviews local and foreign films and has the authority to 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. The Board banned the screenings of several imported English-language movies for their alleged 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 banned the July 28 issue of Newsweek be-

cause of an article on a German academic's research into the origins of the Koran. According to RWB, authorities said the article on the Koran could "hurt the religious sentiments of the country's Muslims."

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 did not restrict citizens' access to the Internet.

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

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 CrPC allows the Government to ban assemblies of more than four persons. According to 1 human rights organization, the Government imposed 58 such bans during 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 scheduled their own rallies at the same venue and time, thus providing the Government a basis for imposing a ban.

Various political parties called numerous general strikes during the year. Party activists enforced these strikes through threatened or actual violence against strike-breakers. Party activists mounted processions during the strikes. There were 6 full-day and 5 half-day strikes nationwide, as well as numerous local ones during the year. Police rarely interfered with ruling party processions on such occasions, but police often worked in tandem with ruling party activists to disrupt and discourage opposition processions. Although surveys indicated a majority of citizens were opposed to the use of such strikes as a political weapon, all of the major parties continued to use them.

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 the Government generally 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, and the Government generally respected this right in practice. Although the Government is secular, religion exerts a powerful influence on politics. The Government was sensitive to the Muslim consciousness of the majority (approximately 88 percent) of its citizens. It sometimes failed to protect minority groups, contributing to an atmosphere of impunity. Discrimination against members of the religious minority existed at both the governmental and societal level, but there was no clear evidence of government persecution, although religious minorities were disadvantaged in practice in such areas as access to government jobs and political office.

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 dissolving the executive committee of the NGO, freezing its bank accounts, or canceling 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 meant that most missionary efforts by Christian groups were aimed at serving communities that had been Christian for several generations. 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 government harassment during the year.

In 2001, the High Court ruled illegal all fatwas, or expert opinions on Islamic law. 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 was set for rehearing the issue. Only those muftis (reli-

gious 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 dealt with marriage and divorce, or meted out punishments for perceived moral transgressions. Victims were sometimes lashed or shunned by their communities (see Section 1.c.).

Discrimination existed against Hindus and Christians. Many Hindus have been unable to recover landholdings lost since partition in 1947 because of discrimination in the application of the law, especially the Vested Property Act. In 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. The Government had not published the list of vested properties by year’s end.

In November 2002, the Parliament passed an amendment to the Vested Property Return Act allowing the Government unlimited time and 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.

Violence, including killings and injuries, occurred both before and after the 2001 election. There were reports of harassment of Hindus, including killings, rape, looting, and torture related to post-election violence. During the transition of power from the CG to the newly elected Government in 2001, BNP supporters raped at least 10 Hindu females in the island district of Bhola and looted several Hindu houses. On September 10, a Speedy Trial Tribunal in Barisal sentenced two persons to life in prison for the rape of one of these females. Incidents of rape and looting were also reported in the southwestern district of Bagerhat. The situation improved after representatives of the new Government 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 late 2001, the High Court ordered the new Government to look into and report on attacks on religious minorities, and to demonstrate that it was taking adequate steps to protect minorities. The Government submitted its report later in 2002.

On November 19, 11 members of a Hindu family burned to death after arsonists set ablaze their home near the port city of Chittagong. The local human rights NGO Odhikar reported that the attack was not robbery, as police had initially claimed, but a planned assault on the family because of its Hindu faith. According to Odhikar, police took 3 hours to respond. In a separate incident of communal violence on November 22, police stopped a mob of about 5,000 attempting to destroy an Ahmadi mosque in Dhaka. After the attack, police filed two cases for destruction of police property against several activists associated with a nearby mosque, and a senior police official condemned the attack and said that destruction of Ahmadi property was against the law. In December, Anti-Ahmadi activists killed a prominent Ahmadi leader in Jessore and announced a January 23, 2004 deadline for the Government to declare Ahmadi non-Muslims or face serious agitation.

The April 2002 killing of Ganojyoti Mohasthobir, a monk at a Buddhist temple and orphanage at Rauzan in Chittagong District, remained under investigation at the end of the year. A verdict was delivered in the 2001 killing of Principal Gopal Krishna Muhuri of Nazirhat College in Chittagong after police filed a case in November 2002. Four defendants were given life sentences and four were given death sentences.

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

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

d. Freedom of Movement within the Country, Foreign Travel, Emigration, and Repatriation.—The Constitution provides for the right of free movement within the country, foreign travel, emigration, and repatriation. In practice, the Government generally respected these rights, allowing citizens 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. According to the CPJ, Salah Uddin Shoaib Choudhury, editor of the weekly Blitz, was arrested November 29 at the Dhaka airport. He was about to depart for Israel to participate in a conference of the Hebrew Writers Association (see Section 2.a.). The movement of major opposition political leaders was restricted occasionally, and the Government did little to assist them. The country’s passports are 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. On May 5, 10 Bangladesh-born Bihari residents of Geneva Camp were granted voting rights when the High Court declared them citizens.

Since 1992, approximately 236,000 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 19,000 refugees remained in 2 camps administered by the Government in cooperation with the U.N. High Commissioner for Refugees (UNHCR). Beginning in 1999, the UNHCR has 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 continued to refuse these requests, insisting that all Rohingya refugees must remain in the camps until their return to Burma. Refugees were forced to return to Burma where they fear persecution. There was a pattern of abuse of refugees. There were also claims of discrimination from the local population towards the Rohingya.

The rate of refugee repatriation accelerated dramatically with 3,231 refugees being returned to Burma during the year.

The 100,000-plus Rohingya who entered the country since 1991 with no formal documentation lived in precarious circumstances outside the camps. The Government 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, at least some of them were fleeing persecution and were entitled to refugee status. Some unregistered persons, many of them having returned illegally after their official repatriation to Burma, lived in the camps and shared food with relatives who received rations based on the number of registered members of the camps. On a number of occasions, camp officials handed some of the unregistered persons over to the police, who sent them to prison under the Foreigners' Act. There were approximately 70 Rohingya refugees in local prisons in the Cox's Bazar area during the year.

The Constitution does not provide for the granting of asylum and refugee status to persons who meet the definition in the 1951 U.S. Convention Relating to the Status of Refugees and its 1967 Protocol. In practice, the Government provided protection against refoulement but did not routinely grant refugee or asylum status. The Government granted temporary asylum to individual asylum seekers whom the UNHCR interviewed and recognized as refugees on a case-by-case basis. The Government also generally cooperated with the UNHCR and other humanitarian organizations in assisting refugees. At the request of UNHCR, in 2002, 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 2002 (see Section 1.d.).

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

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

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; some candidates allegedly "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 to accept this responsibility, another senior retired justice or other neutral figure presides over the caretaker government. A 1999 High Court ruling affirmed the constitutionality of the amendment; however, on July 21, another bench of the High Court questioned that judgment, calling the caretaker government amendment unconstitutional. The case was referred to the Chief Justice to resolve the conflicting rulings and remained pending at year's end.

Sheikh Hasina, leader of the AL, was PM until Parliament's term of office expired in July 2001. At that time, a caretaker government was installed until the next PM took office in October, 2001. Domestic and international observers deemed the eighth general election held in 2001 to be generally free and fair, despite sporadic violence and isolated irregularities; post-election violence was widespread. 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.

Elections for more than 4,000 Union Parishads (Councils), the lowest tier of local government, were held between January 25 and March 16. Elections were generally peaceful and free in most places, although violence and deaths marred some locations. Police confirmed 15 deaths and 105 injuries due to election violence; however, journalist accounts put the figures at between 50 and 80 deaths. Over 80 percent of registered voters participated.

In 1991, the Constitution was amended to change the country from a presidential system to a parliamentary one. 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 PM. The PM usually decides on major governmental policies, with little or no involvement by Parliament, often riven by narrow partisanship.

In 2001, the caretaker government 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 required political parties to keep records of campaign contributions and expenses. It also codified rules in polling places for election observers, both international and domestic.

A parliamentary by-election was held August 21 in a peaceful and generally orderly manner. Voter turnout was 63 percent. The AL rejected the outcome; a BNP alliance candidate won.

There were 7 women in the 300-seat Parliament. Women were free to stand for Parliament. In 2001, the AL and the BNP agreed in principle to add at least 60 exclusively women's seats to the existing 300 in Parliament. However, neither the BNP nor the AL introduced this provision during the year.

Minority groups did not hold seats specifically reserved for minority groups (Hindus, Christians, Buddhists, Animists), nor did the indigenous people of the Chittagong Hill Tracts. Members of minority groups constituted approximately 17 percent of the population but held less than 3 percent of the Parliamentary seats.

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 independently and without Government restriction, investigating and publishing their findings on human rights cases. Prominent human rights NGOs included: Odhikar (Rights), Bangladesh Society for the Enforcement of Human Rights, Ain O Shalish Kendro (Law Mediation Center), Shishu Adhikar Forum (Civil Rights Forum), Adibashi Forum (Indigenous Peoples Forum), Bangladesh Rehabilitation Center for Trauma Victims (BRCT), and Naari Pokkho (On Women's Sides), Bangladesh Women Lawyers' Association, Bangladesh Mahila Parishad (Women's Council), and Justice and Peace Commission. While human rights groups were often sharply critical of the Government, they also practiced self-censorship, particularly on some politically sensitive cases and subjects.

Government officials were defensive about international criticism regarding human rights problems. However, the Government maintained a dialog on human rights issues with international organizations such as the U.N. Human Rights Commission and the ICRC; however, neither of these organizations visited the country during the year. Despite their election pledge and repeated public announcements, the Government did not enact legislation establishing an independent National Human Rights Commission. The previous government also failed to establish this commission despite repeated promises.

The Government took no action to appoint an ombudsman as announced in early 2002.

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

In late 2002, the Government drafted a policy report regarding NGO operations inside the country, primarily aimed at restricting political activities by NGOs. De-

spite several statements of its impending release, the draft policy report was not released during the year.

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. According to Human Rights Watch, considerable official and societal discrimination existed against those who provided HIV prevention services, and against high-risk groups likely to spread HIV/AIDS.

Women.—Domestic violence was widespread, although violence against women was difficult to quantify because of unreliable statistics and societal inhibitions about reporting such violence. Much of the reported violence against women was related to disputes over dowries. According to human rights organizations, there were 261 dowry-related killings during the year. In addition, 23 women committed suicide and 85 women were tortured following disputes over dowries.

The law prohibits rape and physical spousal abuse, but it makes no specific provision for spousal rape as a crime. During the year, 1,336 rapes were reported. Prosecution of rapists was uneven. Many rapes were unreported. In some cases, rape victims committed suicide to escape the psychological aftermath, including social stigma.

Laws specifically prohibit 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. 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. An amendment to this act was passed on July 20, weakening provisions for dowry crimes and attempting to address the issue of suicide committed by female victims of acts of "dishonor." According to government sources, the Social Welfare Department runs 6 vagrant homes and 1 training center for destitute persons, with a total capacity of 2,300 individuals. In addition, the Women Affairs Department ran six shelters, one each in the six divisional headquarters, for abused women and children.

In May 2002, the Department opened a Safe Custody center in Dhaka. The Bangladesh National Women Lawyers' Association (BNWLA) also had two shelters in Dhaka, and other NGOs ran 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 were unable to gain release (see Section 1.c.).

Incidents of vigilantism against women—sometimes led by religious leaders (i.e., via fatwas)—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 concern. Assaultants threw acid in the faces of women and a growing number of men, leaving victims horribly disfigured and often blind. Approximately 337 acid attacks occurred this year. Over one-half of the victims were female and one-third were children. The most common motivation for acid throwing attacks against women was revenge by a rejected suitor. Few perpetrators of the acid attacks were prosecuted. In March 2002, the Government enacted legislation to control the availability of acid and reduce acid violence directed towards women, but lack of awareness of the law and poor application limited its impact. The new Acid Crime Control Law provides for speedier prosecutions in special tribunals and generally does not allow bail.

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.). Prostitution is legal for those over 18 years of age and with government certification.

Women remained in a subordinate position in society, and the Government did not act effectively to protect their basic rights. Literacy rates were approximately 29 percent for women, compared with 52 percent for men. In recent years, female school enrollment has 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 kept 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 expanded incentives for female education by making education free for girls up to grade 12 (approximately age 18) and using a stipend system from grades 6 to 12. By comparison, boys received free education up to grade five.

The Muslim Family Ordinance codifies traditional Islamic law concerning inheritance, marriage and divorce for registered marriages. Marriages in rural areas sometimes were not registered because of ignorance of the law.

Employment opportunities were 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. Women worked in the agriculture, fisheries, and livestock sectors, as manual laborers on construction projects, and in general manufacturing. Programs extending micro-credit to rural women improved their economic power. Pay was generally comparable for men and women performing similar work.

A local human rights organization reported that 60 maidservants died from torture at the hands of their employers during the year, and an additional 27 were abused but did not die.

According to a Public Administration Reforms Commission report in 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 had only limited effect. In recent years, approximately 15 percent of all recruits into government service were women.

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 allowed the country to make significant progress in improving health, nutrition, and education; however, slightly more than one-half of all children were still chronically malnourished.

According to human rights groups, 575 children were abducted, nearly 1,300 suffered unnatural deaths, and over 3,100 children fell victim to serious abuses such as rape, sexual harassment, torture, and acid attack during the year.

According to the 2002 report of the Campaign for Popular Education, 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 5. The Government provided effective incentives for rural female children between the ages of 12 and 16 years to remain in school.

Because of widespread poverty, many children were compelled to work at a very young age. This frequently resulted in abuse of children, mainly through mistreatment by employers during domestic service and occasionally included servitude and prostitution; this labor-related child abuse occurred 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 indicated that child abandonment, kidnapping, 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 2002 report published by the Government news agency BSS, there were approximately 400,000 homeless children, of which as many as 150,000 had no knowledge of their parents.

UNICEF estimated that there were 10,000 child prostitutes working in the country, but other estimates placed the figure as high as 29,000. The minimum age requirement of 18 for legal prostitution commonly was ignored by authorities and circumvented 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 were incarcerated.

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 provides for equal rights for disabled persons. The act focuses on prevention of disability, treatment, education, rehabilitation and employment, transport accessibility and advocacy. For the first time, the Government appointed a few disabled persons to official positions during the year.

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 sometimes resulted in their isolation.

Government facilities for treating persons with mental handicaps were inadequate. Several private initiatives existed in the areas of medical and vocational rehabilitation, as well as employment of persons with disabilities.

Indigenous People.—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 and accusations of human rights violations continued. The Land Commission that was to deal with land disputes between tribal individuals and Bengali settlers lacked a legal basis until 2001 and did not function effectively in addressing critical land disputes. Tribal leaders also expressed disappointment at the lack of progress in providing assistance to those who left the area during the insurgency.

Shantu Larma, the former insurgent leader, held talks with the PM in December, building upon several similar sessions in 2002, to discuss implementation of the Peace Accord, setting up of district courts in the three hill districts, and instituting ways to improve law and order. Nevertheless, since September there was an upsurge in violence in the CHT. According to the Red Cross/Red Crescent, more than 270 houses were burned to the ground, 3 Buddhist temples ransacked, 1 person killed, and 10 people wounded in early-September violence. The army quickly restored order, and the PM agreed to help the homeless victims.

Extortion and kidnapping for ransom were rampant in the CHT. In 2001, three foreign engineers were abducted at gunpoint from a road in Rangamati District in the CHT. After their release, one of the hostages told a newspaper reporter that an abductor had confided that the motive was more to obtain money for the benefit of the Chakama people than to make a political statement. Donor-assisted development activities in the CHT came to a halt following this incident.

In 2002, a mission comprising government representatives and donor agencies under the coordination of the United National Development Program carried out an 11-day assessment of the CHT security situation and the possibility of renewed development assistance. In its report, the mission said kidnappings 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 conflict.

Tribal people in other areas also reported problems of loss of land to Bengali Muslims. In 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 during the year, but the project has not been officially cancelled.

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.

According to the law, a workplace must have 30 percent union participation for union registration. Would-be unionists technically are forbidden to engage in many activities prior to registration, and legally are not protected from employer retaliation during this period. Labor activists protested that this requirement severely restricted workers' rights to organize, particularly in small enterprises and the private sector, and the International Labor Organization (ILO) requested the Government to amend the 30 percent provision. The ILO also 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.

Unions were highly politicized, and unions were strongest in state-owned enterprises and in such institutions as the government-run port in Chittagong. Civil

Service and security force employees were forbidden to join unions because of their highly political character. Teachers in both the public and the private sector were not allowed to form trade unions.

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 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 were required to obtain government clearance to travel to ILO meetings, but there were no reports that clearances were denied during the year.

The ILO Committee of Experts Report on Freedom of Association noted in this year's report certain exclusions from the Industrial Relations Ordinance, restrictions regarding membership in unions and election of union officials, restrictions on activities of public servants' associations, restrictions on the right to organize and bargain collectively in export processing zones (EPZs), and restrictions on the right to strike. Regarding a 2002 complaint against the Government by the Bangladesh Diploma Nurses Association concerning alleged harassment and persecution of the Association's President and 10 members for trade union activities, the ILO's Committee on Freedom of Association requested the Government to ensure that Ms. Taposhi, the Association's President, be reinstated in her job and that the warnings to the other 10 members regarding trade union activities should be withdrawn from their files. According to the International Confederation of Free Trade Unions (ICFTU), the High Court issued a stay order against Taposhi's dismissal, and she was reinstated in her job.

b. The Right to Organize and Bargain Collectively.—Under the Industrial Relations Ordinance, there is considerable leeway for discrimination by employers against union members and organizers. 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. Alternative dispute resolution techniques began to be used to decrease the backlog.

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. Collective bargaining occurred occasionally in large private enterprises such as pharmaceuticals, jute, or textiles, but because of high unemployment, workers did not practice collective bargaining due to concerns over job security. Collective bargaining in small private enterprises generally did not occur. The ICFTU has criticized the country for what it viewed as legal impediments that hampered such bargaining.

The right to strike is not recognized specifically in the law, but strikes were a common form of workers' protest and are recognized as a legitimate avenue for addressing unresolved grievances in the Industrial Relations Ordinance of 1969. In addition, opposition political parties used general strikes to pressure the Government to meet political demands. Some employees organized in professional associations or unregistered unions went on strike during the year. Wildcat strikes were illegal but occurred, and wildcat strikes in the transportation sector were particularly common.

In November, police fired on and killed at least one and injured dozens of protesting garment workers at the Pantex Factory in Narayanganj. The workers, however, were not union members nor were they technically on strike. In October, police harassed and beat striking diploma nurses (see Section 6.a.).

The Essential Services Ordinance permits the Government to bar strikes for 3 months in any sector it declares essential. In May, the Ordinance was imposed on the Bangladesh Petroleum Corporation. During the year, the Government continued to impose the Ordinance, originally applied in 2002, to the Power Development Board, the Dhaka Electric Supply Authority, Bangladesh Biman Airline, and the Chittagong Port Authority.

During the year, the Government announced it would not allow collective bargaining authority in jute mills during production time. 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 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 EPZ's are exempt from the application of the Employment of Labor (Standing Orders) Act, the Industrial Relations Ordinance, and the Factories Act, thereby excluding workers in the zones from protection for their rights to organize and bargain collectively, and from coverage by laws governing wages, hours, and safety and health standards. While substitutes for some of the provisions of these laws are implemented through EPZ regulations, unions for the 128,915 workers are prohibited in the zones.

In 2001, the ILO in 2001 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 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, but these laws were not enforced rigorously, partly because resources for enforcement were scarce. There was no bonded or forced labor in large-scale enterprises; nevertheless, numerous domestic servants, including many children, worked in conditions that resembled servitude and many suffered physical abuse, sometimes resulting in death. There continued to be numerous reports of violence against domestic workers. In the past, the Government brought criminal charges against employers who abused domestic servants. Many impoverished families settled instead for financial compensation. Trafficking of women and children was a problem (see Sections 5 and 6.f.).

d. Status of Child Labor Practices and Minimum Age for Employment.—Because of widespread poverty, many children began to work at a very young age. According to the Government's National Child Labor Survey published on November 19, the Government estimated that approximately 3.2 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.

Children often worked alongside other family members in small-scale and subsistence agriculture. Hours usually were long, the pay was low, and the conditions were sometimes hazardous. Many children worked in the beedi (hand-rolled cigarette) industry, and children under 18 years sometimes worked in hazardous circumstances in the leather industry or the brick-breaking 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 taka 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) conducted self-inspection of member factories with the declared intention of eliminating child labor in the garment sector. According to their findings, within the 3,340 garment factories, the team found 71 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 to 38 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.

The Non-Formal Education Directorate of the Government, international organizations, and some NGO partners sponsored programs to provide education to some working children in urban slum areas around the country. The Government has been a member of ILO-IPEC since 1994. ILO-IPEC programs include a \$6 million project to eliminate the worst forms of child labor in 5 targeted industries: Beedi production, matchmaking, tanneries, construction, and child domestic workers. As of December, 19,874 children had been removed from hazardous work; 19,508 were attending non-formal education training; 7,623 had been admitted to formal schooling; and 3,060 were receiving pre-vocational training. Employers from 51 beedi and brick breaking industries have declared their sites "child labor free."

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. In 2001, according to the ICFTU, 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 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.

The Factories Act nominally sets occupational health and safety standards. The law is comprehensive but largely was ignored by employers. 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. During the year, police made arrests for trafficking in young boys to the Middle East, and at year's end these cases were pending before the courts. In 2002, the Government of the United Arab Emirates made progress in stemming the trafficking of children to that country.

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 recovered and assisted victims of trafficking. The BNWLA rescued 61 trafficking victims, and 76 alleged traffickers were arrested and detained in prisons, and 16 traffickers were convicted during the year.

The number of persons arrested for trafficking was difficult to obtain as charges against traffickers usually were for lesser crimes, such as crossing borders without proper documents. A September 2002 newspaper report quoting statistics from the Center for Women and Children Studies (CWCS) said only 1 percent of trafficked children and 55 percent of kidnapped children were rescued between January 2000 and June 2002. According to CWCS, most trafficked boys were less than 10 years of age, while most trafficked girls were between 11 and 16 years of age.

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 the Government launched a major national anti-trafficking prevention campaign to increase awareness of the problem among vulnerable groups. Nevertheless, the Government's 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.

A joint project between the Government and NORAD, the Norwegian Government aid organization, was a platform for developing a national strategy to address traf-

ficking problems. Despite constraints such as lack of birth and marriage records at the village level, some trafficking cases were prosecuted. There was also some success in increasing shelter capacity and developing rehabilitation programs.

The exact number of women and children trafficked was unknown, but 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. The minimum age of 18 for legal prostitution 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 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).

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." Perpetrators ranged from organized criminals to employment agencies. The law stipulated a maximum sentence of life imprisonment for persons found guilty of trafficking a child into prostitution.

Many NGOs and community-based organizations were working on the trafficking problem through prevention efforts, research, data collection, documentation, advocacy, awareness creation and networking, crossborder collaboration, legal enforcement, and rescue, rehabilitation and legislative reform. For example, Action Against Trafficking and Sexual Exploitation of Children, a national anti-trafficking network, worked to link NGOs and government agencies by establishing a resource center to disseminate data and to provide technical support to grassroots organizations. The Association for Community Development conducted workshops and outreach programs to reach potential victims of trafficking before they were victimized. Over the past 3 years, because of the cooperation among NGOs and others involved, including the Government, a common, unified umbrella program has been established to address the trafficking problem.

BHUTAN

Bhutan is a hereditary monarchy. King Jigme Singye Wangchuck governs with the support of a National Assembly, a Cabinet, a Council of Ministers (the Royal Advisory Council), and the Monastic Body, a 3,500-member body that is headed by 4 representatives with the consent of the King. There is no written constitution to protect fundamental political and human rights; however, during the year a draft constitution was debated by the National Assembly. In recent years, the Government has adopted some measures to increase the power of the National Assembly. Citizens voted for 105 out of the 150 representatives in the National Assembly in 2002. Since ascending to the throne in 1972, the King has continued the efforts toward social and political modernization begun by his father. The judiciary is not independent of the King, but it is overseen by the National Judicial Commission.

The Royal Bhutan Police, assisted by the Royal Bhutan Army (including those assigned to the Royal Body Guard), and a national militia maintain internal security. Some members of the security forces were responsible on occasion for some human rights abuses.

The economy was predominantly government-controlled. It was based on agriculture and forestry, which provided the main livelihood for 80 percent of the population and account for approximately half of the gross domestic product (GDP); the population was approximately 700,000. Hydroelectric power production and tourism are key resources, although the Government limits tourism. Tourism is limited by a requirement that tourists pay fixed, all inclusive prices, which cover lodging, food, transportation, and sightseeing before visiting the country. The Government claimed

this policy to restrict tourists is intended to preserve the country's infrastructure and limited resources. Visas are required of all persons other than Indian nationals. Unemployment for the population is a problem. Income distribution remained unequal, with approximately 10 percent of the population receiving about 70 percent of the national income.

The Government's human rights record remained poor; although there were some improvements in a few areas, serious problems remained. The King exercised strong, active, and direct power over the Government. The Government prohibits political parties, and none operate legally. Unlike in previous years, there were no reports of arbitrary arrest, or detention. Judges serve at the King's pleasure; however, a National Judicial Commission was established during the year to review judicial reform and process appointments to the bench. The authorities infringed on citizens' privacy rights. The Government repeatedly restricted freedom of speech, press, assembly, and association. Freedom of religion is limited. NGOs and human rights organizations are illegal. Approximately three-fourths of population was composed of Buddhists with cultural traditions akin to those of Tibet. The remaining one-fourth of the population, ethnic Nepalese, most of whom are Hindus, live primarily in the country's southern districts. Government policies in the late 1980s and early 1990s caused approximately 100,000 ethnic Nepalese to leave, sometimes forcibly. Many went to refugee camps in Nepal, where they remained. A significant refugee problem persisted.

According to the U.N. High Commissioner for Refugees (UNHCR), over 100,000 ethnic Nepalese refugees from Bhutan have been living in 7 camps in southeastern Nepal since the early 1990s; 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 and that others had "voluntarily emigrated" and forfeited their citizenship. The Government continued its negotiation with the Government of Nepal on repatriation of ethnic Nepalese in the refugee camps. Refugee verification began in March 2001 at the Khudunabari camp and by December 2001, all the residents had been interviewed. In June, the Joint Verification Team (JVT) released the verification results for the Khudunabari camp as follows: 2.4 percent of the total camp population were identified as eligible Bhutanese citizens, with the absolute right of return, 70.55 percent were "voluntary migrants," and would have to apply for citizenship in Bhutan if they chose to return, 24.2 percent were found to be "non-nationals" and could not return, and 2 percent were found to be criminals and would have to face charges if they returned to the country. The next Ministerial Joint Committee meeting is expected to occur in 2004. The Government restricted 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. There were incidents of women and girls being kidnaped by terrorist groups for the purposes of rape and servitude during the year (see Sections 5, 6.c., and 6.f.).

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.—The laws proscribe torture and abuse in general; however, there were reports that the security forces ignored these provisions in the past.

Prison conditions reportedly were spartan. Visits by the International Committee of the Red Cross (ICRC) and the opening of a prison in Thimphu contributed to improving conditions of detention.

The Government and the ICRC signed the 5-year Memorandum of Understanding in 1998, and during the year, extended the ICRC prison visits program for 1 more year. The ICRC conducted two prison visits during the year, and was allowed unhindered access.

d. Arbitrary Arrest, Detention, or Exile.—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, arbitrary arrest and detention remained problems.

Legal protections were incomplete, due to the lack of a fully developed criminal procedure code and to deficiencies in police training and practice. The initiation of ICRC prison visits and the establishment of an ICRC mail service between detainees and family members helped to alleviate reports of incommunicado detention of prisoners. 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. Reports indicated that six or seven of those detained in 1991–92 were released during the year.

In 2001, security forces arrested Damber Singh Pulami, reportedly a member of the Youth Organization of Bhutan (the youth wing of the banned Bhutan People's Party) who had entered the country from his refugee camp in Nepal to check on the internal resettlement of non-Nepalese to the south. In May 2001, Pulami was arrested and charged in connection with extortion, kidnapping, murder and subversive activities. At year's end, Non Governmental Organization (NGOs) reported that Pulami was in prison.

There were no new developments in the case of Rongthong Kunley Dorji, leader of the Druk National Congress and United Front for Democracy in Bhutan, who was arrested in India in 1997, following the issuance of an extradition request by Bhutanese authorities. Dorji's extradition case was pending in the Indian courts at year's end.

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 law neither provides for nor prohibits forced exile. Although the Government officially does not use formal exile, many political dissidents freed under government amnesties stated that they were released on the condition that they depart the country, but the Government denied this. Many of them subsequently registered at refugee camps in Nepal and some relocated to India.

e. Denial of Fair Public Trial.—There is no written constitution and while the judiciary is overseen by the National Judicial Commission, is not independent of the King. The King commanded a 39-member committee to draft a constitution in 2001, intended to establish a constitutional monarchy (see Section 3). During the year, the constitution was considered and debated by the National Assembly. The judicial system consists 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 is no uniform system of qualifications for judicial appointments.

The Office of Legal Affairs (OLA) conducted state prosecutions, drafted and reviewed legislation, and rendered legal counsel. The OLA is 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.

Citizens generally had the right to a fair trial. Criminal cases and a variety of civil matters were adjudicated under a legal code established in the 17th century, revised in 1958 and 1965, and codified in 2001. State-appointed prosecutors 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 have the right to be presented with written charges in languages that they understood, and be given time to prepare their own defense. However, according to some political dissidents, this practice was not always respected. There were reports that defendants received legal representation at trial, and that they could choose from a list of 165 government-licensed and employed advocates to assist with their defense; however, it was not known how many defendants actually received such assistance. Village headmen, who had the power to arbitrate disputes, constitute the bottom rung of the judicial system. Twenty-three new lawyers completed their overseas training and reportedly may have returned to the country during the year. Magistrates, each with responsibility for a block of villages, could review their decisions. Magistrates' decisions can 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, except for family law and cases involving juveniles. 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.

Some or all of the approximately 70 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.).

f. Arbitrary Interference with Privacy, Family, Home or Correspondence.—The laws do not provide 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 (see Section 5).

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Speech and Press.—The Government restricted 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. Unlike in the previous year, there were no reports that journalists who worked for Kuensel were subjected to threats and harassment by the ministers. The Government maintained that there were no restrictions on individuals starting new publications, but that the market was too small to support any. Foreign newspapers and magazines were available, but readership was in the hundreds and primarily limited to government officials.

The Government allowed television broadcasts of locally produced and foreign programs. There were 50 cable providers in the country with more than 15,000 subscribers. A large variety of programming was available, including CNN and BBC. The Government did not censor cable content. The radio station is government owned.

The Government did not restrict use of the Internet; however, the Government did regulate all “pornographic” material.

In May, the Royal Bhutan University opened in Thimphu and was comprised of 10 colleges. There was little information on academic freedom throughout the country.

b. Freedom of Peaceful Assembly and Association.—The law does not provide for freedoms of assembly and association, and the Government restricted these rights in practice. 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, 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 and Buddhism was the state religion. Approximately two-thirds of the population practiced either Drukpa Kagyupa or Nyingmapa Buddhism.

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 Thimphu, despite the migration of many ethnic Nepalese to Thimphu. Citizens of other faiths, mostly Hindus, enjoyed freedom of worship. 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. Proselytization is illegal, and dissidents living outside the country claim that the Government prohibits conversions. The Government denied the dissidents' claims, and asserted that any citizen is free to practice openly any religion.

The King has declared major Hindu festivals as 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 may be imported. According to dissidents living outside of the country, only Buddhist religious teaching was permitted in the schools. Applicants for government services sometimes were asked their religion before services were rendered. All government civil servants 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 (see Section 5).

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

d. Freedom of Movement within the Country, Foreign Travel, Emigration, and Repatriation.—The law does not provide for these rights, and the Government placed some limits on them in practice. 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. In addition, ethnic Nepalese say they were frequently denied security clearance forms, which is a prerequisite for obtaining a passport form and which was biased against ethnic Nepalese. The ethnic Nepalese said that since the forms are based on the security clearance of their parents, it frequently excluded children of ethnic Nepalese.

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 stated 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. The issue of provision of first asylum did not arise during the year.

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

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

Citizens 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 which was debated in the National Assembly during the year. 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.

In August, the National Assembly elected a new Council of Ministers to a 5-year term. In 2001, the National Assembly elected 10 Royal Advisory Councilors. In August, the National Assembly included 4 Ministers for a total of 10. There were elected or partially elected representatives 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. The National Assembly has the power to remove ministers whom the King appoints, but it never has done so. Political authority ultimately resided in the King, and decision-making involves only a small number of officials. Officials subject to questioning by the National Assembly routinely made major decisions, but the National Assembly was 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 met 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.

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, the district development committee conducts an election, and the candidate obtaining a simple majority of votes cast was declared the winner. The law allows individuals over the age of 18 the right to vote. The law does not make clear how a candidate is selected if none achieves a simple majority. However, it does 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 is drawn shall be deemed to be elected.

Human rights activists claimed that the only time individual citizens have any involvement in choosing a National Assembly representative was when they were 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 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. 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.

All cabinet ministers are nominated by the King and are elected by the National Assembly. Ministers terms are limited to 5 years, after which they must pass a vote of confidence in the National Assembly in order to remain in office. 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. The King removed himself as chairman of the Council of Ministers in 1998. Cabinet Ministers who receive 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, Home Minister Jigme Thinley served as Chairman and Prime Minister.

The Monastic Body, comprised of 3,500 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 were 15 women in the National Assembly. There were 2 women in the High Court, 23 percent of civil service employees were women, and women held more than 30 percent of positions at the Ministry of Foreign Affairs.

There were 105 elected people's representatives in the National Assembly. All major ethnic groups were represented in the National Assembly, including 14 ethnic Nepalese. However, NGOs complained of the disproportionate representation of 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.

ICRC representatives conducted a biannual prison visit, and the Government allowed them unhindered access to detention facilities, including those in southern districts inhabited by ethnic Nepalese.

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

The law does not prohibit discrimination on the basis of race, sex, disability, language, or social status. In the past, the Government committed many abuses against the ethnic Nepalese, which led to the departure of 100,000 of them. 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 that ethnic and gender discrimination in employment was not a problem. It claimed that ethnic Nepalese filled 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 claimed that ethnic Nepalese actually make up approximately one-third of the country's population, and that the Government underreported their number.

Women.—The law does not specifically prohibit domestic violence against women; however, such crimes are generally covered by the provisions of criminal law. 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 reported instances of sexual harassment.

Women were accorded respect in the traditions of most ethnic groups. Women participated 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 accounted for the large numbers of women who owned 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 in unskilled jobs generally were paid slightly less than men. Women constituted approximately 30 percent of the formal work force.

In questions related to family law, including divorce, child custody, and inheritance disputes, were adjudicated by the customary law of each ethnic or religious group. The minimum age of marriage for women was 18 years. The application of different legal practices based on membership in a religious or ethnic group often resulted in discrimination against women. Polygamy is allowed, provided the first wife gives her permission. Polyandry is permitted but did not often occur. Marriages may be arranged by the marriage partners themselves as well as by their parents. Divorce was common. The law requires that all marriages must be registered; it also favors women in matters of alimony.

The National Women's Association of Bhutan has been active since 1981 and has tried to encourage women to improve improve their living standards and socio-economic status.

Children.—The Government demonstrated its commitment to child welfare by rapid expansion of primary schools, healthcare facilities, and immunization programs. For example, the King established the Youth Development Fund in 1998 to provide assistance for ongoing and new youth activities and programs. 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. 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. There is 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 remained closed. The closure of the schools acted as an effective barrier to the ability of the ethnic Nepalese in southern areas to obtain a primary education. Exile groups claimed that Nepalese students scoring highly on national exams were not always given the same advantages as other students (such as the chance to study abroad at government expense), particularly if they were related to prominent dissidents or refugees.

Persons with Disabilities.—The law does not specifically protect the rights of the country's persons with disabilities nor mandate access to building; however, there was no evidence of official discrimination toward persons with disabilities.

National/Racial/Ethnic Minorities.—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 continued during the year. Measures include a requirement that a security clearance be obtained for jobs and promotions in government service and to obtain passports. The law also requires that the 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 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 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 from or otherwise departed 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 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. 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 were credible reports that during the late 1980s and early 1990s, militants, including BPP members, attacked and killed census officers and other officials, and engaged in bombings.

Local officials reportedly took advantage of the climate of repression to coerce ethnic Nepalese to sell their land below its fair value and to emigrate, while others abandoned their land in fear. Beginning in 1991, ethnic Nepalese began to leave southern areas of the country in large numbers and to take refuge in Nepal. According to the UNHCR, there were 100,000 ethnic Nepalese refugees in 7 refugee camps in eastern Nepal as of December. An additional 15,000 refugees, according to the UNHCR estimates, were living outside the camps in Nepal and India. Ethnic Nepalese political groups in exile complained that the revision of the country's citizenship laws denaturalized and forced into exile tens of thousands of former residents of the country. 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 denied this and asserted that a three-member village committee may certify 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. The Government continued its negotiation with the Government of Nepal on repatriation of ethnic Nepalese in the refugee camps. Refugee verification began in March 2001 at the Khudunabari camp and by December 2001, all the residents had been interviewed. In June, the JVT released the verification results for the Khudunabari camp as follows: 2.4 percent were identified as genuine Bhutanese, with the absolute right of return, 70.55 percent were "voluntary migrants," and would have to apply for citizenship in Bhutan if they chose to return, 24.2 percent were found to be "non-nationals" and could not return, and 2.85 percent were found to be criminals and would have to face charges if they returned to Bhutan.

The country continued its negotiations on repatriation with Nepal, but refugee groups were concerned that at the present rate, verification would take several years. The 15th round of Nepal-Bhutan Ministerial Joint Committee (MJC) Meeting scheduled for September was cancelled, and the countries' delegates met on the sidelines of the U.N. General Assembly Session in September to discuss the refugee problem. The next MJC Meeting is expected to be held in 2004.

The UNHCR monitored the conditions of the Bhutanese refugees in camps in eastern Nepal and provided for their basic needs. However, in 2002, 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. In September, Human Rights Watch released a report titled "Trapped by Inequality: Bhutanese Refugee Women in Nepal" which examined the response

of the UNHCR and the Government of Nepal to rape, domestic violence, sexual and physical assault, and trafficking of girls and women from refugee camps. The report said that Nepal's system of refugee registration discriminated against women by distributing rations through male heads of households. Further, the report noted that 35 refugee women and girls were missing from 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 prejudiced 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.—The law does not allow workers to form or join unions and there were no labor unions. The Government maintained that, with very little industrialization, there was little labor to be organized. The total labor force was approximately 412,000 persons, and 279,000 worked in rural areas. During the year, a Ministry of Labor was established to analyze the country's labor situation and to provide vocational training.

b. The Right to Organize and Bargain Collectively.—The law does not authorize collective bargaining or 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 country lacked a large pool of ready labor; for major projects, such as road works, the Government brought in hired laborers from India.

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.

e. Status of Child Labor Practices and Minimum Age for Employment.—There is no minimum age for employment; however, the minimum age of 18 was established "in all matters of the state." Children often do agricultural work and chores on family farms. The law does not specifically 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 the worst forms of child labor; however, as a state party to the U.N. Convention on the Rights of the Child, the Government supported the provisions contained therein.

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; regular days of leisure must be granted by employers. Work in excess of this must be paid at one and one-half times normal rates.

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. Civil Service regulations require equal pay for equal work for men and women. According to the latest Census of Manufacturing Industries, only 38 industrial establishments employed more than 50 workers. The Government favored family-owned farms. Land laws prohibits a farmer from selling his or her last 5 acres and requires the sale of holdings in excess of 25 acres. This, along with the country's rugged geography, resulted in a predominantly self-employed agricultural workforce. Workers are entitled to free medical

care within the country. Persons who could not receive adequate care within the country were flown to other countries (usually India) for treatment. Workers are eligible for compensation for partial or total disability, and in the event of death their families are entitled to compensation. Existing labor regulations do 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 2002 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 in December in Mizoram, Delhi, Rajasthan, Madhya Pradesh, and Chhattisgarh were considered to be generally free and fair; however, there were reports of some violence. The judiciary is independent; however, the judiciary was underfunded, overburdened, and NGOs alleged that corruption influenced court decisions.

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; however, some officers from the security forces were held accountable for their actions during the year.

The country was in transition from a government-controlled to a largely market-oriented economy. The private sector was predominant in agriculture, most non-financial 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. Income distribution remained very unequal, with the top 20 percent of the population receiving 46.1 percent of national income and the bottom 20 percent receiving 8.1 percent. According to a government survey, 16.6 percent of the urban population and 18.6 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, custodial deaths 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.

These abuses were 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 were most visible 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.

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 guerrillas 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 guerrillas also were responsible for kidnapping and extortion in Jammu and Kashmir and the northeastern states. The Government accused the terrorist organizations Lashkar-e-Tayyiba (LeT) and Jaish-e-Muhammad (JeM) of responsibility for carrying out many of the attacks on civilians and military personnel. The Government has also expanded construction of a security barrier along the International Border and Line of Control (LoC), causing difficulties for Kashmiris and Pakistanis. The Government claimed that the barrier was necessary to prevent terrorism, but the construction process also affected farming and other activities of nearby residents.

Tension along the Line of Control between Pakistan and Indian-held Kashmir was high during the year, and there was shelling in several sectors; however, in November, the country and Pakistan announced a ceasefire. By all accounts, the ceasefire continued at year's end.

RESPECT FOR HUMAN RIGHTS

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

a. Arbitrary or Unlawful Deprivation of Life.—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.

There were significantly fewer attacks by militants in Jammu and Kashmir during the year; however, it continued at the level of the late 1990s, according to the Home Ministry (Kashmir has been at the center of a territorial dispute between India and Pakistan since the two nations gained their independence in 1947; both claim Kashmir.) In Jammu and Kashmir, according to the Home Ministry, security forces killed 1,526 militants during the year, compared with 1,747 militants killed during the same period in 2002. In addition, human rights groups alleged that during the year security forces killed a number of captured non-Kashmiri militants in Jammu and Kashmir. Kashmiri separatist groups claimed that in many instances “encounters” were faked and that security forces summarily executed suspected militants and civilians offering no resistance. Human rights activists alleged that the security forces were under instructions to kill foreign militants, rather than attempt to capture them alive, in the case of security encounters with non-Kashmiri terrorists who infiltrated into Jammu and Kashmir illegally.

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 marks of torture, were returned to relatives or otherwise were discovered shortly afterwards. For example, in May, Mohammed Ashraf Malik was taken into custody by the Rashtriya Rifles (RR) allegedly for assisting the guerrillas. Several days later, the RR unit advised Malik's family to collect his remains from the forest, claiming that he had stepped on a landmine. By year's end, an inquiry had been ordered in this case.

There reportedly was no action taken against members of the security forces responsible for the following killings in Jammu and Kashmir: The January 2002 “encounter” killing of Ali Muhammad Bhat, and the March 2002 alleged custody killing of Mubarak Shah in Dushar Gool.

The National Human Rights Commission (NHRC) asked the Uttar Pradesh government to pay \$10,000 (500,000 Rs) to the family of Dr. Sonali Bose, a graduate student shot by the police in July 2002 in an alleged case of mistaken identity.

The Jammu and Kashmir state government took numerous initiatives to hold violators of human rights accountable. In June, the Government announced that 118 of the security forces had been punished for having committed human rights violations, including 44 Border Security Force (BSF) members, 47 from the Central Reserve Police Force (CRPF), and 27 police officers. A Senior Superintendent of Police was suspended by the Jammu and Kashmir government for allegedly falsifying the

DNA samples of five civilians killed in fake encounters in Chattisingpora, Anantnag District in March 2000; he was appealing his case at year's end. A ministerial subcommittee headed by the Deputy Chief Minister had recommended severe punishment for three police officers and two doctors for tampering with the evidence.

According to local press reports, the number of persons killed in encounter deaths varied widely throughout the country. In March, the Home Ministry reported that there were 116 complaints of alleged encounter deaths in 2000–2001, and 92 complaints of alleged encounter deaths from 2002 until year's end. In 2002, the NHRC called for all alleged encounter deaths to be investigated immediately and asked state governments to compensate the families of the victims. The NHRC's call in 2002 for all alleged encounter deaths to be investigated immediately was not heeded, and no such body was formed during the year. The NHRC issued instructions to all state governments to take appropriate preventive measures and recommended that compensation of \$22,000 (1,600,000 Rs) be paid to the families of persons killed in such cases from 1993 until year's end. In most cases reported during the year; however, \$7,350 (500,000 Rs) was the amount awarded.

In addition, the NHRC issued guidelines to state governments with the goal of helping to prevent encounter deaths. However, members of the security forces rarely were held accountable for these killings. The NHRC may ask for a report from a state government, 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 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.

The security forces also killed many civilians during military counterinsurgency operations in Jammu and Kashmir. A December Amnesty International (AI) paper indicated that security forces had reportedly killed over 250 civilians during the year. According to the Home Ministry, security forces killed 28 civilians from April 1 until June 30, and the NHRC recommended payment of compensation in 11 of these cases.

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 14-year 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 a December letter to Jammu and Kashmir Chief Minister Mufti Mohammad Sayeed, AI wrote "the state government needs to be seen to make the security forces more accountable for their actions."

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 killed more than 2,714 persons during the year. More than 836 civilians, 384 security personnel, and 1,494 militants were killed in politically motivated violence during the year. Supporters of different political parties, and supporters of different factions within one party, frequently clashed with each other and with police during the election.

Country-wide, there were 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.). Human rights groups alleged that police often faked encounters to cover up the torture and subsequent killing of both militants and noncombatants.

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 Jammu and Kashmir. The Home Ministry reported that during the first half of the year, more than 738 militant attacks occurred in the Northeastern states resulting in 503 casualties and 437 kidnappings, while 271 militants surrendered. Numerous incidents of encounters involving security forces and militant organizations such as the United Liberation Front of Assam (ULFA), the National Demo-

cratic Front of Bodoland (NDFB), and the United People's Democratic Solidarity (UPDS) continued.

The trial in the case of People's War Group (PWG) guerrillas charged with the 2001 killing of human rights activist Purushotham was ongoing at year's end. During the year, the trial in the case of persons charged with the 2001 killing of human rights activist Azam Ali was concluded, and the defendants were found not guilty.

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. In July, the NHRC reported that an encounter death occurred after the Andhra Pradesh police detained two suspected PWC members. No further action was taken by year's end.

During the year, in Andhra Pradesh, the Disturbed Areas Act was not in force. 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. Little was known about the size, composition, or activities of this group.

Court action in cases of extrajudicial killings were widely criticized as slow and inconsistent. For example, there was no action taken, nor was any likely, for persons responsible for the 1996 killings of Jalil Andrabi and Parag Kumar Das.

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

Although the Supreme Court in July 2002 ordered regular checks on police stations to ascertain the incidence of custodial violence against persons, the government and local authorities failed to comply in the overwhelming majority of police stations throughout the country; however, the checks were conducted in a very small number of police stations in 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. In December, the Jammu and Kashmir Chief Minister reported that there were 8 custodial deaths in Jammu and Kashmir during the year, compared to 11 in 2001. Many died from natural causes aggravated by poor prison conditions (see Section 1.c.).

There were reports of deaths in custody that resulted from alleged torture or other abuse. For example, in January, 28-year-old Ramesh died in police custody in Karnataka, allegedly after having been tortured. Human rights organizations questioned the legality and severity of the police actions. Two policemen were suspended but were not arrested or charged.

In June, the Jammu and Kashmir state government dismissed a deputy superintendent of police for his role in the 1999 custodial deaths of three persons.

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.

During the year, some state governments took some measures regarding custodial deaths. In May, the Jammu and Kashmir Human Rights Commission directed the central government to pay \$10,000 (500,000 Rs) to the parents of Hilal Ahmed Nasti who died in custody. Following NHRC guidelines, the Government announced plans to address deficiencies in the prison system and establish a committee to draft a model prisons manual. The committee circulated its draft to all state governments/union territories for their input, but has not given a timeline for final publication.

In Bihar, the NHRC recorded 144 custodial deaths in its 2001-2002 reporting period. According to the NHRC, the Bihar government had not adequately responded 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 number of human rights violations in the country, but 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. Allegations of violations by the Special Operations Group (SOG), special anti-insurgency police units which in the past have operated outside

the law, continued throughout the year. For example, on November 12, the SOG entered the home of Bashir Ahmad Sheikh, who was allegedly killed in an "encounter" in July, and beat his mother and sisters. In March, Jammu and Kashmir Chief Minister Mufti Muhammed Sayeed told the Legislative Assembly that the SOG was disbanded; however, at year's end, there has been no sign that disbandment of the SOG had taken place. SOG members who earlier acted independently had been subordinated to regular police units. Fifty-three members of the SOG had been charged with human rights violations and 25 were removed from duty but have not been arrested or charged with any crime. In December, there were reports of protests in several districts in Jammu and Kashmir after former SOG members were appointed to positions in the uniformed police. Countermilitants searched persons at roadblocks (see Section 2.d.) and guarded large areas of the Kashmir Valley. The Government, through its sponsoring and condoning of extrajudicial countermilitant activities, was responsible for killings, abductions, and other abuses committed by these groups. According to journalists in Srinagar, as many as 1,200 countermilitants continued to operate in Jammu and Kashmir, particularly in the countryside.

In the seven northeastern states, insurgency and ethnic violence was a problem. 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 secession. Their stated grievances against the Government ranged from charges of neglect and indifference to the widespread poverty of the region and to allegations of active discrimination against the tribal and nontribal people of the region by the central Government (see Section 5). During the year, talks continued between various insurgent groups and central and state government officials. In January, the Government and the National Socialist Council of Nagaland Isaac and Muivah (NSCN-IM) continued talks extending the unilateral August 2001 cease-fire. In February, the Assamese government, the Bodo Liberation Tigers (BLT) and the Government signed a tripartite agreement to create the Bodoland Territorial Council, an autonomous self-governing body. Further talks were held in December between NSCN-IM leaders and the Government to discuss integration of Northeastern states into "greater Nagaland."

Surrenders by militants in the northeast, often under government incentive programs, continued during the year. Surrendered militants usually were given a resettlement and retraining allowance and other assistance. 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 February, the Home Ministry held several rounds of talks with the state government of Andhra Pradesh and a representative of the PWG Group. In June 2002, the group withdrew from those talks following a police encounter.

In Tripura, the systematic surrender of arms by a faction of NLFT insurgents and NLFT fringe groups continued, due to the increased security pressure and to infighting within NLFT insurgent ranks.

The killings of ULFA leaders' family members by unknown persons during the year renewed concerns about the situation in Assam. For example, in January 2002, unidentified assailants shot and killed three relatives of two ULFA militants, including two relatives of ULFA deputy commander in chief Raju Baruah. More than 87,000 persons lived under poor conditions in relief camps in Assam as a result of the ongoing violence (see Section 2.d.).

Militant groups continued to attack civilians. For example, in August unknown persons killed 52 persons by detonation of a car bomb in Bombay.

In Manipur 15 civilians, 34 militants and 15 security force personnel were killed in clashes with the militants during the year. In January, one child was killed and one person was injured when the border security forces allegedly fired into a home. In July, two security force members were killed and Chief Minister O. Ibibi Singh was shot allegedly by the People's Liberation Army in Manipur. Nobody was arrested in connection with this incident. In Manipur, 18 militant groups reportedly were active, including outlawed Meitei organizations.

In Tripura, the Chief Minister reported 1150 separatist-related deaths from 1999 until 2003. Of the 1150 killings, 193 took place during the year. For example, on May 7, 19 non-tribal villagers were killed by tribal militants in Tripura. NGOs speculated that the All India Tripura Tiger Force was responsible.

The South Asia Terrorism Portal reported that 17 persons were killed in clashes with militants in Nagaland during the year. Throughout the year, talks continued between various Naga separatists and central and state government officials, and human rights groups observed that violence had decreased; however, violent clashes between NSCN-IM and police officers continued. For example, in April security forces shot and killed one NSCN-IM member and arrested two others. On July 31, the Government extended for an additional year the ceasefire with militants; however, the Government's continued negotiations with Naga separatists over a ceasefire caused significant unrest in neighboring states.

In the north-central states of Bihar, Jharkhand, Orissa, and West Bengal, clashes between police officers and the PWG continued. The police sometimes responded with violence. For example, on September 8, 11 police personnel and a civilian were killed in a landmine explosion allegedly set by the PWG in Bihar. 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 declined to 381 during the year, according to the Home Ministry.

During the year, militant groups in Jammu and Kashmir targeted civilians, members of the security forces, and politicians. According to the Home Ministry, militants had killed 808 civilians during the year, compared with 967 in 2002. For example, in April several soldiers were killed by militants in Srinagar when a bomb detonated at the entrance of the state-run television and radio station.

Authorities prosecuted militants engaged in violence. For instance, in January, one person was convicted for the December 2000 killing of a soldier and two civilians at Delhi's Red Fort. The trial of seven others continued at year's end. In October, the Delhi High Court acquitted two Kashmiri defendants, S.A.R. Geelani and Afsan Guru, of complicity in the December 2001 terrorist attack on the Indian Parliament. At the same time, the court upheld the death sentence for two additional defendants charged in connection with this attack.

Nearly 41 persons were killed in violence related to the February Nagaland elections (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 Sections 2.c. and 5).

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

b. Disappearance.—There were no confirmed reports of politically motivated disappearances due to action by government forces; however, there were numerous disappearances during the year.

According to a December AI report, unexplained disappearances 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 June, the Jammu and Kashmir state government announced that 3,931 persons remained missing in the state since 1990. This figure contrasts with that given by the Association of Parents of Disappeared Persons, which puts the number at more than 8,000. In April, the Jammu and Kashmir judiciary established that 500 of these were disappearances in custody.

According to AI, in May, the NHRC asked the Chief Secretary of Jammu and Kashmir for specific information on the systems used by the state government to record and investigate allegations of enforced or involuntary disappearances. In addition, the Commission requested the number of such allegations recorded and the measures taken to prevent their occurrence. It recommended compensation relief for 719 persons who disappeared, and relief was paid for 61.

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 rights organization credibly reported in 2002 that more than 1,000 persons remained in detention awaiting prosecution under the law, and cases opened under TADA continued through the judicial system. Several thousand others are held in short-term (1-day to 6 months' duration) confinement in transit and interrogation centers.

There were no developments in the June 2002 custodial disappearance of Manzoor Ahmad Dar.

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.).

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 2002 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.). For example, after the Joint Screening Committee in Jammu and Kashmir recommended the release of 24 persons, 17 persons were released. In June, 92 persons were released under the state's 1978 Public Safety Act.

In Punjab, the pattern of disappearances prevalent in the early 1990s has ended; however, hundreds of police and security officials were not held accountable for serious human rights abuses committed during the counterinsurgency of 1984-94. In June, the Committee for Coordination of Disappearances in Punjab (CCDP), a Punjab-based human rights organization, completed its 634-page report documenting 672 of the "disappearance" cases currently pending before the NHRC. 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. Although 6 years have passed since the Supreme Court ordered the NHRC to investigate 2,097 cases of illegal cremation in Punjab's Amritsar district, by year's end, no significant progress was made in identifying the cremated bodies or bringing to justice those responsible for the killings.

In July, a key witness in the trial of Punjab police officials who killed human rights monitor Jaswant Singh Khaira was arrested and charged with alleged rape.

No action has been taken against the approximately 100 police officials who were under investigation for abuses committed while suppressing the violent insurgency in Punjab.

There were credible reports that police throughout the country often did not file legally 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.

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 kidnapped persons later were killed (see Sections 1.a. and 1.g.). In February, militants beheaded two civilians they had kidnapped. There were 211 reported kidnappings in the northeastern states during 2002. For example, on February 24, unknown assailants abducted and killed Kishore Reang, the elder brother of a candidate in Kanchanpur. In July, unknown assailants abducted Rafiqul Islam in Tahirpur. He was subsequently freed from a hotel in Dimapur in September after his father refused to pay a ransom.

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 has 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.

In a 1996 report, 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. For example, in February, there were protests in the villages of Handwara and Tral, after a Rashtriya Rifles unit detained two villagers, allegedly tortured them for 2 days and then released them. There were no reports of action taken in any of these cases. Unlike in 2001, the Home Ministry again did not extend an invitation to the U.N. Special Rapporteurs on Torture and 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 nationwide 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 scenarios: In the course of regular criminal investigations, and following unlawful and arbitrary arrests. For example, during criminal investigations, police frequently resorted to torture to extract information from suspects while in custody.

There was no action taken, nor was any action likely to be taken, against the police officers responsible for the 2002 torture of a 37-year-old man from Chennai.

The family of the 14-year-old girl allegedly abducted, tortured, and raped for 6 days by Patiala police in Punjab in 2001 filed a report with the state authorities to press for prosecution of the responsible police officer. No action was taken by the state government at year's end.

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. 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, legal limits placed on the arrest, search, and police custody of women appeared effectively to limit the frequency of rape in custody. In January 2002, a tribal woman alleged that she was raped by the head constable in Vaniyambadi Police Station in Tamil Nadu after being arrested on theft charges. The case was pending in the Chennai High Court at year's end.

During the year, the state government arrested three BSF members and ordered an inquiry into the 2002 case of the 17-year-old girl allegedly raped by three BSF force personnel in Pahalgam. The three accused were arrested, and the BSF commenced a Staff Court of Inquiry. The inquiry continued at year's end.

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.). It was not included in NHRC statistics because it involved the military forces, over which the NHRC does not have direct investigative authority.

Human rights training for new recruits, middle ranks, and long-serving officers continued at the National Police Academy. The training has raised police awareness of human rights, and there was some decrease in police use of physical force. According to the NHRC, complaints of police harassment and abuse generally declined over a 3 year period. In April, the Home Ministry reported that from 2002 until April, there were 28,765 complaints lodged against police, compared with 29,964 in 2001-2002, and 32,123 in 2000-2001. 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 Armed Forces (Jammu and Kashmir) Special Powers Act of 1990 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.

In Punjab, cases of torture were inadequately prosecuted, and victims frequently refused to accept compensation out of fear of retribution. Allegations by human rights activists that victims were hounded and harassed by government agents were common.

The Government occasionally used excessive force in putting down demonstrations (see Section 2.b.). There was no known action during the year, nor was any action likely to be taken, against the police officers responsible for the July 2002 beating of villagers who were forcibly evicted from their homes in Madhya Pradesh.

The Government also occasionally used excessive force against tribal people. There reportedly were no developments in the investigation of the October 2002 shooting of three tribal persons in Orissa.

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 Section 2.c.).

Prison conditions were harsh and life threatening. Prisons were severely overcrowded, and the provision of food and medical care frequently was inadequate. In July, hundreds of prisoners at the Gopalgary District Jail in Bihar went on hunger strike to protest the poor sanitation, meager food supply, and severe overcrowding.

Severe overcrowding in prisons was common. For example, the Divisional Jail in Bihar had a planned capacity of 55 prisoners but held 753 inmates. Prisons operated above capacity because more than 60 percent of the prison population were persons awaiting hearings (see Section 1.d.). For example, the Government reported that New Delhi's Tihar jail held four times as many prisoners as its capacity at year's end. The Government announced plans to address the overcrowding in prisons by building four additional prisons; however, no further action had been taken by year's end.

The 1,157 deaths in judicial custody reported to the NHRC in March 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 in 2002 conducted by the NHRC found that tuberculosis was the cause of death in most deaths in judicial custody. With the country's high incident of HIV/AIDS and tuberculosis, prison overcrowding was a serious health threat. There were reports that some prisoners died in custody from HIV/AIDS related illnesses.

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 February, the Government disclosed plans to supplement state funds to effect prison reforms. Noting that Orissa demonstrated a particular need for assistance, the Home Ministry reported that it had provided \$5,000 (233,078 Rs) for the modernization of the prison administration between 1993 and 2002.

Women were housed separately from men. 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 convicted prisoners.

Human rights NGOs, family members, and lawyers were allowed access to some detention facilities; however, International Committee of the Red Cross (ICRC) visited detention facilities in Jammu and Kashmir (see Section 4). Fifteen 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 perform medical check-ups on all inmates.

d. Arbitrary Arrest, Detention, or Exile.—The Constitution prohibits arbitrary arrest and detention; however, in areas where there are separatist insurgencies, the Government did not observe these prohibitions.

NGOs and human rights activists alleged that the police often committed human rights violations with impunity and that corruption was pervasive. The NHRC reported that the majority of complaints received were against the police. The Malimath Committee on Judicial Reform issued a report during the year that proposed some police reform, which has yet to be implemented.

The Constitution provides that detainees have the right to be informed of the grounds for their arrest, to be represented by legal counsel, and, unless held under a preventive detention law, to be arraigned within 24 hours of arrest, at which time the accused must either be remanded for further investigation or released. However, thousands of criminal suspects remained in detention without charge. Detention conditions remained poor.

The Constitution provides that arrested persons have the right to be released on bail. 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. In most cases, bail was set between \$11.00 (\$500 Rs) and \$4,000 (\$200,000 Rs).

Authorities in Jammu and Kashmir continued to keep in detention persons who had been arrested under TADA in the past, despite the fact that the Act lapsed in 1995. In February, the Jammu and Kashmir state Supreme Court overturned the controversial ruling of a TADA court that had acquitted three militants in the mur-

der of Kashmiri Pandit human rights activist H.N. Wanchoo in 1992. Human rights activists estimated that 351 persons remained in custody under the TADA at year's end. In 2002, the Jammu and Kashmir governments established a committee to review detainees' cases and by year's end, the committee released approximately 17 persons. 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.

However, authorities continue certain cases of persons arrested under TADA before the law lapsed in 1995. For example, in February, government agents detained Simranjit Singh Mann under TADA in New Delhi on making "an inflammatory speech in April 1991 appealing for a separate state of Khalistan." No further information was available. In September, a special court in New Delhi acquitted Kashmiri separatist Yasim Malik of charges filed in 1992 under the TADA for allegedly "aiding and abetting terrorist activities in the [Kashmir] Valley."

The Prevention of Terrorism Act (POTA), enacted in March 2002, replaced the Prevention of Terrorism Ordinance (POTO) in 2001. POTA allows for the detention without charge for 3 months, and 3 more months if allowed by a special judge, deems not disclosing information to the authorities about terrorist activities an offense, and provides extensive new powers to ban organizations and seize their assets. The act is similar to TADA in its provisions for detentions, summary trials, and the use of testimony obtained under duress. In addition, POTA provides for special courts to try offenses, places the burden of proof at the bail stage on the accused, allows confessions made to a police officer admissible as evidence, extends the period of remand from 15 to 60 days, and sets mandatory sentences for terrorism-related offenses. Human Rights Front, a local Jammu and Kashmir NGO, reported that over 106 cases were registered under POTA by the end of March, 3 of whom were women and an undisclosed number of children. In July, the Government disclosed that 702 persons had been arrested under POTA since its enactment. Human rights groups alleged that the governments have invoked POTA selectively and on dubious grounds against the political opponents of the ruling parties and persons belonging to the minority communities. For example, in January, police arrested Imran Rehman Khan under POTA for a bus attack in December 2002. Authorities claimed that he was linked to LeT terrorist group. In March and June 2002, Yasin Malik was arrested under POTA and the Jammu and Kashmir Public Safety Act (PSA). He was released in November 2002; however, he still faced charges under POTA at year's end.

In December, the Supreme Court upheld the constitutional validity of the POTA and held that journalists and lawyers have no right to withhold information regarding a crime under the pretext of professional ethics. The court also ruled that under POTA mere "moral support" for a terrorist organization did not constitute an offense under the Act. Despite this ruling, POTA was used to arrest members of various organizations and opposition political parties on charges of publicly expressing support for the banned LTTE terrorist group. For example, in March the Tamil Nadu government reported that 42 persons were detained under the POTA, four of whom were arrested for expressing support for the LTTE.

In October, the Delhi High Court upheld the death sentence for two of the militants who attacked the Indian Parliament in December 2001. The court also acquitted two of the defendants for their role in the attack (see Section 1.d.).

In March, the Government issued a directive to form a POTA review committee to examine the use of the law in various states and prepare a report of findings and recommendations. In October, the government gave statutory powers to the POTA Review Committee for redress of complaints by individuals. The POTA Review Committee reviewed cases, and its findings were binding on the government and interrogating police officers. The Committee had not issued a final report by year's end.

The National Security Act (NSA) permits police to detain persons considered to be security risks anywhere in the country (except for Jammu and Kashmir). The authorities may detain a suspect without charge or trial for as long as 1 year on loosely defined security reasons. 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 persons detained under NSA in the northeast, but in New Delhi an alleged narcotics trafficker was arrested under the NSA. The man allegedly lured young children into the narcotics business

and then used them as couriers. Human rights groups alleged that preventive detention may be ordered and extended under the act purely on the suggestion of the detaining authority and after an advisory board review. No court may overturn such a decision.

The PSA, a law that applies only in Jammu and Kashmir, permits the detention of persons without charge and without judicial review for up to 2 years. In addition, detainees do not have access to family members or legal counsel. The Government estimated that approximately 514 persons remained in custody under PSA or related charges at year's end, and 412 were in police custody under other charges. In June, 92 prisoners detained under the PSA were released. In February, the Government released Syed Ali Shah Geelani, who had been detained under the PSA and the Officials Secrets Act (see Section 2.a.) since June 2002. Geelani's two sons-in-law, also arrested in June 2002, were released during the year.

The Armed Forces Special Powers Act (AFSPA) of 1958 remained in effect in Nagaland, Manipur, Assam and parts of Tripura, and a version of this law was in effect in Jammu and Kashmir. Under this Act, the Government has the power to declare any State or Union Territory a "disturbed area;" allows security forces to fire on any person if it is considered "necessary for maintenance of law and order;" the authorities can arrest any person "against whom reasonable suspicion exists" with no obligation to inform the detainee of the grounds for arrest; and the authorities are given immunity from prosecution for any acts committed by them in relation to the Act.

Unlike previous years, there were no reports that police detained members of teacher's unions and other activists groups on suspicion of illicit membership.

A program of prison visits by the ICRC was designed in part to help assure communications between detainees and their families. According to the Home Ministry's annual report, the ICRC visited 53 detention centers and over 7 thousand detainees during the year, including all acknowledged detention centers in Jammu and Kashmir, and Kashmiris held 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 continued to encounter difficulties in maintaining systematic access to people detained 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. As of July 2002, there reportedly was a backlog of over 13 million cases in the lower courts, while high courts had a backlog of 3.5 million cases. The Supreme Court had 23,000 pending cases. The NHRC reported that 75 percent of the country's total inmates were unconvicted prisoners awaiting completion of trial.

Several detainees complained to government officials that they were detained without charge, some for many months, while police investigated their connection with Naxalites. In August, the NHRC reported that it had issued notice to the Orissa and Andhra Pradesh Government to order an investigation into the large numbers of innocent people arrested by local police on suspicion of being Naxalites.

In 2000, the Government announced that it would fund the creation of 1,734 additional courts during 2000–2005. At year's end, 1,205 of these courts had been set up.

There were no political detainees reported during the year.

Exile was prohibited and there were no reports of forced exile during the year.

e. Denial of Fair Public Trial.—The Constitution provides for an independent judiciary, and the Government generally respected this provision in practice; however, serious problems remained. The judiciary was backlogged and understaffed in most parts of the country, and in Jammu and Kashmir, the judiciary has long been subject to threats and intimidation by guerillas and by security forces to obey court orders. The judicial system is headed by a Supreme Court and includes the Court of Appeals and lower courts. The highest court is the Supreme Court, which has jurisdiction over constitutional issues. Lower courts hear criminal and civil cases and send appeals to the Court of Appeals. The President appoints judges, and they may serve until the age of 62 on state high courts and until the age of 65 on the Supreme Court.

The judicial system was extremely overburdened. In general, the judiciary enforced the right to a fair trial; however, there was a large backlog of cases, and as a result, some courts barely functioned. The Criminal Procedure Code provides that trials be conducted publicly 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 publicly. Defendants have the right to choose counsel inde-

pendent of the Government. There were effective channels for appeal at most levels of the judicial system, and the State provides free legal counsel to indigent defendants.

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, including those that discriminate against women.

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. 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. The number of militants in pretrial detention is in the hundreds; however, the exact number is unknown. During the year, the Government announced plans to release 274 such detainees, as a result of court orders. By year's end, only 24 militants had been released under instructions of the government-appointed Review Committee.

Criminal gangs in all four southern states were known to attack rivals and deny free access to justice. In some cases, accused persons were attacked while being escorted by police to the courts.

To remedy the severe overcrowding in the judicial system, the Government asked the government-appointed Malimath Committee to identify possible improvement. In April, AI reported that the recommendations of the Malimath Committee "represent an extremely narrow interpretation of the problems which ail the system and a set of solutions which ignore fundamental human rights safeguards." Further, AI believes "the reports recommendations will increase the risk of torture for those in police detention, severely weakening safeguards for fair trial and reduce legal protections for women."

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 Constitution prohibits such actions, and the Government generally respected these prohibitions in practice; however, at times the authorities infringed upon them. 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's efforts ultimately resulted in very few 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 tranquility." Every state government has used these powers, as has the central Government.

The Information Technology Act grants 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, the government had not circulated rules for implementation of this law.

The Government did not restrict citizens' personal appearance; however, in Jammu and Kashmir and Manipur, militants attempted to enforce female dress codes. The Kanglei Yawon Kanna Lup, a militant group 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 the Rajouri region of Kashmir, the militant groups Jamiat-ul-Mujahideen and Shariati Nefazi Islami ordered Muslim women to wear burqas, and three women were killed for not obeying these orders (see Sections 2.c. and 5).

g. Use of Excessive Force and Violations of Humanitarian Law in Internal and External Conflicts.—Government forces committed numerous serious violations of humanitarian law in the State of Jammu and Kashmir. Between 400,000 and 700,000 army and paramilitary forces were deployed in Jammu and Kashmir, although the Government did not release official figures. The population in the Kashmir Valley suffered disproportionately from the anti-insurgency campaign 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 enjoyed extraordinary powers, including authority to shoot on sight suspected lawbreakers, and to destroy structures suspected of harboring militants or arms.

The Home Ministry was unable to estimate how many civilians were killed in crossfire by security forces in Jammu and Kashmir during the year. In June, an Imam and his 13-year-old son were shot and killed in Baramulla by security forces in a case of mistaken identity. A magisterial inquiry was not completed by year's end. The security forces continued to abduct and kill suspected terrorists, but were not adequately held accountable for their actions. Many army officers' inclination not to participate in such practices led to a reduced number of cases, and, as a result, government-supported counter-militants 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 while searching for landmines; such abuses occurred mostly in the Kupwara and Doda districts.

Tension along the Line of Control between Pakistan and Indian-held Kashmir was high during the year, and there was shelling in several sectors; however, in November, the country and Pakistan announced a ceasefire. By all accounts, the ceasefire continued at year's end. The next round of talks between the Government and Pakistan was scheduled for January 2004.

The Home Ministry reported 2,841 cases of artillery shelling and mortar and small arms fire across the LOC killed an unknown number of civilians during the year. According to the Home Ministry, security forces killed 1,526 militants during the year. There were reports that government forces displaced civilians and destroyed homes during offensive operations.

Anti-government 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). The worst case occurred in March, when militants dressed in military fatigues killed 24 Pandits in Nadimarg. Militant groups also killed police officers and members of the security forces. For example, in July, militants killed seven pilgrims near Katra.

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 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 March, militants killed three women and mutilated six other persons in the State of Jammu and Kashmir. During the year, militants killed persons who allegedly were informants for the Government.

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. In March, two persons were killed and six injured when the ULFA attacked four locations in Assam.

During the year, police arrested numerous persons suspected of involvement in previous terrorist attacks and charged some persons with planning human suicide bomb attacks to advance Sikh separatism. Police also captured dozens of separatist insurgents in Jammu and Kashmir for bombings, killings, and acts of sabotage.

Improvised explosive devices (IEDs) and landmines were a problem in Jammu and Kashmir. Reportedly, militants continued to use IED and landmines for offensive and defensive purposes. Militants previously restricted landmine use to army convoys traveling outside of major cities, but during the year they used command-detonated devices in and around Srinagar. In August, the Home Ministry reported to Parliament that since December 2001, 124 persons have been killed by landmines in the Sriganganagar district.

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, and television channels broadcast, 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 policies. On January 10, the Government found that the 2002 detention under the Act of Syed Ifikhar Gilani was unjustified and released him.

In January, the Government passed a Freedom of Information law. This law allows citizens to request and receive documents from the Government that are considered to be in the public domain.

Most print media were privately owned. In the electronic media, 80 percent of the television channels were privately owned, and 20 percent were operated by Doordarshan, a semi-autonomous body controlled by the Government. Government-controlled radio was the main source of news for much of the population.

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, and authorizes the authorities to 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 reportedly attempted to impede criticism by filing a number of criminal defamation charges against journalists.

In July, the Tamil Nadu government brought a defamation suit against the English daily *The Hindu* for printing a series of articles about the mishandling by police of a kidnapping. The case was not heard during the year.

In November, the Tamil Nadu Assembly speaker ordered the arrest of several officers and journalists at *The Hindu*. In response, the newspaper obtained an injunction from the Supreme Court against the Speaker's arrest directive.

In December, Randeep Sudan, a senior official in the office of the Chief Minister of Andhra Pradesh, filed defamation charges in his personal capacity against the daily newspaper *Andhra Jyody*. The newspaper had reported that Sudan was corrupt but also published his response to the allegations.

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 national and state levels, governments and political parties often seek to influence regional media. The *Hindu* was unable to get advertising from the state government of Tamil Nadu after its negative reporting of the actions taken by the state. In addition, in Gujarat, a number of journalists at English language newspapers and electronic media, who had criticized Chief Minister Narendra Modi's government and its political supporters following the 2002 riots, continued to be subjected to "strong-arm" tactics. The threat of losing state government revenue contributed to self-censorship by smaller media outlets, which heavily relied on government advertising.

Authorities occasionally beat, detained, and harassed journalists, which resulted in some self-censorship. For example, on August 2, Bapi Roy, a photojournalist for the Agartala daily were beaten by members of the police. At year's end, the police had investigated the incident but no charges had been filed. 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. On May 17, the offices of two Bengali daily newspapers, *Dainik Vivek* and *Dainik Janapad*, were attacked by armed men believed to owe allegiance to the state's Information Minister. At year's end, two persons were arrested for the incidents.

In August, two journalists were assaulted by the Students Federation of India, which was affiliated with CPI(M) in West Bengal. Press reports suggested the jour-

nalists were assaulted to deter them from reporting inappropriate actions by members of the SFI.

During the year, the 2001 case of police assaulting 12 members of the press during a DMK rally was decided. The Chennai High Court directed the Tamil Nadu government to pay compensation to the 12 journalists; however, pending a determination of damages, at year's end no compensation had been paid.

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 and the government claimed the banned books caused communal tensions. In December, West Bengal banned Taslima Nasreem's "Split in Two" because the book allegedly slandered Islam and the Prophet Mohammed.

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, on January 31, unknown assailants killed Parvaz Mohammed Sultan, editor of an independent wire service in Srinagar. The motive for his killing remained unknown. On April 28, unknown assailants killed 5 persons after detonating a car bomb and throwing grenades into the offices of Doordarshan Television and Radio in Srinagar. The clash resulted in the deaths of three assailants and two security officers. 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 2002, 2001, 2000, and 1999, Kashmiri militant groups threatened journalists and editors and even forced the temporary closing of some publications that were critical of their activities. For example, in December, activists from the Kashmiri separatist Jammu and Kashmir Liberation Front ransacked the editorial offices of "Chattan," a vernacular weekly in Srinagar, after the newspaper published material critical of the militants' leader, Yasin Malik.

Private satellite television was distributed widely by cable or satellite dish. These channels provided substantial competition for Doordarshan, the government-owned television network, in both presentation and credibility. Doordarshan frequently was accused of manipulating the news in the Government's favor; however, in some parts of the country satellite channel owners used their medium to promote the platforms of the political parties that they supported. In addition, citizens had access to uncensored Cable News Network, the British Broadcasting Company and a variety of other foreign programs.

Government measures to control objectionable content on satellite channel—notably, 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. Although there were privately owned radio stations, they were not permitted to broadcast news.

A government censorship board reviewed films before licensing them for distribution. The board censored material it deemed offensive to public morals or communal sentiment. For example, in March, the Central Board of Film Certification (CBFC) denied a certificate to the documentary "Aakrosh." The film's producers said that the authorities denied a certificate, and thereby prevented the film from being shown publicly, in retaliation for its expose on the riots in Gujarat. This banning encouraged self-censorship among film-makers.

In August, 11 security officials in Lucknow reportedly assaulted a senior television correspondent during a Presidential visit. He was hospitalized after sustaining several injuries during the attack. In December, 50 political activists vandalized the offices of a television station in Mumbai which aired criticism of the state's Deputy Chief Minister, who later resigned and accepted "moral responsibility."

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 27, Anirudh Bahal and Mathew Samuel, both reporters with the on-line newspaper Tehelka.com were arrested and charged with conspiracy in connection with a story published on the Web site in October 2000. Tarun Tejpal, founder and editor-in-chief of the Web site, says that Tehelka.com is "a victim of competing political interest in a largely corrupt Indian establishment."

The Government restricted academic freedom. Some government officials continued to advocate “saffronizing,” or raising the profile of Hindu cultural norms and views in public education, which has prompted criticism from minority leaders, opposition politicians, academics, and advocates of secular values. On January 31, the Ministry of Human Resources Development (HRD), headed by Dr. Murli Manohar Joshi, passed strict academic guidelines to regulate academic partnerships between Indian and western universities and academics, in line with Hindutva philosophy. The new guidelines issued to all central universities require HRD permission for “all forms of foreign collaborations and other international academic exchange activities,” including seminars, conferences, workshops, guest lectures, research, etc.

b. Freedom of Peaceful Assembly and Association.—The Constitution provides for freedom of assembly and association, 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.

Unlike in previous years, there were no reports of banning of religious processions in Gujarat. Unlike in previous years, the Jammu and Kashmir government allowed a procession of separatist groups to march on the anniversary of the Birth of the Prophet.

In May, Jharkhand police fired upon a demonstration, and 12 persons were injured. The persons were protesting the admission of “outsiders” to take examinations for teaching positions. In June, police fired upon a demonstration in Shopian, Jammu and Kashmir, and four students were injured. The students were protesting an alleged molestation of some women students by security forces; however, the Government alleged that police fired only in self-defense.

No action was taken against security forces who forcibly dispersed demonstrations or meetings during the year or in 2002 or 2001.

NGOs must secure the prior approval of the Ministry of Home Affairs before organizing international conferences. Human rights groups contended that this 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, among other reasons, from the legal constraints inherent in the country’s federal structure and from the inadequacies in law enforcement and justice systems. 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 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 abridged constitutional protections.

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 Chhattisgarh, Goa, Gujarat, Jharkhand, Madhya Pradesh, Rajasthan, and Arunachal Pradesh. In Orissa, the BJP rules in coalition with the Biju Janapa Dal. Many BJP leaders and party workers were members of the Rashtriya Swayamsewak Sangh (RSS), an organization based on Hindu nationalism, and share some of its ideology. The RSS espouses a return to what it considers 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.

There were reports that members of the BJP, the RSS, and other affiliated organizations harassed and at times threatened the use of violence against Christians and Muslims. The BJP and RSS officially expressed 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 in Ayodhya. The temple would replace an ancient

Hindu temple 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. In December, 5 persons were killed and 27 injured after Hindu-Muslim clashes broke out in Hyderabad. Tens of thousands of police were deployed in the area to prevent further attacks.

No registration is required for religions. Legally mandated benefits are assigned to certain groups, including some 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 for a series of church bombings in Karnataka in 2000. During the year, the Government arrested and charged approximately 40 members of Deendar Anjuman implicated in the Karnataka 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. 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 Muslims. In West Bengal, the law requires any person desiring to construct a place of worship to obtain permission from the district magistrate.

In 2002, the Supreme Court ruled that Hindu activists could not perform a religious ceremony on the land surrounding the site of the demolished mosque in Ayodhya. During the year, tens of thousands of members of the VHP were arrested to prevent them from attempting to stage a rally on the land. Thousands of police and paramilitary troops were deployed in and around Ayodhya, and most Hindu militants were stopped from entering the town.

On January 10, the controversial Prohibition of Forcible Conversion of Religion Act that bans "forced" religious conversions was passed in the state of Tamil Nadu. In February, the "Freedom of Religion" Bill that provides penalties for conversion using allurements or force, including up to 3 years in prison and a fine of \$1,000 (50,000 Rs), was passed in Gujarat. Conversions in Gujarat must be assessed by officials, and prior permission given by the District Magistrate. Human rights advocates believed that both laws make it more difficult for poor persons, mistreated minorities, and others ostracized under the caste system, to convert from Hinduism to another religion. Further, the Tamil Nadu law requires that persons involved in a conversion report it to the local magistrate within 10 days. Authorities in Tamil Nadu announced their intention to enforce the law as a deterrent to large-scale conversions. The Gujarat bill requires persons converting to have prior permission from the district authorities before conversion.

There is no national law that bars a citizen or foreigner from professing or propagating his or her religious beliefs; however, India's Foreigners Act strictly prohibits visitors who are in the country on tourist visas from engaging in religious preaching without first obtaining permission from the Ministry of Home Affairs. 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 non-criminal 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 decreased overall but occurred in several states, which brought into question the Government's ability to prevent sectarian and religious violence or prosecute those responsible for it. For example, on November 20 in Assam, communal violence broke out after Assamese

youths prevented groups from neighboring Bihar, a poor, mostly Hindi-speaking state, from participating in recruitment exams at the state-owned railways. The Bihari youths retaliated by attacking trains bound for Assam and allegedly raping a girl. The Government deployed troops to patrol Assam in an attempt to quell outbreaks of violence. On November 21, a mosque was bombed in Parbhani, east of Mumbai. The attack took place during Friday prayers during Ramadan; at least seven persons were wounded. On the same day in Orissa, Hindu militants belonging to the VHP and Bajrang Dal torched a Catholic church. The attack followed several days of violence. On November 20, numerous unknown persons wearing saffron—the symbol of Hindutva ideology—burned Bibles in front of the district governor’s residence and then broke into a church of a nearby village and raped a nun. There were no reports of any action taken against members of mobs who killed during the year.

Reports continued that Hindus received limited punishment for the 2002 Gujarat violence, while some Muslims complained of continued harassment and discrimination by the state government in Gujarat (see Section 5). In Gujarat, there continued to be credible evidence of prejudice in favor of Hindus and an unwritten policy of impunity against the perpetrators of 2002 religious violence. For example, the 70-page HRW July report noted that more than 1 hundred Muslims had been charged under the country’s POTA for their alleged involvement in the 2002 train violence in Godhra. However, no Hindus had been charged under POTA in connection with the violence at year’s end. Further, HRW reported “although the Indian government initially boasted of thousands of arrests following the [2002] attacks, most of those arrested have since been acquitted, released on bail with no further action taken, or simply let go. Police regularly downgrade serious charges to lesser crimes—from murder to rape to rioting, for example—and alter victims’ statements to delete the names of the accused.” Additionally, the report criticized the Gujarat state court, which in June, acquitted 21 persons accused of burning alive 12 Muslims in a bakery in Vadodara after 35 of the 73 witnesses retracted their statements (see Section 5). In September, the Supreme Court expressed its displeasure at the authorities in Gujarat for its handling of the “Best Bakery” case. Various human rights organizations have appealed to the Supreme Court to move certain cases outside the jurisdiction of Gujarat. The Supreme Court is scheduled to hear this matter starting in January 2004.

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 decrease in the incidents of violence against their community and also a change in the type of incidents; however, attacks against Christians continued. For example, in January, Hindu militants attacked missionary Joseph Cooper and several others in Kerala. Police arrested nine persons in that attack; however, no persons were charged at year’s end. In a report on the attack, the human rights NGO “CHRO” quoted a Minister as saying that the request by local police to have Cooper leave the country “would send the right signal that the country will not be soft on foreigners who violate the laws of the land.”

No action was taken against persons who attacked Christians or churches in 2002. Despite a reduction in physical attacks against Christians, Hindu nationalists continued an ideological campaign to limit access to Christian institutions and discourage or, in some cases, prohibit conversions to Christianity. There were no developments in the Sister Brishi Ekka case during the year. In 2002, a cable television station promoting Catholic values was launched in Kerala.

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.

The trial of Dara Singh and his 12 associates for the 1999 murder of Australian missionary Graham Staines and his two sons concluded during the year. On September 23, the court sentenced Dara Singh to death and his associates to life imprisonment. In October, Singh appealed his sentence to the Orissa High Court.

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 its majority position to be in jeopardy.

Hindus have also been victims of violence. For example, on May 2, Muslim extremists reportedly attacked Hindu fishermen. Nine persons and 16 others were injured. The NHRC demanded a report from the state government on this incident. On August 26, 2 bomb attacks near the Gateway to India monument and the Hindu Temple of Mumbadevi killed 44 persons. The Government responded quickly to dispel further violence. The government arrested four Muslims and charged them in the attack. In their statements to police, the bombers identified their intent to retaliate against Hindus for 2002 anti-Muslim rioting in Gujarat.

Unlike in previous years, the exodus of many from the Sikh community did not occur.

The degree to which the BJP's nationalist Hindu agenda impacted 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 2003 International Religious Freedom Report.

d. Freedom of Movement within the Country, Foreign Travel, Emigration, and Repatriation.—The Constitution provides for freedom of movement, and the Government generally respected this in practice. Movement generally was unhindered for citizens outside certain border areas where, for security reasons, special permits were required.

Vehicle checkpoints, at which Border Security Force (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. The Government also expanded construction of a security barrier along the LoC in disputed Kashmir, causing difficulties for Kashmiris and Pakistanis and isolating residents. The barrier was to be completed by June, 2004. The Government claimed that the barrier was necessary to prevent terrorism.

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 January, the Government suspended the passport of Mirwaiz Umar Farooq, a leader of the separatist All-Parties Hurriyat Conference.

During the year, there were reports that Bodo-Santhal ethnic clashes continued. More than 87,000 persons lived under poor conditions in relief camps in Assam as a result of the ongoing violence between Bodos and Santhals. On November 15, Assam separatists prevented candidates from Hindi-speaking state of Bihar from applying for jobs. It was reported that soon after, Bihar youths attacked and injured 50 persons from Assam. As a result, ULFA began attacking the Hindi-speaking persons, killing 40 and displacing 17,000.

According to the Norwegian Refugee Council, at least 650,000 persons in India have been displaced due to conflicts in states of Jammu and Kashmir, Gujarat, and the North-East (see Sections 1.a., 1.c., and 1.g.).

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 nor repealed.

The law does not provide for the granting of asylum or refugee status to persons who meet the definition of the 1951 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). Unlike in previous years, the U.N. High Commissioner for Refugees did not visit the country.

The Government also provides temporary protection to certain individuals who do not qualify as asylees or refugees.

The Government provided certain assistance in refugee camps or in resettlement areas, most notable to Tibetan and Sri Lankan Tamil refugees; however, this was applied inconsistently. During the year, the UNHCR began to end the monthly subsistence allowance of Burmese refugees. As a result, Burmese refugees and asylum seekers demonstrated outside the UNHCR office in New Delhi during the year. On November 12, the authorities used water cannons, electric batons, and canes to forcibly disperse 500 demonstrators and 25 of the demonstrators were injured.

According to UNHCR and government statistics, there were approximately 110,000 Tibetans in 130 camps, approximately 64,000 Sri Lankan Tamils in 104 camps, and several thousand Sri Lankan Tamils living in the country at year's end. 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. By year's end, the Supreme Court's order to extend citizenship to this group was not enforced. 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 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. Human rights groups alleged that 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. At year's end, approximately 35 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 non-recognized refugees in the northeastern states, particularly 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 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 exercised 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 February in Himachal Pradesh, Meghalaya, Nagaland and Tripura and in December in Chhattisgarh, Madhya Pradesh, Mizoram, Delhi, and Rajasthan. Observers reported that the elections took place in a generally free and transparent manner; however, there were incidents of violence and reports that a mob destroyed a electronic voting machine in Nagaland. Five persons were killed and 24 injured in poll-related violence and communal clashes in Chhattisgarh and Madhya Pradesh. The Election Commission reported a voter turnout of more than 60 percent.

In October-November 2002, the Election Commission conducted Legislative Assembly elections in Jammu and Kashmir, which most observers considered free and fair, and in which voters ousted the National Conference party in favor of a reformist coalition government consisting of the People's Democratic Party and the Congress Party. However, election-related violence killed more than 800 persons.

There were 73 women in the 783 seat legislature. There were 7 women in the Cabinet of Ministers. 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

A wide variety of domestic and international human rights groups generally operated without government restriction, investigating abuses and publishing their findings on human rights cases; 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 freely 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, have been attacked in past years and in some cases killed. International human rights monitors had difficulty in obtaining visas to visit the country for investigation purposes. For example, in June the Government denied a visa to the Secretary General of AI after AI released a critical report on state actions in Gujarat.

The main domestic human rights organization operating in the country is the Government-appointed National Human Rights Commission (NHRC). The NHRC has 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 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 2002 until year's end, the NHRC recorded 68,776 complaints, more than 50 percent of which were from the state of Uttar Pradesh. Approximately 54,013 of these 68,776 were dismissed or disposed.

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 headquarters in some states; however, this policy was not implemented in any meaningful way. The NHRC also was involved in programs to eliminate child labor (see Section 6.c.).

The NHRC asked the Supreme Court to take corrective action in regard to the "Best Bakery" case in Gujarat, in which the Gujarat lower court acquitted 21 defendants in May. In September, the Supreme Court issued a directive to the Government of Gujarat to appeal the acquittal. In December, the Gujarat High Court confirmed a lower court's decision. (see Section 2.c.).

There were no developments in the investigation of the 2002 killing of human rights defender Navleen Kumar outside of Mumbai; or the stabbing of P.B. D'Sa.

Several Christian-affiliated 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.).

International human rights organizations were restricted. For example, during the year the government refused HRW access to the country. The Government also denied the U.N. Special Rapporteur on Extrajudicial Killings permission to visit the country.

The 1993 Protection of Human Rights Act recommends that each state to establish a state human rights commission, but not all states have done so. Commissions exist in 14 of the 25 states: Assam, Chhattisgarh, Manipur, Himachal Pradesh, Madhya Pradesh, Maharashtra, West Bengal, Tamil Nadu, Punjab, Jammu and Kashmir, Kerala, Uttar Pradesh, Andhra Pradesh, and Rajasthan. Gujarat has not officially established a state commission, but in 2002 appointed a two-member judicial commission to investigate the violence in Gujarat. The commission had not reported its conclusions by year's end. The state human rights commission established in Jammu and Kashmir by an act of the state legislature had no power to independently investigate alleged human rights violations committed by security force members.

For example, Punjab's Human Rights Commission (PHRC) in 2002-3 received 995 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. During the year, HRW commended the Committee for Coordination of Disappearances in Punjab (CCDP), a Punjab-based human rights organization, for its report documenting 672 of the "disappearance" cases currently pending before the NHRC (see Section 1.b.). Six years ago, the Indian Supreme Court directed the NHRC to investigate 2,097 cases of illegal cremation in Punjab's Amritsar district. NHRC has yet to hear testimony for any case.

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.

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

The Constitution prohibits discrimination on the basis of a person's race, sex, religion, place of birth, or social status and government authorities worked to enforce these provisions with varying degrees of success. Despite laws designed to prevent discrimination, social and cultural practices as well as other legislation had a profound discriminatory impact, and discrimination against women, persons with disabilities, indigenous people, and national, racial, and ethnic minorities was a problem. The traditional caste system, as well as differences of ethnicity, religion, and language, deeply divide society. According to the National Commission for Scheduled Castes and Scheduled Tribes, caste clashes were frequent in Uttar Pradesh, Bihar, and Tamil Nadu.

The spread of HIV/AIDS was estimated to have infected approximately 4.58 million persons and there was significant societal discrimination against persons, with HIV/AIDS. According to the International Labor Organization (ILO), 70 percent of persons suffering from HIV/AIDS faced discrimination from society. For example, according to newspaper reports, in July, Munnuswamy Pavanamma, a widow whose

husband had died of AIDS, was stoned to death by her neighbors in Andhra Pradesh. At year's end, police had made no arrests in connection with this incident.

Women.—Domestic violence was common and a serious problem. In a survey by the National Family Health Survey released in 2002, 56 percent of the women said that domestic violence was justified. These sentiments led to underreporting and, combined with ineffective prosecution, made progress against domestic violence difficult. According to the National Crime Records Bureau (NCRB), there were 49,170 cases of domestic violence reported in the country from 1998–2001.

The issue of rape received increased political and social attention during the year. The majority of rapes are never reported to the authorities. The NCRB reported that there were only 16,075 cases of rape from 1998–2001. However, the Home Ministry reported in February that, in 2001, there was a 16.5 percent increase in reported rape cases as compared to 2000.

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. The number of reported rape cases and the extent of prosecution varied from state to state. 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. For example, in October, a 17-year-old girl allegedly was gang-raped by Presidential Body Guards in New Delhi. There was no action taken by the authorities in this case at year's end.

Dowry disputes also were a serious problem. Although providing or taking dowry is 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. According to NGOs, approximately 7,000 deaths each year in the country are from dowry-related burnings. Although most dowry deaths involved lower and middle-class families, the phenomenon crossed both caste and religious lines. According to the NCRB, between 1998–2001, there were 6,851 reported dowry-related deaths in the country. In August, the Government announced that defendants under the Anti-Dowry Act would be able to be released on bail.

Women usually at a disadvantage in dowry disputes, began to speak out against dowry demands. For example, in August, Nisha Sharma filed a complaint with the police when her father was asked for more dowry minutes before she was to be married. The potential groom was detained for 14 days while formal charges were filed for violating the country's laws against dowries.

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.

Sati, the practice of burning widows on the funeral pyres of their husbands, was banned, but continued to be practiced in some areas. There were no developments in the arrest of 15 persons in connection with the 2002 sati incident in Madhya Pradesh.

"Honor killings" were also a problem. Human Rights organizations estimated that up to 10 percent of all killings in the northern states of Punjab and Haryana were so-called honor killings; however, many more women are believed to be affected by this crime. In Muzaffarnagar, 13 cases of honor killings were report during the first 9 months of the year, up from 10 in 2002.

Several traditional practices that were harmful to women continued during the year. In March, 100 women in Tamil Nadu were walked on by a Hindu priest with nails in his shoes in a ritual intended to cure them of physical and mental illnesses; the state's human rights commission issued a request to investigate the incident. There were no developments in the 2002 cases of a tribal woman in Madhya Pradesh forced to bathe in urine and the woman in Indore forced to engage in the practice of "agnipariksha."

In remote villages, witchcraft accusations and punishments still occurred.

Societal violence against women was a serious problem. In January, the National Commission for Women reported that it was dissatisfied with the Gujarat govern-

ment's handling of rape cases stemming from the 2002 riots, noting that there were no convictions during the year.

Dalit ("untouchable") women have been stripped naked by mobs and paraded around in public to humiliate Dalits who offended other castes. For example, in June, a Dalit girl allegedly was abducted and gang-raped by three youths in Noida. No further information was available at year's end. In 2002, a Dalit woman allegedly was paraded naked in Chhattisgarh. Police arrested two men in connection with the 2002 abduction and gang rape of a Dalit women in Haryana state.

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 due to court backlogs, it took an average of six to seven years to conclude such cases.

Prostitution was common. According to UNICEF, the country contained half of the one million children worldwide who enter the sex trade each year. 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 2002, 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.).

Sexual harassment was common, with a vast majority of cases unreported to authorities. 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.

During the year, women joined the National Security Guard for the first time as a result of an internal change in policy which had previously prohibited women from this organization.

The law prohibits discrimination in the workplace, but enforcement was inadequate. In both rural and urban areas, women were paid less than men for 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.

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, the Home Ministry reported that no women police officers had to quit their jobs as a result of the 2002 militant threat that ordered all women police officers in Rajouri District of Jammu and Kashmir to quit their jobs by January 2003.

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 could have several husbands and control the family inheritance.

In December, the Jammu and Kashmir State Legislative Assembly passed legislation that reserved 33 percent of its seats for women.

The Government addressed women's concerns primarily through the National Commission for Women, but NGOs were also influential.

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, in 2002, 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 amended law also placed an obligation on parents and guardians to provide educational opportunities to these children. 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. 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.

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

Child abuse is prohibited specifically by law. There were societal patterns of abuse of children; 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. In June, police arrested the mathematics teacher who allegedly beat a student in Velammal Matriculation Higher Secondary School in Kannappan. In December, a student in Madhya Pradesh was allegedly blinded by a teacher for not doing his homework. There were no developments in the investigation of the August 2001 death of three children after the Assam government asked them to participate in a march.

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 18 from 15 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. However, the National Crime Record Bureau (NCRB) statistics showed a slight decrease in the number of child marriages during 2001. Each year in April, during the Hindu festival of Askhay Tiritiya, 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. Discrimination against children with HIV/AIDS was a problem. For example, in March, two children with HIV/AIDS were refused entry into a state school in Kerala. The children eventually were allowed to enter another state-run school in Kollam.

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. For example, in February, the Salem district collector ordered an inquiry into the reported sale of baby girls in Kolathur. At year's end, police had made no arrests 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 14 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. The law prohibits the use of amniocentesis and sonogram tests for sex determination; however, despite an order from the Supreme Court during the year, the Government did not effectively enforce the law. The tests were misused widely for sex determination, and termination of a disproportionate number of pregnancies with female fetuses occurred. During the year, the Government passed a bill in Parliament which fined any persons \$1,000 (50,000 Rs) if they perform a sex selection procedure. 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. Parts of Tamil Nadu 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.

In Tamil Nadu, three persons were sentenced to life imprisonment for killing a newborn girl. Tamil Nadu implemented a “cradle scheme” in 1992 in which persons could leave unwanted infants outside the Social Welfare Department.

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 NGOs, there were more than 60 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 2001 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 \$46.3 million (2.13 billion Rs) for the 2003–2004 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.

In June, the National Center for the Promotion of Employment for Disabled People launched an exclusive news service on disability in the country.

The Persons with Disability Act established a Disabilities Commissioner who over saw implementation of the Act and its provisions protecting 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, government survey's indicated that employment for persons with disabilities exceeded 3 percent of positions in the public sector.

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. Parents of children with developmental disabilities lobbied the government for a special security fund; however, no action was taken on this request at year's end.

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 July, the NHRC announced that insufficient attention was paid to issues of the mentally handicapped and called for better enforcement of the nations laws. At year's end, no action was taken in the 2001 NHRC recommendation to remove all persons with mental illness from jails.

Indigenous People.—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 1991 census 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. 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.). The 1955 Protection of Civil Rights Act prescribes special courts to hear complaints of atrocities committed against tribal people.

Despite constitutional safeguards, the rights of indigenous groups in the eastern parts of the country often were ignored. NGOs reported that in 2001, 4,121 cases

of crimes against scheduled tribes were reported to the NHRC throughout the country. 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.).

Numerous tribal movements demanded 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. As a result of complaints, largely tribal-populated states were created in 2000 from the Jharkhand area of Bihar and the Chhattisgarh region of Madhya Pradesh. There was also some local autonomy for tribal people in the northeast.

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 has remained widespread.

The practice of untouchability, which affected those who, along with tribal people, occupied the lowest social strata, 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 Hindus 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 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 caste Hindus, and from marrying persons from 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, on August 10 one Dalit was beaten and killed by four upper caste persons in Anand after reports he was sitting in a temple verandah. During the year, the NHRC completed its inquiry into the 2002 killing of five Dalits in Haryana and approximately \$11,000 (500,000 Rs) was paid in compensation to the families by the government.

A survey conducted during 2001 by the Protection of Civil Rights wing of the Tamil Nadu Adiravidar (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 alleged that that in many villages, “scheduled” castes were not allowed to enter the streets or participate in local festivals, own property in upper-caste areas, share 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).

There were no further developments in the 2002 case in which the Melavalavu Panchayat president and his associates were killed.

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 2001 census, scheduled castes, including Dalits, made up 16 percent, and scheduled tribes were 8 percent of the country's 2001 population of 1.027 billion. 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, 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.

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; 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. While much more rare in urban settings, 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. Members were summoned for investigation whenever any armed robbery occurred in a city or town and reportedly were subjected to torture.

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 non-industrial 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 1 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.

The authorities generally prosecuted and punished those persons responsible for intimidation or suppression of legitimate trade union activities, when the victims were members of nationally organized unions. 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.—The law provides for 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 re-

quiring workers in certain nonpublic sector industries to give notice of a planned strike.

The Essential Services Maintenance Act allows the Government to ban strikes in government-owned enterprises 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. State and local authorities occasionally use their power to declare strikes "illegal" and force adjudication. 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 in 2002 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. In August, the Supreme Court declared all strikes by government employees to be illegal; however, in practice this has not been enforced.

According to Ministry of Labor statistics, between January and September there were 321 strikes and lockouts throughout the country, involving 381,000 workers. In all, 1.4 million person-days were lost due to strikes, and 50,154 person-days were lost due to lockouts during this period. In May, more than 30 million workers throughout the country went on a 1 day strike to protest government planned economic reform policies. 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. 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. 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.). Persons born into a traditionally subordinate caste were expected to work without pay for those above them in the traditional social structure. For example, according to a Government report more than 85 percent of bonded laborers were scheduled castes and scheduled tribes.

A 1983 Supreme Court decision defined forced labor as work at less than the minimum wage, usually 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 2003, 283,158 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 re-

ceiving 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 in 2002 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. 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 and Society for Community Organization Trust 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.

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 57 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. There was no evidence that the 2001 state government of Karnataka plan to eliminate all child labor was in operation during the year. During the year, the state government of Andhra Pradesh promulgated a plan to strengthen penalties for employers of child labor and eventually eliminate all child labor. 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 assisted working children through the National Child Labor Project, which was established in more than 3,700 schools.

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 (20,000 Rs) 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 (5,000 Rs) 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 num-

ber 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. In January, HRW traveled to the country to investigate reported use of child slaves in the silk industry. HRW interviewed children in three states, Karnataka, Uttar Pradesh, and Tamil Nadu, and found that production of silk thread still depended on bonded children. The report said, "At every stage of the silk industry, bonded children as young as 5 years old work 12 or more hours a day, six and a half 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. By the time they reach adulthood, they are improvised, illiterate, and often crippled by the work."

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. However, the CEPC stated that even with its programs 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 145,000 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. Press reports said that a Madurai NGO had rescued 33 children who had been sold into slave labor during the year.

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

e. Acceptable Conditions of Work.—State government laws set minimum wages, hours of work, and safety and health standards. The Factories Act mandates an 8-hour workday, a 49-hour workweek, and minimum working conditions. These standards were generally enforced and accepted in the modern industrial sector; however, not observed in order and less economically stable industries.

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.

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.

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 June, flooding of a mine killed 17 miners in Andhra Pradesh.

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 500,000 child prostitutes nationwide. More than 2.3 million girls and women were believed to be working in the sex industry 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. A large proportion of the women forced into sexual exploitation were tribals.

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 and from Bangladesh (6,000 to 10,000 annually from each). 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. NGOs estimate that 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 West Bengal, the organized traffic in illegal Bangladeshi immigrants was a principal source of bonded labor. Calcutta was a convenient transit point for traffickers who send Bangladeshis to New Delhi, Mumbai, Uttar Pradesh, and the Middle East.

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. Extreme poverty combined with the low social status of women often resulted in the handover by parents of their children to strangers for what they believed was employment or marriage. In some instances, parents received payments or the promise that their children would send wages back home.

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. Press reports indicated children were routinely trafficked from Assam into Haryana and other North Indian states for sexual slavery under the pretext of entering into arranged marriages.

The number of women being trafficked to other countries was comparatively low.

Some boys, often as young as age 4, were trafficked to West Asia or the Persian Gulf States and became camel jockeys in camel races. Some 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 (9,300 Rs) for their child's labor, although a significant minority simply were kidnapped. The gangs bringing the jockeys earned approximately \$150 (6,975 Rs) per month from the labor of each child. The child's names were usually added to the passport of a Bangladeshi or Indian woman who already had a visa for the Gulf. 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: Although some were abducted forcibly or drugged, most were trafficked through 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 have 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. 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.

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.

The 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 selectively enforced 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 arrested. 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 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. Implementation of the ITPA's provisions for protection and rehabilitation of women and children 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 increased slightly, while all indications suggested a growing level of trafficking into and within the country.

NGOs and others alleged that police did not act effectively against brothels suspected of enslaving minors, and did not coordinate with NGOs. Therefore, the police action often worsened the situation of girls and women indebted to traffickers and brothel owners. Girls rescued from brothels were treated as criminals. In many cases, the police or the staff of government remand centers, where they were housed temporarily, abused them sexually. In most cases, arrested prostitutes were quickly returned to the brothels after the brothel operators paid bribes to the authorities. In still other cases, arrested prostitutes were 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. For example, videotaped testimony was allowed during a Mumbai trial.

The Government continued a campaign to improve police training and sensitivity to trafficking issues. According to NGOs, there were improvements in investigations and arrests of traffickers in Mumbai and Calcutta. During the year, police and NGOs rescued 12 minor girls from brothels in New Delhi. There were roughly 80 NGOs in ten 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 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. Press reports in August said the 37 girls had been successfully rescued due to the joint efforts of the state government of Maharashtra and a local NGO.

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.

The Government cooperated with groups in Nepal and Bangladesh to deal with the problem. Training and informational meetings took place under the AATSEC and the South Asian Association of Regional Cooperation. 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. In addition, the Central Police Academy conducted, in conjunction with local state police academies, improved training designed in part to sensitize officers to the problem of trafficking and strengthen police responsiveness to trafficking victims.

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 role as the "Supreme authority to propagate the tenets of Islam." The unicameral legislature or the People's Majlis selects a single presidential nominee who is approved or rejected in a national referendum. President Maumoon Abdul Gayoom was approved for a sixth 5-year term in October. 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 is subject to executive influence.

The civilian authorities maintained effective control of the security forces. The National Security Service (NSS) includes the armed forces and police. The Director of the NSS reports to the Minister of Defense, a cabinet portfolio which is one of several held by the President. The police division investigates crimes, collects intelligence, makes arrests, and enforces house arrest. Some members of the security forces committed human rights abuses.

The country had a population of approximately 270,000 and had a market-based economy. Tourism and fishing provided employment for more than one-half of the work force. Tourism accounted for approximately 30 percent of government revenues and 70 percent of foreign exchange receipts. Agriculture and manufacturing continued to play a minor role in the economy, which was constrained by a severe shortage of labor and lack of arable land. The economic growth rate was approximately 5 percent.

The Government's human rights record worsened, and it committed abuses. The President's power to appoint members of the Parliament constrains citizens' ability to change their government. There were reports of the abuse of prisoners. The Government continued to impose constraints on freedom of the press. The Government limits freedom of assembly and association, and does not allow the formation of political parties. The law prohibits the practice of any religion other than Islam. 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 internationally recognized 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 political killings. However, in January, according to Amnesty International (AI), security forces allegedly beat Ali Shaahir, a prisoner at Maafushi prison, and he later died at a Male' hospital. President Gayoom ordered an investigation, which concluded that childhood health problems had caused Shaahir's death. Security forces killed two inmates, Hassan Eemaan Naseem and Abdulla Amin, during the September 19–20 Maafushi prison uprising. Ali Aslaam, another inmate, later died in the hospital (see Section 1.c.).

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

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.—The law prohibits such practices; however, according to human rights organizations, there were reports of beatings or other mistreatment of persons in police custody during the year. According to human rights organizations, Ibrahim Moosa Luthfee, sentenced in 2002 to life imprisonment (see Section 2.a.), escaped from police custody in late May after being brought to Sri Lanka for medical treatment as a result of alleged mistreatment and harsh conditions while in Maafushi Prison.

Following the September 19–20 Maafushi Prison uprising and later rioting in the streets of the capital, sparked by two prison deaths followed by another death from injuries and enhanced by popular discontent with lack of government responsiveness to public demands, President Gayoom launched two separate inquiries into the incidents. One inquiry was to investigate the civil unrest in Male', and the other with the status of a Presidential Commission was to probe the prison disturbances. While the prison investigation continued, one NSS captain at the prison was held responsible and cashiered from police service, and 12 NSS personnel were fired for their roles in the prison disturbance. At a press conference October 16, the head of the prison investigation indicated that unspecified mistreatment of an inmate who later died sparked the prison riot. (The Deputy Chief of Staff of the NSS also was transferred to another ministry after the civilian riots.)

There were reports of public floggings (which are allowed under Shari'a as interpreted in the country). In July, 5 women imprisoned on drug charges were sentenced to 10 lashes each. In October 2002, 2 women were convicted of engaging in homosexual activity, and were sentenced to 15 lashes each. Punishments generally were limited to fines, compensatory payment, house arrest, imprisonment, or banishment to a remote atoll (see Section 1.d.). The Government generally permitted those who were banished to receive visits by family members.

There were 3 major prisons in the country, with fluctuating populations of approximately 300 inmates at the country's main facility. Prison conditions at the existing facilities generally did not meet international standards, and human rights organizations noted that some prisoners were kept in extremely crowded and unsanitary conditions. The Government surveyed prison facilities in other countries to incorporate international standards and improvements in the reconstruction of the prison. Prisoners were allowed to work and were given the opportunity for regular exercise and recreation. Spouses were allowed privacy during visits with incarcerated partners. Women were held separately from men. Children were held separately from adults. Persons arrested for drug use were sent to a "drug rehabilitation center" on a space available basis.

The Government permitted prison visits by foreign diplomats. It was not known whether visits by human rights observers were permitted during the year.

d. Arbitrary Arrest, Detention, or Exile.—The Constitution prohibits arbitrary arrest and detention, and unlike in the past when persons were held for long periods without charge, the Government generally respected this prohibition during the year.

Police initiate investigations based on response to written complaints from citizens, police officers, or government officials, or on suspicion of criminal activity. They were not required to obtain arrest warrants. The Attorney General referred cases to the appropriate court based on the results of police investigations. The authorities generally kept the details of a case secret until they were confident that the charges were likely to be upheld.

The 287-officer police force, which functioned as a subset of the NSS, investigated crimes, collected intelligence, made arrests, and enforced house arrest. Neither police corruption nor impunity posed problems during the year. The Government inquiries into the events of September 19–20 had not been concluded at year's end.

A suspect may be detained in prison, remain free, or be placed under house arrest for 15 days during investigations, depending upon the charges. In most cases the suspect is released if not brought to trial within 15 days, but the President may extend pretrial detention for an additional 30 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. There was no provision for bail.

A law effective from December 2002 provides for limited legal assistance to people accused of a criminal offense, but AI alleged that conversations between counsel and accused were conducted in the presence of police. Lawyers can be appointed in civil cases when the complainant and defendant are private individuals. Courts did not provide legal representation for the indigent. Although there is no right to legal counsel during police interrogation, detainees are granted access to family members. 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. The law limits a citizen's right to freedom of expression in order to protect the "basic tenets of Islam." In 2002, according to AI and other sources, four individuals were arrested for distributing Islamist and anti-government literature. By year's end, three of the men were convicted to lengthy prison sentences for extremism and subversion, and the fourth man was released.

There were no further developments in the case of Member of Parliament (M.P.) Abdullah Shakir, arrested in July 2001 and released the following month. 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.), but the Government stated he was arrested on a civil matter, since resolved. There were no reports of the internal exile of citizens 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 are three courts: One for civil matters; one for criminal cases; and one for family and juvenile cases. There is also a High Court in Male', which is independent of the Justice Ministry and which handles a wide range of cases, including politically sensitive ones. The High Court also acts as court of appeals. The President can appoint a five-member advisory council to review High Court rulings. The President also has authority to affirm judgments of the High Court, to order a second hearing, or to overturn the Court's decision.

Most trials are public and conducted by judges and magistrates trained in Islamic, civil, and criminal law. There are no jury trials.

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." The judiciary generally enforced these rights. During a trial, the accused also may call witnesses, and be assisted by a lawyer (see Section 1.d.). 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 matters 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 right to counsel was denied in lower court. Under the country's Islamic practice, the testimony of two women equals that of one man in matters involving Shari'a, such as adultery, finance, and inheritance. In other cases, the testimony of men and women are equivalent (see Section 5).

There were no confirmed reports of political prisoners. Human rights organizations continued to allege the existence of 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 wireless messages, letters, telegrams, or monitoring telephone conversations, "except as expressly provided by law." The Government generally respected these prohibitions in practice. 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.

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Speech and Press.—The law does not provide for freedom of speech or of the press, and the Government generally did not respect such rights in practice. The Penal Code prohibits inciting citizens against the Government. The law prohibits public statements that are contrary to government policy and Islam, threaten the public order, or are libelous. However, an amendment to the Penal Code decriminalized "true account(s)" by journalists of governmental actions. Journalists and publishers practiced self-censorship.

Regulations that make publications responsible for the content of the material they publish remain in effect, but no legal actions against publications were initiated during the year.

The Press Council is composed of lawyers, private and government media representatives, and other government officials. The mandate of the council is to review 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. The Council did not take notable action during the year.

Radio and television outlets were owned either by the Government or its sympathizers. Current or former ministers owned all three major newspapers. Nonetheless, these outlets on occasion mildly criticized the Government.

Almost 200 newspapers and periodicals were registered with the Government, but only 3 dailies publish on a regular basis: Aafathis, Haveeru and Miadhu. In 2002, owners closed a weekly magazine, Monday Times, that had printed articles critical of President Gayoom's administration. Despite reports to the contrary, the Government claimed that it had not banned the publication of Monday Times. In March, the Government announced the withdrawal of 22 publication licenses for irregular publication, including the license for the Monday Times. No regularly published newspaper or periodical was affected by this action.

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.

During the year, there were no reports of government censorship of electronic media. However, in January 2002, three men and one woman were arrested for circulating an Internet e-mail magazine, Sandhaanu, critical of the Government. The four were held in solitary confinement until their trial in July 2002. Three were sentenced to life imprisonment for spreading false news and calling for the overthrow of the Government, among other charges. Fathimath Nisreen, the one woman arrested, was sentenced to 10 years' imprisonment for charges including calling for the overthrow of the Government and assisting Sandhaanu originators. In May, one of those sentenced, Ibrahim Moosa Luthfee, subsequently escaped NSS custody.

Television news and public affairs programming routinely discussed topics of concern and on occasion mildly criticized government performance. Since it is not clear when criticism violates the law prohibiting public statements that were contrary to government policy or Islam, threaten the public, or were libelous, journalists and publishers continued to practice self-censorship. In general, after an easing of restrictions in the late 1990s, the Government has taken a more stringent attitude toward freedom of the media.

There were no legal prohibitions on the import of foreign publications except for those containing pornography or material otherwise deemed objectionable to Islamic values.

The Government was the major shareholder in the sole Internet service provider (ISP), although a license had been granted to a second, private ISP. There were no government attempts, other than blocking pornographic material, to interfere with the use of the Internet during the year.

The law prohibits public statements contrary to government policy and the Government's interpretation of Islam. Therefore, although there were no reported cases of transgressions of these laws in the academic arena, the laws constrain academic freedom to the extent that academics practice self-censorship.

b. Freedom of Peaceful Assembly and Association.—The Constitution provides for freedom of assembly; however, the Government imposed limits on this right in practice. The Home Ministry limited political meetings during electoral campaigns.

On September 20, the NSS reportedly used rubber bullets and tear gas to quell demonstrations that damaged several government buildings in Male', including the election office. (see Section 1.c.). There were reports that several civilians sustained minor injuries as a result of the police action.

In 2001, Mohammed Nasheed lost his seat in the Majlis after he was convicted of petty theft. He was released from internal exile in late August 2002, but was denied his parliamentary seat. Some observers claimed 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's administration (see Section 3).

The Government imposed limits on freedom of association. The Government registers clubs and other private associations if they do not contravene Islamic or civil law. While not prohibited by law, the President officially discouraged political parties on the grounds that they were inappropriate to the homogeneous nature of society, and none exist. In 2001, a group of 42 people petitioned the Minister of Home Affairs to request permission to set up the Maldivian Democratic Party. One signatory to the petition, M.P. Abdullah Shakir, subsequently was arrested, but was released soon thereafter. Some observers believed his arrest was connected to his support for the creation of political parties, but the Government maintained that he was arrested in connection with a civil matter (see Section 1.e.). The Government reportedly harassed other individuals who signed the petition to form political parties.

Although not prohibited, there were no local human rights groups.

c. Freedom of Religion.—Freedom of religion was 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 law prohibits the practice of any religion other than Islam. Foreign residents are allowed to practice their religion if they do so privately and do not encourage citizens to participate. President Gayoom repeatedly stated that no other religion should be allowed in the country, and the Home Affairs Ministry 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 import of icons and religious statues, but it generally permits the import of individual religious literature, such as Bibles, for personal use. It also prohibits non-Muslim clergy and missionaries from proselytizing and conducting public worship services. Conversion of a Muslim to another faith is 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 in the past. Unlike previous years, there were no reports of foreigners detained for proselytizing.

Islamic instruction is 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 sets standards for individuals who conduct Friday services at mosques.

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 2003 International Religious Freedom Report.

d. Freedom of Movement within the Country, Foreign Travel, Emigration, and Repatriation.—The law provides for these rights, and the Government generally respected them in practice. Citizens are free to travel at home and abroad, to emigrate, and to return. 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 and/or refugee status to persons who meet the definition in the 1951 U.N. Convention Relating to the Status of Refugees and its 1967 Protocol. The Government has not formulated a policy regarding refugees or asylees. The Government has cooperated in the past with the office of the U.N. High Commissioner for Refugees; however, asylum issues did not arise during the year. The Government provides protection against refoulement, but did not routinely grant refugee status or asylum.

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

Under the Constitution, the citizens' ability to change their government is limited, 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 are 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 four candidates, President Gayoom was nominated unanimously by the Majlis and was confirmed by referendum on October 17 for a sixth 5-year term. Observers from the South Asian Association for Regional Cooperation (SAARC) said the referendum was conducted in a free and fair manner.

By both law and custom, the Office of the President is the most powerful political institution in the country. 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 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 President's authority to appoint 8 of the 50 members of the Majlis provided the President strong political leverage. The elected members of the Majlis, who must be Muslims, serve 5-year terms. All citizens over 21 years of age may vote. 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.).

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 recent years, the Majlis has become somewhat more independent, sometimes cautiously challenging government policies and rejecting government-proposed legislation, though there were no reports of this during the year.

For the past several years, the Majlis has held a question period during which members may query government ministers about public policy. Debate on the floor since the question period was instituted has become increasingly open.

Elections to the People's Majlis were held in 1999. According to SAARC observers, the 1999 elections were "free and fair in accordance with the relevant laws and regulations of the Republic of the Maldives." A by-election with 38 percent participation was held in April 2002 following the expulsion of M.P. Mohammed Nasheed from the Majlis upon his conviction for petty theft (see Section 2.b.). According to observers, the election was generally free and fair.

There were 5 women in the 50-member Majlis. There was one woman in the Cabinet. Women are 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 October 2002, a woman was named High Commissioner to Sri Lanka, the first woman to hold the office. In 2001, Haseena Moosa became the first woman Atoll Chief. In the 1999 elections, two women were elected, and 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, no local human rights groups existed in the country. However, during his November inaugural address, President Gayoom announced his intention to establish a Human Rights Commission, which was created by Presidential decree on December 10. Beyond a general intent to "safeguard the civil rights enshrined in the Constitution" and "protect and promote human rights," the Commission's mandate, composition, and independence were not defined. The International Committee of the Red Cross (ICRC) visited the country in 2002 and during the current year; however, the ICRC has kept confidential its assessment of the situation.

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. There were no reports of official or societal discrimination against people with HIV/AIDS.

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 for rape is flogging, imprisonment for up to 5 years, or banishment.

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 (see Section 3). Women constitute 38 percent of government employees, and approximately 10 percent of uniformed NSS personnel. Women enjoyed a higher literacy rate (98 percent) than men (96 percent). Well-educated women maintained that cultural norms, not the law, inhibited women's education and career choices. A Gender Equality Council advised the Government on policies to help strengthen the role of women. 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 has built 15 women's centers where family health workers can provide medical services. The centers also provide libraries and space for activities focusing on the development of women. The minimum age of marriage for women is 18 years.

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 is equal only to one-half of that of a man in matters involving adultery, finance, and inheritance (see Section 1.e.). Women who worked for wages received pay equal to that of men in the same positions.

Children.—Education is not compulsory, but there is universal access to free primary education. The percentage of school-age children in school in 2002 was: (grades 1 to 5) 99 percent; (grades 6 to 7) 95 percent; and (grades 8 to 10) 51 percent. Of the students enrolled, 49 percent were female and 51 percent were 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.

Children's rights are 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 and 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 up to 3 years' imprisonment to banishment. It was not known if there were any prosecutions for child abuse or child sexual abuse during the year.

Government policy provided for equal access to educational and health programs for both male and female 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.

Families usually cared for persons with disabilities. 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 medication for all persons with mental disabilities in the islands, and mobile teams regularly visit patients with mental disabilities.

Section 6. Worker Rights

a. The Right of Association.—While the law does not expressly prohibit unions, it recognizes neither a worker's right to form or join them, nor the right to strike. Associations (such as industry associations and clubs) are allowed. In May, the Government enacted a new law to strengthen the legal regime governing voluntary, not-for-profit associations. Small groups of similarly employed workers with mutual interests have formed associations, some of which include employers as well as employees. These associations have not acted as trade unions.

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.

There has been no contact with the International Labor Organization to ratify its eight fundamental conventions.

b. The Right to Organize and Bargain Collectively.—The law does not recognize 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, and there were no reports that such practices occurred.

d. Status of Child Labor Practices and Minimum Age for Employment.—The law bars children less than 14 years of age from paid or hazardous work. In May, the Government introduced new guidelines prohibiting employment of children under 18 by the Government and in hazardous jobs such as construction, carpentry, welding, and driving. According to the International Confederation of Free Trade Unions, child labor remained a problem, primarily in agriculture, fishing and small commercial activities, including in family enterprises. There were no reports of children being employed in the industrial sector. The working hours 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 for monitoring compliance with the child labor regulations, but it is not charged with their enforcement. The Ministry of Employment and Labor's Dispute Settlement Unit deals with child labor issues.

e. Acceptable Conditions of Work.—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. These wage floors, or minimum standards, provided a decent standard of living for a worker and family. Given the severe shortage of labor, employers offered competitive pay and conditions to attract skilled workers.

There were no statutory provisions for hours of work, but the regulations require that a work contract specify the normal work and overtime hours on a weekly or monthly basis. The public sector provides a 7-hour day and a 5-day workweek.

There are no national laws governing health and safety conditions. There are regulatory requirements in certain industries such as construction and transport that employers provide a safe working environment and ensure the observance of safety measures. It was unclear whether workers could remove themselves from unsafe working conditions without risking the loss of their jobs. The Ministry of Human Resources, Employment, and Labor's Labor Dispute Settlement Unit resolves wage and labor disputes, visits worksites and enforces labor regulations.

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

NEPAL

Nepal is a constitutional monarchy with a parliamentary form of government. A Maoist insurgency, punctuated by a ceasefire in 2001 and another during the year, has been ongoing since 1996. King Gyanendra assumed the throne in 2001, after

the late Crown Prince Dipendra killed King Birendra and nine members of the royal family, including himself. The democratically elected parliament consists of the House of Representatives (lower house) and the National Assembly (upper house). International observers considered the 1999 parliamentary elections to be generally free and fair. In October 2002, the King dismissed the Prime Minister after he recommended the dissolution of parliament and was subsequently unable to hold elections because of the ongoing insurgency. A royally appointed cabinet has subsequently governed the country until elections can be held at an unspecified future time. On June 4, the King appointed Surya Bahadur Thapa Prime Minister after Lokendra Bahadur Chand resigned on May 30. A nationwide state of emergency was in effect from November 2001 to August 2002 after Maoist insurgents broke a 4-month ceasefire with violent attacks. During that time, King Gyanendra, under the Constitution's emergency provisions and on the advice of the Cabinet, suspended several constitutional rights, including freedom of expression, assembly, privacy, and property. The Government and the Maoists declared another ceasefire on January 29 and held three rounds of talks on April 27, May 9, and August 17 to 19. The Maoists unilaterally broke the ceasefire on August 27 and resumed attacks against government, security, and civilian targets. The Constitution provides for an independent judiciary; however, the courts often were inefficient and susceptible to political pressure and corruption.

The Royal Nepal Army (RNA) continued to exercise responsibility for internal security that it assumed from the National Police Force at the beginning of the state of emergency in November 2001. The National Police Force and the paramilitary Armed Police Force (APF) comprise the other elements of the security forces. Local Chief District Officers (CDOs), civil servants in the Home Ministry, have wide discretion in maintaining law and order. While the King as Army Supreme Commander maintained ultimate control of the Royal Nepal Army, there is no evidence that he exercised direct operational control of the Army. Civilian authorities retained effective control of the national police and Armed Police Force. Some members of the security forces committed numerous, serious human rights abuses.

The country is extremely poor, with an annual per capita GDP of approximately \$252 (19,600 Nepali rupees (NRs)) and a 3 percent growth rate during the year. Subsistence agriculture supported more than 80 percent of the country's 23.2 million population. The mixed economy suffered due to slow growth in the world economy and the insurgency, which resulted in a decline in revenues from tourism as well as exports of textiles and carpets.

The Government's human rights record remained poor, and it continued to commit numerous serious abuses. The citizens' right to change the Government was provided for by the Constitution, although the ongoing insurgency prevented the holding of elections in 2002. The security forces used arbitrary and unlawful lethal force and continued to abuse detainees, sometimes using torture as punishment or to extract confessions. The disappearance of persons in custody was a problem. Prison conditions remained poor. Impunity remained a problem, although the military took some initial steps to penalize perpetrators in a few cases. The National Human Rights Commission (NHRC) investigated allegations of human rights violations and, while the Government has begun to pay recommended compensation to some victims, recommended disciplinary action against police seldom occurred. Arbitrary arrest and lengthy pre-trial detention were problems. 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. After the expiration of the state of emergency in August 2002, Maoist suspects were detained under the 2002 Terrorist and Destructive Activities Act that 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 also provides for immunity for members of the security forces or others who undertake "bona fide" actions to control terrorism. During the year, 24 Maoist suspects were tried under the special anti-terrorism legislation, but none of the trials were concluded by year's end. Judicial susceptibility to political pressure and corruption, and long delays in trial procedures remained problems. Despite limitations on freedom of expression under directives that banned criticism of the King, media criticism of the Government was allowed, so long as it did not aid terrorism. The Government temporarily suspended the right to assembly throughout the Kathmandu Valley from September 1 to 26. The Government restricted certain public celebrations by the Tibetan community. The Constitution imposes restrictions on religious proselytizing. Women, persons with disabilities, and lower castes suffered from widespread discrimination. Violence against women, including in refugee camps, trafficking in women and girls for prostitution, and child labor also remained serious problems. Worker rights continued to be restricted. There have been in-

stances of forced child labor and forced labor in the past, but there were no cases reported during the year.

During the year, including during the ceasefire, Maoists continued their campaign of torturing, killing, bombing, forcibly conscripting children, and committing other gross abuses, targeted at government agents but also including civilians.

During the year, an estimated 1,697 persons were killed, including 142 members of the national police; 122 members of the Royal Nepal Army; 71 members of the Armed Police Force; 1,107 Maoists; and 255 civilians. Since 1996, the insurgency has resulted in the deaths of an estimated 8,296 persons, including 5,551 Maoists; 1,114 civilians; 1,096 members of the national police; 362 members of the Royal Nepal Army; and 173 members of the Armed Police Force.

RESPECT FOR HUMAN RIGHTS

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

a. Arbitrary or Unlawful Deprivation of Life.—There were no reports of political killings by the Government or its agents; however, the security forces continued to commit arbitrary and unlawful killings. The Terrorism and Destructive Activities Act passed by parliament in April provides for immunity for members of the security forces or others who undertake “bona fide” actions to control terrorism. 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. According to statistics from the press and human rights groups, security forces killed 1,114 suspected Maoists during the year and 5,551 have been killed since the beginning of the insurgency.

The RNA was responsible for a number of killings, including deaths in custody in which torture was credibly alleged (see Section 1.c.). During the year, the RNA’s human rights investigative cell conducted 12 investigations of alleged serious abuses. In most cases of arbitrary or unlawful killings, the security forces claimed that the victims were Maoists. On August 17, the RNA surrounded a house in Doramba, Ramechhap District in which a Maoist meeting was taking place. One person was shot while trying to escape; several others escaped; and the remaining 20 were taken away in RNA custody. The RNA subsequently shot at least 19 in a jungle area several hours’ walk from the original site; another corpse was found in a separate site. The NHRC appointed an independent panel that found evidence that the 19 had been summarily executed. The RNA initially claimed that the patrol had been ambushed, but has since reopened the investigation, which was pending at year’s end. On October 7, Maoist suspect Govinda Poudel died at the hospital after having been in RNA custody in Chitwan District for 2 weeks. The Maoists claimed that he was tortured while in custody. On December 14, soldiers arrested teenager Maya Devi Tamang from her home in Panauti, Kavre District, on suspicion of being a Maoist. She was subsequently shot and killed near her home. According to the RNA, she was shot while trying to escape, an account disputed by accounts from the local press, citing eyewitnesses and human rights groups.

The RNA continued to kill civilians. For example, on January 11, members of a joint RNA/APF patrol in Manpur Tapara, Bardia District, killed father and son Bhoj Bahadur Karki and Top Bahadur Karki. A subsequent investigation by the RNA determined that the soldier involved had acted unlawfully. He was sentenced by general court martial to 7 years in prison. On October 13, soldiers opened fire at a secondary school in Mudhbara, Doti District, where Maoists were forcing students and teachers to attend a “cultural program.” One Maoist and four students were killed. An RNA investigation exonerated the soldiers involved of wrongdoing, but recommended that the victims’ families be paid \$2,700 (NRs 200,000) each. On November 6, a taxi accidentally hit an RNA school bus in Kathmandu. A soldier on the bus shot and killed Rajiv Shrestha, the taxi driver. Following an investigation, the soldier was on trial under the Army Act at year’s end. On December 6, soldiers were accused of summarily executing Hari Prasad Bhattarai, Durga Koirala, and Dakmani Koirala in Diktel, Khotang District. The case was under investigation at year’s end.

On April 8, police shot and killed Devi Lal Poudel, a student participating in a protest against petroleum price hikes in Rupandehi District, after the protest turned violent. Police killed two civilians, Raj Dev Yadav and Brahma Dev Yadav, while they were on their way home from the market on September 8, according to residents in Bara District. Local police denied that both were innocent civilians, alleging the two were Maoists. On September 11, a judge in Kathmandu District Court ordered the Government to pay \$1,345 (NRs 100,000) to the family of Ganesh Kukmar Rai, who died as a result of maltreatment while in police custody in 1998. On December 12, police shot and killed Suresh Baral in Pokhara, Kaski District, as he ap-

proached a checkpoint on motorcycle at night. At year's end, the Government was investigating the incident.

An APF member shot and killed a 14-year-old girl in Chaumala, Kailali in February 2002. 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.

There were no further developments in the 2002 killings of Ajabwal Yadav, Sakur Manihar, Krishna Sen (see Section 2.c.) or Ram Hari Khadga.

There were no developments in the following 2001 cases: The deaths of Bhadur Ale Magaar; Rita Banjara; Madan Shrestha; Kul Bahadur Malla; Chandra Jumari B.K.; Tika Kumari Khatri; Prakash Ojha; Chandradip Yadav; Uttimal Yadav; Devkumar Yadav; Bishnu Rai; Jit Bahadur Ghatri (see Section 1.c.), Dil Bahadur; five robbery suspects in a jungle in Bara District; a civilian in the Parsa District; eight Maoists, four NGO employees, and a local civilian.

Maoists were responsible for numerous serious abuses, including during the January to August ceasefire. Maoist rebels clashed with security forces repeatedly during the year and engaged in targeted killing of individual members of the security forces, including some that were unarmed at the time. Police fatalities totaled 142; RNA fatalities totaled 122; and APF fatalities totaled 71 for the year. For example, on January 26, four armed Maoists shot and killed Krishna Mohan Shrestha, Inspector General of Police of the Armed Police Force, his wife, and bodyguard in Kathmandu. On August 5, three soldiers, one policeman, and a civilian were killed when Maoists set off an improvised explosive device in Negi, Panchthar District. On August 28, insurgents shot and killed RNA Colonel Kiran Basnet outside his home in Kathmandu. On September 21, Maoists attacked a police post inside a refugee camp at Khundunabari, Jhapa District and killed one policeman.

Although their activities were focused on the security forces, the Maoists continued to kill and torture civilians and politicians. The insurgents killed 255 civilians during the year. For example, on February 19, armed Maoists stormed onto the property of an elementary school in Baglung District to conduct "training." Two children, ages 7 and 12, were shot and killed in the course of the "training." On June 23, insurgents dragged two civilians from their homes in Sarlahi District, beating one to death and injuring the other severely. On September 3, Maoists killed four civilians, including a female community health volunteer, in Ramechhap District on suspicion of "informing" to the RNA. On September 8, a Maoist bomb detonated in a local government office, killing 10-year-old schoolboy Deepak Gurung. On September 10, Maoists decapitated the former Chairman of a Village Development Committee in Baglung District. On September 18, Maoists kidnapped Guru Prasad Luintel, a teacher and local political activist, from his home in Okhaldhunga. The insurgents reportedly tortured him and paraded him from village to village before killing him on September 24. On November 23, a Maoist bomb killed two boys in Nuwakot District.

b. Disappearance.—The disappearance of persons while in the custody of the security forces was a problem. In April 2002, parliament passed the Terrorist and Destructive Activities Act, which codified some aspects of the Royal Ordinance declared at the time of the state of emergency in November 2001, such as extended preventive detention. According to the Informal Sector Service Center (INSEC), a local human rights NGO, the whereabouts of 177 persons in government custody since the beginning of the insurgency remained unknown at year's end. For example, according to Amnesty International (AI), on September 11, security forces arrested Om Bahadur Thapa at his shop in Kathmandu on suspicion of being a Maoist and took him to an undisclosed location. On September 23, members of the security forces arrested AI member and lawyer Ujjwal Sukla at his home. There were no developments in the 2002 disappearances of Som Bahadur Ghale Tamang, General Secretary of the Tamang Indigenous People's Organization, or of Bishnu Prasad.

There were no developments in the 2001 disappearance of Shiva Prasad Sharma.

INSEC reported that Maoists abducted 665 persons during the year and that, at year's end, 384 civilians remained missing since the beginning of the insurgency in 1996. At year's end, six members of the national police, five members of the APF and four soldiers remained missing after being abducted by Maoists. Police statistics indicate that Maoists have abducted 227 policemen since 1996.

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. The Center for the Victims of Torture (CVICT) reported that blindfolding and beating soles of feet are the most common methods.

Detainees were often 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 provided human rights education for the police force, and soldiers received 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 CVICT, 57 persons filed for compensation under the act during the year, compared with 7 claims during 2002. CVICT attributed the rise in claims to victims' greater willingness to report such incidents during the relative security of the ceasefire. Of the 57 cases, 7 were awarded compensation during the year.

Human rights groups usually provided alleged examples of torture by government agents. For example, according to a report of the World Organization Against Torture (OMCT), Manoj Lama and Abdesch Singh, separately suspected of theft on July 30, and Kumar Lama charged with robbery on July 3, were held incommunicado and tortured at the Hanumandhoka District Police Office in Kathmandu. At the same facility, according to AI, Deepak Laya Magar, suspected of attempted murder, and Ram Kumar Karki and Jairam Bhandari, robbery suspects, were subjected to torture. On May 15, after a lawyer working for a local NGO saw them, the prisoners were hospitalized.

According to AI, in April 2002, two RNA officers raped two teenaged girls at an Army barracks. After publication of the AI report recounting the incident, the girls and their families recanted. Human rights groups suspected the girls were pressured to do so. The RNA acquitted one of the officers of rape charges but found him guilty of unlawfully detaining the two girls.

On December 15, two members of the APF reportedly raped a 16-year-old girl in Bajapur, Banke District. The APF dismissed the two policemen and turned the case over to the civil police for criminal action.

There was no compensation or action taken against police in the 2002 torture cases, according to CVICT, of Krishna Lohani B.K and her husband, Ram Bahadur B.K. There were no developments concerning Chetkana Adhikary's 2002 torture complaint filed with the Alliance for Human Rights and Social Justice.

Local and international human rights groups have documented Maoist violence in areas affected by the "People's War."³ The Maoists most often have targeted political leaders, local elites, teachers, local-level civil servants, and suspected informers. For example, on September 7, Maoists reportedly tied Gyanendra Khadka, a teacher and journalist in Melamchi, Sindhupalchowk, to a volleyball pole in the school playground and slit his throat in front of his students. On October 25, Maoists tortured to death a Communist Party of Nepal (UML) activist in Makwanpur District.

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).

There also were cases of intimidation, torture, or other degrading treatment. On April 25, Maoists kidnapped the head of the local Red Cross chapter in Kalikot District. On May 4, Maoists abducted a local resident from Jaljale, Terhathum District, and beat him unconscious. On May 19, Maoists beat unconscious the headmistress of a local school in Masel, Gorkha District, and forced her to attend their program while blindfolded. On September 19, Maoists set fire to an ambulance in Lumle, Kaski District, which was attempting to bring a patient to the hospital during a general strike.

Prison conditions were poor and did not meet international standards. Overcrowding was common in prisons, and authorities sometimes handcuff or fetter detainees. According to the Department of Prisons, there were approximately 6,000 persons in jail, of which approximately 55 percent were awaiting trial. Women normally were incarcerated separately from men, and 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. Unlike in previous years, there were no reports of children in jail or custody as suspected or convicted criminals.

The Government permitted local human rights groups and the International Committee of the Red Cross (ICRC) to visit prisons. The ICRC has limited access to detainees in army custody.

d. Arbitrary Arrest, Detention, or Exile.—Three different laws operate in the area of arrest and detention. The Constitution stipulates that the authorities must arraign or release a suspect within 24 hours of arrest; however, the police at times violated this provision. Under 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 security forces 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 not held under special anti-terrorist legislation 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 granted access to prisoners on a basis that varied 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, pre-trial 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 security forces 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 security forces have used arbitrary arrest and detention during the “People’s War” to intimidate communities considered sympathetic to the Maoists.

Under the Terrorism and Destructive Activities Act, 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 latest police statistics, 18,934 suspected Maoists have been arrested since the beginning of the insurgency. Of that number, 12,447 were released after investigation, 5,847 have been charged and/or prosecuted, and 384 remained under investigation. Government sources estimated that approximately 1,800 Maoist suspects, including 5 Central Committee members, were released without judicial process during the recent ceasefire. During the year, at least 24 cases were sent to Appellate Courts, which have jurisdiction in terrorist cases, for trial. All of the trials were still ongoing at year’s end. Figures for the number of persons being detained by the Army on suspicion of being Maoists were unavailable by year’s end.

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 suspected Maoists. Many citizens involved in public disturbances, rioting and vandalism were summarily arrested, detained for short periods (sometimes just a few hours), and released.

Authorities detained journalists on occasion, on suspicion of having ties to or sympathy for the Maoists (see Section 2.a).

The Constitution prohibits exile, and it was not used.

e. Denial of Fair Public Trial.—The Constitution provides for an independent judiciary; however, lower level courts remained vulnerable to political pressure, and bribery of judges and court staff was endemic. The Supreme Court has the right to review the constitutionality of legislation passed by parliament.

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 Judi-

cial 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 is no jury system. A Special Court hears cases related to narcotics trafficking; trafficking in women and girls; crimes against the state; and crimes related to foreign currency. The Appellate Courts hear cases against suspects charged with violations under the Terrorist and Destructive Activities Act.

Delays in the administration of justice were a severe problem. According to the latest statistics, the Supreme Court had a backlog of 16,488 cases; the Appellate Courts had 15,138; and district courts had 32,537. 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, at least 24 suspected Maoists arrested under special anti-terrorism laws were being tried in the Appellate Courts; however, none of these cases had concluded by year's end.

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 resort, but the King may grant pardons. The King also can suspend, commute, or remit any sentence.

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 were denied access to both attorneys and family members.

Unlike in previous years, there were been no instances of penalization of 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 in November 2001.

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 were summarily executed.

There were no reports of political prisoners.

f. Arbitrary Interference with Privacy, Family, Home or Correspondence.—The Constitution prohibits such practices and, although constrained by the demands of fighting the Maoist insurgency, the Government generally observed these prohibitions. Search warrants are 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. Judges must approve them in felony cases. 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. Vehicle and body searches by security personnel have been common at roadblocks in many areas of the country.

Government provisions permitted discrimination in employment on the basis of political opinion; however, there were no reports of such discrimination.

There were a few reports during the year of government military commanders in some conflict areas or of Maoist commanders blockading shipments of food and medicine, but the Army had ceased the practice by year's end, according to NGO reports. In the case of the Army, the Government maintained that such incidents had occurred at the direction of individual commanders and was not a governmental policy.

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.

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. None were banned or censored during the year.

There were hundreds of independent vernacular and English-language newspapers available, representing various political points of view. The Government owned Gorkhapatra, a Nepali-language daily, and The Rising Nepal, the third-largest English-language daily. Government newspapers reflected government policy. Some editors and writers at both private newspapers and at government-owned newspapers practiced self-censorship. Ruling political parties have influenced the editorial policy of the government newspapers to their advantage.

A number of journalists have encountered problems during the year. On August 28, unidentified individuals abducted from his office Ramhari Chaulagain, a reporter for the weekly publication, Sanghu. On October 24, the security forces released him. On September 9, the security forces arrested Subhashankar Kandel, executive editor of the Maoist-affiliated Janadharan. He was released at the end of the month.

Police briefly arrested 31 journalists on September 11 who were violating the temporary ban on assembly by protesting the Maoist killing of journalist Gyanendra Khadga on September 7. On September 13, police arrested Sitaram Baral, associate editor of Jana Aastha. He claimed to have been beaten during his detention and was hospitalized after his release on September 17, according to the Committee to Protect Journalists. Unknown persons abducted Columnist/writer Nawin Magar Pun from his home in Kirtipur on September 21. He was released on November 22. Some journalists have suffered human rights abuses. On September 28, security forces shot and killed Binod Chaudhury, a correspondent for the Maoist publication Janadesh, in Kailali District. According to the security forces, Chaudhury fired on them first, but Janadesh contended that he was unarmed. Security forces reportedly arrested Bhaikaji Ghimire of Samadrishti magazine on December 2. His whereabouts remained unknown at year's end. Journalist Ram Krishna Adhikari, of the weekly Sanghu and the radio Times FM, was arrested on December 10 in Kathmandu during a meeting of the Human Rights Organization of Nepal (HURON). He was released on December 20. According to the Federation of Nepalese Journalists, 97 journalists were arrested during the year. Three, including Ghimire, remained missing at year's end.

In 2001, the Government announced that restrictions under the state of emergency were intended to target the Maoists and not the general population; however, journalists and editors of both mainstream and Maoist-oriented publications were detained during the emergency. In November 2002, 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 were no further developments concerning this petition.

In 2001, the Supreme Court issued a writ of habeas corpus releasing Krishna Sen from jail (see Section 1.a.). He had been arrested in 1999 in connection with the publication of an interview with a Maoist leader. In May 2002, local newspaper Jana Astha reported that 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 (see Section 1.a.).

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 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 was a marked increase in the range of programming options available. Privately owned FM stations can broadcast their own independently collected news but also must broadcast Radio Nepal news at least once daily. The Government did 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.

There are four private television stations in the country; a fifth station has been granted a license and is scheduled to begin service by mid-2004. They mainly provided entertainment programming, but commentary critical of government policies occasionally occurred during publicly broadcast discussion programs. 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.

By year's end, the Government had issued private broadcasting licenses to 56 FM stations. 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.

The Government licensed 15 companies for Internet and e-mail services and did not censor or block access to Internet sites.

There were no government efforts to curtail academic freedom during the year. According to INSEC, security forces have killed 52 teachers since 1996.

The Maoists did not tolerate freedom of expression and tightly restricted the print and broadcast media under their control. On January 10 and again later in the month, Rabin Prasad Thapalia, a contributor to the weekly newspaper Ruprekha, reportedly received death threats because of items he had written in September 2002 regarding widows of government security officers killed by the Maoists. He published an apology, but did not respond to an ultimatum to critique the article "word for word." On July 16, Maoists threatened the life of Kantipur journalist Bed Prakash Timilsena in Achham District for reporting "without permission." On September 7, Maoists killed Gyanendra Khadga, a correspondent for the state-owned media as well as a teacher, in Sindhupalchowk District (see Section 1.c.). Maoists confined to his village Deepak Bahadur Thapa, an Achham-based correspondent for the national newspaper Nepal Samacharpatra for several months at the end of 2002 and early in the year. According to his editor, the Maoists accused Thapa of writing against their movement and threatened him, saying that he would be in danger if he attempted to leave the village.

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 59 teachers since the beginning of the insurgency in 1996, including 9 during the ceasefire, and have destroyed 26 school buildings. Teachers in Maoist-affected areas reported regular threats and extortion demands.

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. The Government temporarily suspended the right to assembly in Kathmandu Valley from September 1 to 26. During the year, some protests turned violent, and police sometimes used baton charges to break up demonstrations. Local authorities in Kathmandu halted a number of public celebrations by the Tibetan community throughout the year that included veneration of the Dalai Lama as a political, as well as a religious leader.

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.

In January 2002, 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. The registration requirement has not been enforced.

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 investigation 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. On February 14, three Christian men were arrested in Pyuthan District and charged with proselytizing. A case was filed against them in Pyuthan District Court on February 28. They were released and charges dropped on September 11.

In March, police prohibited Tibetans celebrating the New Year in Kathmandu from displaying pictures of the Dalai Lama. Previously, a picture of the Dalai Lama had been carried around the stupa as part of religious ceremonies (see Section 2.b.).

Government policy did not support religious extremism, although some political figures have made public statements critical of Christian missionary activities.

The caste system strongly influenced society, even though it was prohibited by the Constitution. Caste discrimination was widely practiced at Hindu temples.

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

d. Freedom of Movement within the Country, Foreign Travel, Emigration, and Repatriation.—The Constitution provides for these rights, and the Government generally respected them in practice. However, for security reasons, the Government restricted travel by foreigners, including Tibetan residents, to some areas near the Chinese border. On January 18, the Government lifted restrictions on women's travel to the Gulf States to work as domestic servants. The Government allowed citizens to emigrate and those abroad to return, and was not known to revoke citizenship for political reasons.

Internal displacement because of the Maoist insurgency continued to be a problem, with estimates of the number displaced ranging widely. International organizations estimated that between 100,000 and 150,000 citizens may have been internally displaced; other sources estimated that 100,000 might be an upper number. The variation existed because there were no internally displaced persons (IDP) camps; those displaced usually stayed with relatives and did not register with the Government or usually seek assistance.

The country is not a party to U.N. Refugee Conventions and the law does not include provisions for the granting of refugee status or asylum to persons who meet the definition in the 1951 U.N. Convention Relating to the Status of Refugees or its 1967 Protocol. On August 22, the Government formulated an official policy toward refugees that pledged to uphold the principle of non-refoulement and without hindrance to allow U.N. High Commissioner for Refugees (UNHCR) "to verify and establish the status of people seeking asylum." The Government did provide asylum for refugees and asylum seekers and generally has cooperated with the office of the UNHCR and other humanitarian organizations in assisting them. The UNHCR maintained 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 Bhutanese 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 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 harassed Tibetan asylum seekers who fled 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 credible reports that Tibetan asylum seekers were sometimes handed back to Chinese authorities after crossing the border.

On April 15, the Government arrested 21 Tibetans, including 11 minors, on immigration charges. The three youngest children were released in UNHCR custody. On May 31, the Government handed over the 18 remaining Tibetans to Chinese authorities. The Government has since characterized the deportations as an aberration that does not reflect official policy. On November 24, the Government released all

remaining Tibetan asylum seekers held in detention after a private benefactor paid their immigration fines.

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. In 2002, 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 conducted an investigation that resulted in the removal of certain local personnel and increased protection measures for refugee women and children (see Section 5). On September 21, Maoists attacked a police post in one of the camps, killing one policeman. In response, the Government withdrew its permanent police presence from all 7 camps. 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. In 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. During the year, the Nepal-Bhutan Joint Verification Committee announced the results of the first verification exercise. The results were controversial, and many refugees staged peaceful protests in and near the camps. Ninety-four percent of the verified refugees filed appeals against their verification status. None of the remaining 6 camps has yet been verified. After a December 22 briefing for Khudunabari Camp refugees by the Bhutanese Verification Team resulted in disorder and throwing of stones, repatriation and further verification were indefinitely delayed.

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

The 1992 Constitution provides citizens with the right to change their government peacefully. Although now constrained by the inability to hold elections due to the insurgency, citizens have exercised this right in practice through free and fair elections held on the basis of universal suffrage. 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. Executive power is vested in the King and the Council of Ministers.

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, 2002, Prime Minister Sher Bahadur Deuba asked King Gyanendra to dissolve parliament and schedule mid-term elections for November 13, 2002. On October 3, 2002, the Prime Minister asked the King to delay polls until November because of Maoist threats to disrupt the elections with violence. On October 4, 2002, 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, 2002, the King appointed Lokendra Bahadur Chand as Prime Minister of a caretaker government. After Chand resigned on May 30, the King appointed Surya Bahadur Thapa Prime Minister on June 4. By year's end, no date had been set for national or local elections.

Under the Constitution all citizens 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 judicial review many basic freedoms, including the freedoms of expression, assembly, and movement and residence, 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 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. There was one woman in the interim Cabinet appointed by the King in October 2002, and one woman in the interim Cabinet appointed in June.

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. There were no special provisions to allocate a set number or percentage of political party positions or parliamentary seats for any minority group. Members of certain castes traditionally have held more power than others.

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

A number of domestic and international human rights groups generally operated, investigating and publishing their findings on human rights cases without government restriction. Unlike during the state of emergency, there were no reports that the Government detained human rights activists suspected of Maoist affiliation during the year. 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 in 2001-02.

The insurgency has caused a number of NGOs to reduce their activities substantially. Maoists prevented journalists and human rights activists who traveled to Rolpa to inspect the area on their own. In addition, Maoists have killed and abducted NGO workers. On September 13, Maoists attacked lawyer Durga Prasad Majagaiya at his home in Tulsipur, Dang District. He died of his injuries on September 26. There were reports during the year that insurgents stole emergency food supplies from NGO programs targeting vulnerable populations. In 2002, Maoists also targeted aircraft attempting to make humanitarian deliveries of foodstuffs.

The Government did not refuse visas to international NGO human rights monitors. AI conducted an official visit to the country from July 2 to 7. Apart from some areas along the country's border with China, access was not otherwise restricted. An organization monitoring Tibetan refugee flows has been denied access to these border areas.

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 estab-

ishment, the Commission has received 1,865 complaints of human rights violations, investigated 314, and recommended compensation in 26 cases. Some cases involved the disappearance of detainees, illegal detention, and arrest of acquitted persons, but many other cases were relatively minor.

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, a caste system operated in many areas of daily life and throughout the country. Discrimination against lower castes, women, and persons with disabilities remained common, especially in rural areas.

Women.—Violence against women was a serious problem that received limited public attention. In April 2002, parliament passed the Domestic Violence Control Bill that did not receive royal approval before parliament was dissolved; if it is to become law, it or another version will have to be re-introduced in another parliamentary session. There was a general unwillingness among citizens, and particularly among government authorities, to recognize violence against women as a problem. In a 1998 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.

The police department has 18 women's cells with 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, often neither the victim nor the Government pursued further prosecution.

Rape and incest also were problems, particularly in rural areas. Laws against rape provide for prison sentences of 6 to 10 years for the rape of a woman less than 14 years of age and 3 to 5 years for the rape of a woman above the age of 14. The law prescribes imprisonment for 1 year or a fine for the rape of a prostitute. The law prohibits 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. The killing of brides because of defaults on or inadequacy of dowry payments was rare. 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 man to remarry.

Folk beliefs about witchcraft generally involved rural elderly women, sometimes widows. Shamans or other local authority figures sometimes publicly beat and physically abuse suspected witches as part of an exorcism ceremony. In May, Raheli Pariyar died in Rampur, Ramechhap District, as a result of an "exorcism" performed by local shamans. 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.

At least 10 NGOs in Kathmandu worked 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 were forced to work against their will as prostitutes in other countries (see Section 6.f.).

In September, the Human Rights Watch (HRW) examined the response of UNHCR and the Government to rape, domestic violence, sexual and physical assault, and trafficking of girls and women from refugee camps. Their report also stated that the country's system of refugee registration discriminated against women by distributing rations through male heads of households. Further, the report noted that 35 refugee women and girls were missing from the camps and may be trafficking victims at year's end.

Although the Constitution provides protections for women, including equal pay for equal work, the Government has not taken significant action to implement those provisions, even in many state industries. Women faced systematic discrimination, particularly in rural areas, where religious and cultural tradition, lack of education, and ignorance of the law remained severe impediments to their exercise of basic rights such as the right to vote or to hold property in their own names. Inheritance

laws were revised in 2002 so that unmarried, widowed, or divorced women can 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 were more than 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. NGOs focused on integrating women into active civil society and the economy. Hundreds of NGOs are registered to work on women's issues 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 that advocate for women's rights and bring women's issues before the party leadership.

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 worked also attended school. However, approximately 70 to 75 percent of boys who work go to school, compared with only 50 to 60 percent of the girls who work. Human rights groups reported that girls attend secondary schools at a rate half that of boys. On April 5, the Department of Education issued a report finding that one-quarter of elementary school-aged girls remain deprived of basic education. Basic health care was provided free to children and adults, but government clinics were poorly equipped and few in number, and serious deficiencies remained.

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 considered 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.

Unlike in previous years, there were no reports of children in jail or custody as suspected or convicted criminals, although in 2002 there were reports of children held under anti-terrorism laws as suspected Maoists.

There have been numerous reports that Maoists recruited teenagers to serve as porters, runners, cooks, and armed cadre. During the ceasefire, the Maoists reportedly abducted hundreds of rural teens and children, requiring them to attend training and indoctrination programs and/or join their ranks.

Persons with Disabilities.—The Disabled Persons Protection and Welfare Act and additional 1994 rules mandate accessibility to buildings, transportation, employment, education, and other state services. However, despite government funding for special education programs, the Government did 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.

Persons with disabilities faced 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. Economic integration was further hampered by the general view that persons with disabilities were unproductive. Due to the inadequacy of facilities, the authorities sometimes placed prisoners with mental disabilities in jails under inhumane conditions. A 2001 report authored jointly by UNICEF and the National Planning Commission estimated that there were approximately 400,000 persons with disabilities in country.

National/Racial/Ethnic Minorities.—In the country there are more than 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 at the primary level in its native language.

In remote areas, school lessons and national radio broadcasts often were in the local language. Near municipalities, education was almost exclusively in Nepali, the constitutionally mandated official language.

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 made 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, were slowly reducing caste distinctions and increasing opportunities for lower socioeconomic groups. Better educated, urban-oriented castes continued to dominate politics and senior administrative and military positions, and to control a disproportionate share of natural resources. One member of the Cabinet was from an ethnic minority community.

Caste-based discrimination, including barring access to temples, is illegal. Members of the lower castes have entered many temples, including Pashupatinath, the national site most sacred to Hindus, since a 2001 government emphasis on the illegality of discrimination. Progress in reducing discrimination was more successful in urban areas.

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 of 1992 and the Trade Union Act of 1992 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 protects 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 did not restrict unions from joining international labor bodies. Several trade federations and union organizations maintained 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 covered an estimated 10 percent of wage earners in the organized sector. However, in general, labor remained widely unable to use collective bargaining effectively due to legal obstacles to striking, inexperience, and employer lack of need to bargain.

The law permits strikes, except by employees in essential services. 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 August, employees at a hotel in Kathmandu successfully negotiated their demands after staging a 3-day strike.

There were no export processing zones.

c. Prohibition of Forced or Bonded Labor.—The Constitution prohibits forced or bonded labor, including by children; however, there were reports that such practices occurred (see Sections 6.d. and 6.f.). The Department of Labor enforced laws against forced labor in the small formal sector, but remained 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 2000, the Government made bonded labor illegal and released the Kamaiya bonded agricultural workers from their debts. At that time, the number of released Kamaiya households was said to be 15,152, but subsequent surveys, including one completed in February 2002, have raised the estimate to 29,800 households. In 2002, the Kamiya Prohibition Act became law, which codified the emancipation of bonded laborers, penalized employers engaged in Kamaiya labor practices, and established governmental Kamaiya relief funds.

Enforcement of the Act by the Government was uneven and social integration of the Kamaiyas was difficult. According to ILO, 10,336 Kamaiyas have received land, and only 4,000 have received timber to build houses. The Government has set up

temporary camps for Kamaiyas still awaiting settlement, but few have been accommodated. Arrangements for distribution of food under a food-for-work program continued. A 2001 International Labor Organization (ILO) Rapid Assessment estimated that 17,000 child laborers were working as bonded laborers in the remnants of the Kamaiya system.

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.

The Child Labor Act established specific penalties for those who unlawfully employ children. The legislation applies only to formal sectors of the economy, such as tourism, cigarette or carpet factories, and mines, but not to informal sectors such as portering or rag-picking, or the 80 percent of the population engaged in subsistence agriculture. Children under the age of 14 years and children between the ages of 14 and 16 years may work, but no more than 6 hours a day and 6 days a week. Employers must maintain records of all 14- to 16-year-old laborers. However, the necessary implementing regulations have not yet been passed. The ministries have stated that the continued delay was a result of the need to rework the Act to comply with ILO Convention 182 on the Worst Forms of Child Labor.

Resources devoted to enforcement were limited, and children worked 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 2001 Rapid Assessments estimated 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. Others are economically active in a few small-scale and cottage industries. During the year, an ILO program assisted 8,535 landless Kamaiyas children who worked as bonded laborers.

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. In 2002 according to the Ministry, it conducted 369 inspections of carpet factories in the Kathmandu Valley to ensure that no child labor was present. The Ministry reported that 63 children under the age of 14 were found working in the factories, but no convictions or arrests were made under the Act. 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.

The private sector has made its own efforts to eradicate child labor, especially in the carpet industry. In 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 estimated that children constitute only 2 percent of the work force in the export-oriented carpet industry. However, children's rights activists stated that children remained a part of the work force, in the smaller factories and family weaving units. During the year, Rugmark conducted 2,910 inspections at factories, identifying and removing 127 children from factories. Out of that number, 54 children agreed to receive care at Rugmark rehabilitation centers. Rugmark issued 74 warning letters to carpet factories where children were found employed.

e. Acceptable Conditions of Work.—In April the Government raised the minimum monthly wage for unskilled labor to \$25 (NRs 1894), which was not sufficient to provide a decent standard of living for a worker and family. The law also defined monthly minimum wages for semi-skilled labor at approximately \$26 (NRs 1944), skilled labor at \$28 (NRs 2,054), and highly skilled labor at \$30 (NRs 2,244). The minimum wage for children ages 14 to 16 was set at \$21 (NRs 1,558). Additional allowances for food and other benefits 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 were 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 did 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 remained 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. Border guards and immigration officials commonly accepted bribes from traffickers. 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 sometimes 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 went to India.

There is legislation to protect women from coercive trafficking. A ban on female domestic labor leaving the country to work in Saudi Arabia and other countries in the Gulf was lifted on January 18 for the organized sector. Women who have proof of external employment with an organization of 10 or more employees may travel to the Gulf. 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’ unverified estimates were that approximately 50 percent of the victims were lured to India with the promise of good jobs and marriage, a family member sold 40 percent, and 10 percent were kidnapped. NGOs have found that once prevention programs were initiated in a district, the traffickers move to other areas. Youth displaced from homes as a result of the insurgency were especially vulnerable to being trafficked.

Enforcement of anti-trafficking statutes remained sporadic. In 2002, a Documentation and Information Center was established within the Ministry to coordinate trafficking initiatives. The Human Trafficking Control Act prohibits selling persons in the country or abroad and provides 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 were rare. In June, the Special Court convicted the leader of a gang involved in the selling of nearly 100 girls to brothels in India to 75 years of imprisonment. Six of his accomplices received lesser sentences ranging from 36 to 12 years of imprisonment. Border guards commonly accepted bribes to allow contraband and trafficked girls in or out of the country.

According to the 2002–03 annual report of the Attorney General’s Office, 66 new cases were filed in district attorneys’ offices across the country. Pending from the previous years were 76 for a total of 142 cases. Of that number, 30 resulted in partial or full conviction and 69 in acquittal, while 43 are still pending. 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.

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 returned voluntarily, were rescued, or were repatriated to the country annually after having worked as commercial sex workers in India. Most were destitute and, according to some estimates, 50 percent were HIV-positive when they returned. The age of those being trafficked appeared to decrease over the year. Girls as young as 9 years of age have been trafficked.

A 2001 study by the ILO International Program on the Elimination of Child Labor found that 30 percent of sex workers in Kathmandu were 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 staffed by female officers in 17 districts and the capital have dealt with crimes against women and children.

While the Government lacked both the resources and institutional capability to address effectively its trafficking problem, the Government has established a National Task Force at the Ministry of Women, Children and Social Welfare (MOWCSW) with personnel assigned to coordinate the response. There were pro-

grams 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, anti-trafficking 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 commercial sex workers to India. 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 56 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 used leaflets, comic books, films, speaker programs, and skits to convey anti-trafficking 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.

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, although the military retains a major role. In October 1999, General Pervez Musharraf overthrew the elected government of Prime Minister Nawaz Sharif. The Supreme Court later sanctioned the coup; however, it directed Musharraf to restore elected government within 3 years. Musharraf assumed the presidency by decree in 2001, while continuing as Chief of Army Staff and held a nationwide referendum held on April 2002 that extended his presidency for 5 years. Four months after the referendum, President Musharraf announced a controversial package of constitutional amendments, the Legal 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. Several of the amendments had the effect of transferring substantial executive power from the prime minister to the previously symbolic presidency. Opposition politicians, lawyers, civil society groups, and many in the international community expressed concern about the amendment package and its constitutional legitimacy.

Elections were held for local governments in 2001, and for the National Assembly in October 2002. Domestic and international observers criticized the elections as deeply flawed. In February, Senate elections were held and resulted in 55 seats for the Pakistan Muslim League-Quaid-e-Azam (PML-Q) and allied parties and 45 members for the opposition. A ruling coalition headed by the PML-Q controls both houses of the national Parliament and the provincial assemblies in Punjab and Sindh. After several months of negotiations, on December 29, the Government and the MMA voted in the national and provincial assemblies to incorporate a large part of the LFO into the 1973 Constitution as its 17th Amendment. The amendment affirmed Musharraf's presidency until 2007 and his right to serve concurrently as Chief of Army Staff until the end of 2004. The amendment allows the President to dissolve parliament, but requires him to obtain the consent of the Supreme Court within 30 days after doing so. Opposition parties say the amended constitution legitimizes the powerful role of the military in politics, and left a great deal of power in the hands of the president.

The National Assembly met during the year; however, no bills have been passed since 2002, with the exception of the national budget. President Musharraf, the intelligence services, and the military continued to dominate the Government. Corruption and inefficiency remained acute, although reforms initiated by the Musharraf Government to reduce corruption have had some effect on officials at higher levels of government. Although the Supreme Court demonstrated a limited degree of independence, 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. During some religious holidays, the regular army was deployed in sensitive areas to help maintain public order. Senior government and ruling party members tightly controlled the security forces; however, there were instances in which elements of the security forces acted independently of government authority. Some members of the security forces committed numerous serious human rights abuses.

The country is poor with great extremes in the distribution of wealth; its population was approximately 150 million. The economy included both state-run and private industries and financial institutions and provided residents with an average per capita income of \$475. 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. Overall growth continued to remain sluggish; however, the GDP growth was estimated at 5.1 percent. During the year, the Government pursued several economic reforms designed to alleviate poverty; however, inefficiencies have stymied government efforts to decrease high poverty levels and create needed employment opportunities.

The Government's human rights record remained poor; although there were some improvements in a few areas, serious problems remained. In 2002, citizens participated in national government elections; however, many observers found serious flaws in the legal framework for the election. Security forces used excessive force, at some times resulting in death, and committed or failed to prevent extrajudicial killings of suspected militants and civilians. The Government enacted measures to improve the discipline and training of security forces and punished some security forces officials who were guilty of abuses; however, abuses by security forces remained a problem.

Killings between rival political factions and sectarian groups continued to be a problem. Police abused and raped citizens. Prison conditions remained extremely poor and life threatening, and police arbitrarily arrested and detained citizens. Several political leaders remained in detention or 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 and corruption, inefficiency, and lack of resources remained severe 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 anti-corruption campaign violated due process. The Government infringed on citizens' privacy rights.

The press was able to publish relatively freely; however, journalists practiced self-censorship, especially on sensitive issues related to the military, and human rights groups continued to report acts of intimidation against journalists by the central Government. Provincial and local governments occasionally arrested journalists and closed newspapers that were critical of the Government or printed allegedly offensive material. The Government retained near-monopoly control of broadcast television and radio, but cable and satellite channels were increasingly popular and uncensored. Journalists were targets of harassment and violence by individuals and groups. During the year, the Government sporadically permitted several large anti-government 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. Governmental and societal discrimination against religious minorities, particularly Christians and Ahmadis, remained a problem.

Domestic violence against women, rape, and abuse of children remained serious problems. The Government publicly criticized the practice of "honor killings" but such killings continued. Discrimination against women was widespread, and traditional social and legal constraints generally kept women in a subordinate position in society. Sectarian attacks against Shi'a professionals remained a problem. The Government and employers continued to restrict worker rights significantly. Debt slavery persisted, and bonded labor of both adults and children remained a problem.

The use of child labor remained widespread. Trafficking in women and children for the purposes of prostitution and bonded labor was a serious problem.

Terrorist attacks continued. Most notably, Islamic extremist groups attempted at least twice to assassinate President Musharraf, and Sunni extremists killed over 70 Shi'as in bombings at a mosque and a police training facility in Quetta.

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 extrajudicial killings. The police and security forces were responsible for the deaths of a number of individuals associated with political or terrorist groups during the year; however, exact figures were unknown by year's end.

The extrajudicial killing of criminal suspects, often while in police custody or in staged encounters, occurred. 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 August, the Interior Ministry reported that 548 persons were killed in police encounters in 2002, with 114 encounter deaths reported in the first 6 months of the year. For example, in July, Manzar Husain was shot and killed while being transferred to police custody in Punjab. In August, Zafar Iqbal was tortured and killed while in police custody (see Section 1.c.). In September, Samuel Sunil was tortured and killed while in police custody in Qilla Singh Police Station. In September, riots broke out in the district jail in Sanghar after the torture and killing of prisoner Mohammad Akbar. There were no new developments in the encounter deaths from 2001 or 2002. 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 26 persons died from police torture during the year (see Section 1.c.).

Security forces continued to use lethal force to disperse demonstrations (see Section 2.b.). On May 11, Rangers shot and killed one protester in Okara. No arrests or investigations have been made in this case. The demonstrators in Okara were protesting the Rangers' demand that they shift from a sharecropping to a leasehold tenancy. At year's end, the Rangers paid the family compensation for the 2002 killing of the protester in Okara. The Lahore High Court was petitioned; however the case still was pending at year's end. The Government set up roadblocks and checkpoints around the area and restrictions on water were enforced (see Section 2.d.). Police officers occasionally were transferred or briefly suspended for involvement in extrajudicial killings; however, in general police continued to commit such killings with impunity.

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. For example, on May 20, Noshad Ansar, nephew of a regional MQM official, reportedly was killed in Karachi when unknown persons fired on his vehicle (see Section 5).

Police professionalism was low. At year's end, the comprehensive package of police reforms had not been implemented fully, and many local officials complained that the system had no real control over the police.

There were numerous killings during the year. For example, on October 6, unknown gunmen killed Maulana Azam Tariq, a Member of the National Assembly and chief of the Millat-I-Islamia, and four companions in Islamabad. Tariq was an extremist Sunni cleric and politician who allegedly had been behind many sectarian attacks against the Shi'a community. Violent anti-Shi'a demonstrations occurred in Islamabad and Sindh following the killing (see Section 2.b.). At year's end, Allama Saijid Naqvi was detained in connection with the investigation into the deaths.

There was no action taken, nor was any likely to be taken, in the following 2002 cases: The April killing of Mustapha Kamal Rizvi and Nishat Malik in Karachi; and the June death of Omar Asghar Khan.

There were numerous bombings during the year. For example, on July 4, 52 persons were killed in Quetta when unknown individuals detonated bombs and shot into a Shi'a mosque during services (see Section 2.c.). On July 11, 2 persons were killed when a suicide bomber blew himself up at Kawish Crown Plaza Shopping Center in Karachi. In December, unknown persons targeted leading government officials; they attempted to kill President Musharraf on two occasions. No one claimed responsibility for any of these acts.

During the year, two militants were convicted and sentenced to death for the May 2002 suicide bombing that killed 11 foreign engineers in Karachi.

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 groups continued, although the number of Shi'a professionals killed in Karachi and elsewhere decreased from 2002. In addition, Ahmadis, Christians, and other religious minorities often were targeted. At least 100 persons were killed in sectarian violence during the year, most carried out by unidentified gunmen. For example, on June 8, unknown gunmen shot and killed 11 Shi'a police cadets in Quetta.

Numerous such killings remain unresolved. During the year, police made no arrests in connection with past sectarian killings.

"Honor killings" were a problem (see Section 5). Human Rights organizations estimated that at least 631 women and girls were killed by family members in so-called honor killings; however, many more women are believed to be affected by this crime. According to UNICEF, about half the honor killing deaths took place in Sindh, and it is believed that many more cases go unreported in Baluchistan and the North West Frontier Province (NWFP). For example, police exhumed the body of Afsheen Musarrat in Punjab after the President ordered an investigation into her death. One doctor told a newspaper, "We have found marks of torture on the body. Half of the body was blue, suggesting electrocution." In August, a woman and her four daughters were killed in Muridke allegedly by an uncle because he doubted their modesty. During the year, police made no arrests in connection with the 2002 killing of Mehvish Miankhel.

Tension along the Line of Control between Pakistan and Indian-held Kashmir was high during the year, and there was shelling in several sectors; however, in November, the country and India announced a ceasefire. By all accounts, the ceasefire continued at year's end.

b. Disappearance.—There were no confirmed reports of politically motivated disappearances due to action by government forces; however, there were some reported cases of disappearances during the year. In most cases, the person reported as disappeared was found after several days of incommunicado detention in the custody of police or security forces (see Section 1.d.) For example, in March, Akhtar Baloch, coordinator for the Human Rights Commission of Pakistan (HRCP), disappeared after being driven home by an HRCP colleague. Security forces did not acknowledge that they held Akhtar Baloch; however, Reuters news agency reported that police later admitted he was in their custody. At year's end, Baloch was released. On December 16, there were reports that journalist Khawar Mehdi Rizvi was detained by Government agents. On several occasions, Government officials publicly confirmed that the ISI was holding Rizvi for questioning. However, police officials swore in court that they were not holding him and were not aware of his detention. His whereabouts were unknown at year's end.

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.

There were no developments in the January 2002 kidnapping and killing of foreign journalist Daniel Pearl in Karachi. In 2002, all four defendants were found guilty, and Sheik Omar Saeed was sentenced to death.

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, security forces regularly tortured, and otherwise abused persons. Police routinely used force to elicit confessions. 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 at times dismissed such confessions.

Security force personnel continued to torture persons in custody throughout the country. For example, according to Human Rights Watch (HRW), Rasheed Azam was beaten and tortured at Khuzdar military cantonment. In September, two prison officials allegedly beat and killed 18-year-old Sunil Samuel at Camp Jail in Lahore after he was sexually assaulted by inmates.

Over the years, there have been allegations that 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.

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 Hadd punishments require a high standard of evidence, and, 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.

Special women’s police stations have been established in response to complaints of custodial abuse of women, including rape. Female personnel staffed these stations, but they 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 National Commission on the Status of 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. 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.

Security forces used excessive force against demonstrators during the year (see Section 2.b.).

Members of the security forces continued to beat and harass journalists (see Section 2.a.).

Police failed in some instances to protect members of religious minorities—particularly Christians and Ahmadis—from societal attacks (see Section 2.c. and 5).

Prison conditions were extremely poor and life threatening. Overcrowding was widespread. According to HRCF, there were 80,000 prisoners in jails that were built to hold a maximum of 35,833 persons. Sialkot prison had a prison population of 2,300 in a space designed for 750. Thirteen prisoners died in Adiala and Central Jail in Lahore during the year due to poor treatment and poor conditions. Some 80 percent of prisoners were awaiting trial, mostly for petty offenses.

Inadequate food in prisons 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 usually 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.

Shackling of prisoners was routine. The shackles used were tight, heavy, and painful, and reportedly have led to gangrene and amputation in several cases. AI reported that minors routinely were shackled.

There were reports of prison riots. On July 25, a riot broke out in Sialkot maximum-security prison, and three judges were taken hostage while inspecting the jail. Police stormed the jail and freed the remaining hostages. Subsequently, an investigation into the riots was initiated by the local Government. Preliminary reports placed responsibility for the riot on the Deputy Inspector General of Police. An arrest warrant was issued for the Deputy Inspector General and the Senior Superintendent of the Sialkot police. By year’s end, the police had failed to enforce the arrest order.

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 the end of 2002. 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. Children of 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. Many children in prison were born to female inmates who were sexually abused by prison guards. The Juvenile Justice System Ordinance (JJSO) was passed in 2000 to protect the rights of children; however, according to AI, an estimated 4,500 children were held in the nation’s prisons, of which 3,000 were awaiting trial. 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.). 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.

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. 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.). Javed Hashmi, president of the 15-party Alliance for Restoration of Democracy, was arrested on October 29 and initially denied access to his family and lawyers (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. 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; however, 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 Government created the National Accountability Bureau (NAB) and special accountability courts to try corruption cases. The National Accountability Ordinance (NAO) permitted the NAB to hold suspects without charge for 15 days, renewable with judicial concurrence (see Section 1.e.).

There were some reported cases of disappearances during the year; however, in most cases the person reported as disappeared was found after several days of incommunicado detention in the custody of police or security forces (see Section 1.b.).

In November, the Government banned three groups that had previously been proscribed as terrorist organizations but had resurfaced using new names. The number of detained members of banned extremist and jihad groups was unknown at year's end.

The failure of the Government to investigate and punish abusive police officers effectively created a climate of impunity for police abuse. The failure of the Government to prosecute and to punish abusers effectively was widely considered a great obstacle to ending or reducing police abuse.

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. Press reports indicated 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.

Actions taken to redress police abuses had mixed results. At year's end, the Public Safety Commission had not been established due to financial constraints.

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. During the year, the police in Punjab began investigating the 2002 Mukhtaran Bibi gang-rape case. The police discovered that Mukhtaran's brother himself had been raped earlier by men of the tribe, who then covered up the crime by accusing the boy of misbehavior and shaming his family into silence. The eight suspects remained in jail pending their appeal with the Appellate Tribunal.

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. HRCP estimated that there were almost as many individuals awaiting trial in jail as there were prisoners serving sentences.

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 Supreme Court Bar Association, there were 13,767 cases pending in the Supreme Court as of September. 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.

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 1999, Zardari was tried and convicted separately on corruption charges. The Government continued to detain Zardari during the year on a variety of corruption charges. In August, an investigative magistrate in Switzerland issued a preliminary judgment finding Benazir Bhutto and Asif Zardari guilty of money laundering and receiving brides from two Swiss firms nine years ago and proposed a suspended six-month prison sentence and \$50,000 fine for each of them. Ms. Bhutto and Mr. Zardari rejected the Swiss finding; a formal trial was pending at year's end.

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 persons must to pay bribes to see a prisoner. Foreign diplomats may meet with prisoners when they appear in court and may meet with citizens or their countries in prison visits. Local human rights activists reported few restrictions to their access to prisons.

On October 29, opposition leader and member of Parliament, Javed Hashmi, was arrested for releasing an anonymous letter allegedly written by army officers that was critical of President Musharraf's leadership. Hashmi was charged with conspiracy, forgery and inciting the armed forces against the government. The Government has sought to hold all court proceedings before a panel of judges inside the prison where Hashmi was held. The incitement charge carries a maximum penalty

of life imprisonment. Authorities refused family access and legal counsel for the first several weeks of his incarceration. Hashmi remained in detention at year's end.

The Government justified the creation of anti-terrorist courts by citing the large number of murder and other cases that are clogging the regular court system (see Section 1.e.). The anti-terrorist courts reportedly sentenced 27 persons to death during the year. For example, in August an anti-terrorism court sentenced two workers of the Lashkar-i-Jhangvi to death and two others to life imprisonment.

In previous years, the Government sometimes used preventive detention, mass arrests, and excessive force to quell protests or civil unrest and to prevent political meetings (see Section 2.b.).

Despite governmental claims that NAB cases would be pursued independent of an individual's political affiliation, in previous years, NAB had selectively targeted certain persons in the anti-corruption campaign (see Section 1.e.). In previous years, senior opposition figures charged that NAB threats were used to pressure politicians to join the PML-Q.

There were reports that the Government detained journalists (see Section 2.a.).

Former Prime Minister Nawaz Sharif remained in exile. Dr. Farooq Sattar's 2000 conviction on widely disputed corruption charges continued at year's end.

Hundreds of MQM activists have been arrested over the last four years, and several dozen remained in custody at year's end; some of these activists were being held without charge. Two factions of the MQM split have been fighting each other for several years; according to observers, most of those arrested were picked up for violent crimes. The main wing of the MQM is now part of the ruling coalition in the national and Sindh provincial government; and those currently held in detention all appear to be violent persons from the minority wing of the party. According to MQM officials, police have arrested more than 700 MQM officials during the past 4 years.

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. Nongovernmental Organizations (NGOs) estimated that approximately 70 percent of women in jails were awaiting trial for adultery-related Hudood offences. Many of the women charged under the ordinance have little prospect of having their cases tried in the near future. Most women tried under the ordinance were acquitted, but the stigma of an adultery charge alone is severe. The National Commission on the Status of Women issued a report in October that stated "as many as 88 percent of female prisoners are serving time for violating the 1977 Zine Ordinance [Hudood]" (see Section 5).

Non-governmental jails exist in tribal and feudal areas. Most such prisons were in rural areas controlled by tribes. 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 (see Section 6.c.).

The law does not permit forced exile. During the year, the Government surrendered citizens to foreign authorities and deported foreigners on suspicion of being al-Qa'ida or Taliban fighters; however, the exact number of those detained, arrested or deported was unknown. The Government claimed that these persons were suspected of inciting violence or engaging in criminal acts by promoting religious extremism.

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 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. Low salaries, inadequate resources, heavy workloads, corruption, and intimidation by political and religious pressure groups contributed to judicial inefficiency, particularly in the lower courts. In 2002 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.

There were several court systems with overlapping and sometimes competing jurisdictions: Criminal; civil and personal status; terrorism; commercial; family; and military.

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 non-bailable offenses. According to the Criminal Procedures Code, the accused in bailable offenses must be granted bail, and those charged with non-bailable 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 pre-arrest bail, and thus were spared arrest and incarceration.

The anti-terrorist courts, set up in August 1997, 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 kidnapping of or abduction to confine a person. The Government has used the anti-terrorist courts for high-profile cases, including the Daniel Pearl kidnapping 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 2001 and again in November 2002, the Government approved amendments to the Anti-Terrorist Act. The 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." The Parliament has yet to ratify the amendment, which 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 anti-terrorist courts, charging that they constitute a parallel judicial system and could be used as tools of political repression. For example, according to the Lawyers Committee for Human Rights, Zia Ahmed Awan, president of the Karachi-based Lawyers for Human Rights Legal Aid, said, "it would only increase the victimization of ordinary people at the hands of the police and other law enforcement agencies." The anti-terrorist 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 NAB and special accountability courts try corruption cases (see Section 1.d.). The NAB was created in part to deal with as much as \$4 billion (PKR 208 billion) estimated to be owed to the country's banks by debtors, primarily from among the wealthy elite. The 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.

Despite government claims that NAB cases would be pursued independent of an individual's political affiliation, the 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, the NAB has charged no serving members of the military or the judiciary.

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 (see Section 5). 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. 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 June, the MMA-led government of the NWFP passed a bill to implement Shari'a law in the province. The bill gave Shari'a precedence over secular provincial law, proposed restricting the rights of women and harmonizing the educational and financial systems with the Koran. The bill passed unanimously and without debate and human rights activists demonstrated against it in rallies and other protests. However, no implementing legislation or regulations have been issued, and no enforcement action had been taken as of year's end.

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.

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.

In previous years, in remote areas outside the jurisdiction of federal political agents, tribal councils levied 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). For example, on September 2, eight family members were killed after a dispute in which the family failed to provide two young girls in marriage to another family, in exchange for the unauthorized marriage of a young couple. The investigation was ongoing at year's end.

There were reports of approximately 3 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.c. and 1.d.).

f. Arbitrary Interference With Privacy, Family, Home or Correspondence.—The Government does not respect the right to privacy. 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. Under the anti-terrorist ordinances, anti-terrorist courts tried many blasphemy cases. By law the police need a warrant to search a home, but not to search a person. Despite this law, police 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 used 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 degree of compliance with this ruling was unclear at year's end.

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 opposed. 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 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 self-censorship, and human rights groups continued to report acts of intimidation against journalists. 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. 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.

In 2002, three ordinances on the press were adopted. The ordinances increased the penalties for defamation, imposed a system of prior authorization for the news media, and created a press council under considerable influence by the Government; however, no information was given as to when the ordinances would enter into force.

The Constitution also prohibits 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 addition, any person who printed, published, or disseminated any material from these organizations was subject to 6 months' imprisonment.

Reports of intimidation, heavy-handed surveillance, and legal action against journalists continued throughout the year. For example, there were credible reports that Amir Mir, senior assistant editor of the Herald, a magazine noted for its critical coverage of the Government, received threats from government officials during the year. On November 22, three unknown persons set fire to Mir's car and he received threatening telephone calls from a member of the ISI telling him that this "was just the beginning." Further, there continued to be some reported cases of journalist disappearances during the year; however, in most cases, the person reported as disappeared was found after several days of incommunicado detention in the custody

of police or security forces (see 1.d.). On December 16, Marc Epstein, Jean-Paul Guilloteau, and Khawar Mehdi Rizvi were detained by security forces for allegedly having faked a Taliban training session in Baluchistan. The two French journalists were charged with visa violations for traveling to Quetta without permission. Marc Epstein and Jean-Paul Guilloteau were released on December 24; however, there was no further information available on Khawar Mehdi Rizvi at year's end.

During the year a few journalists were arrested, according to the HRCP. 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, including through threats of violence and death. Provincial and local governments occasionally arrested journalists and closed newspapers accused of printing offensive material, but this was not a widespread practice. In 2001, the Government closed the Peshawar daily *Frontier Post* and arrested five members of its staff after the newspaper published a letter to the editor that contained derogatory characterizations of the Prophet Mohammad. During the year, a copy editor of the *Post* was convicted of blasphemy and sentenced to life-imprisonment. He filed an appeal; however, no ruling was made on the appeal at year's end (see Section 2.c.).

The Government 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 practiced self-censorship.

A vocal private press criticized the President and the Government. However, violence against and intimidation of journalists was a nationwide problem. For example, the Committee to Protect Journalists reported that in October, unidentified gunmen killed Ameer Bux Brohi, a district reporter for the largest Sindh-language daily newspaper in Sindh Province. Some NGOs believe that Brohi's critical reporting of the Government motivated the killing. No known official action was taken by year's end.

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. Geo TV, Indus, and ARY carried live news coverage about the country, and often broke stories hours before PTV. In contrast, domestic news coverage and public affairs programming on PTV and state-run radio 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, foreign news stories were rarely censored for content. The Ministry of Information exercised some influence over broadcasting through the selective allocation of government advertising budgets. It also monitored advertising on all broadcast media, editing or removing advertisements deemed morally objectionable.

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 Government shut down Indian channels from cable systems during the year. The MMA government in NWFP pledged to ban satellite and cable television in the province because of its "immoral and un-Islamic content." However, no action had been taken by year's end.

The competitive nature of politics helps to ensure press freedom since the media often serve as a forum within which political parties, commercial, religious, and various other interests vie. Although the press may not criticize Islam as such, debate about the practice of Islam, and criticism of religious leaders and movements, was permissible.

The press traditionally avoided negative coverage of the armed forces, and the Office of Inter-Services Public Relations (ISPR) loosely controlled press coverage of military matters. 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.

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.

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, in 2002, or in 2001. There were no further developments in the 2002 killing of the editor of "Kohistan."

During the year, the persons allegedly responsible for the 2002 killing of journalist Shahid Soomro were arrested and confessed to the police. They reportedly paid a high monetary sum to the victim's family and were released.

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. On July 28, the Government banned an issue of Newsweek magazine that included an article on the Koran deemed offensive.

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 June, militants in the Punjab smeared three billboards and threatened to burn down posters featuring images of women if city officials did not remove them. The activists said the billboards were "vulgar and obscene." During the year, police cracked down on pornographic and unlicensed cinemas in the North-West Frontier.

The Government limited access to the Internet. During the year, the government restricted access to the South Asia Tribune periodically, and the Ministry for Information and Media Development also cautioned local media not to carry stories run by the Tribune.

The Government generally did not restrict academic freedom. However, the atmosphere of violence and intolerance fostered by student organizations, typically tied to religious political parties, continued to limit academic freedom. 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. For example, in October, feuding tribes of students fought one another at Quaid-i-Azam University in Islamabad. One student was shot and killed. In November, at Karachi University, a student mob ransacked the Department of Visual Studies and destroyed musical instruments, sculptures and paintings. At Punjab University, the student wing of the political party Jaamat-i-Islami continued 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 in practice. Rallies and processions on streets, roads, and railway stations remained generally 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 opposition rallies, which were held by an alliance of political parties. In 2000, the Musharraf Government enacted an ordinance banning all public political gatherings, processions, and strikes held outdoors. The ban was enforced unevenly.

District mayors 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, in July, the district government denied a permit to hold a public meeting in Lahore. After the opposition parties threatened to disrupt a pro-government party's meeting, the Government allowed the rally to occur. The Government generally allowed all Islamist parties to hold rallies and campaign; and, during the year, the government granted rally permits to secular parties (see Section 3).

Unlike in previous years, there were no reports that the MQM was harassed in its regular political activities.

Police sometimes used excessive force against demonstrators (see Section 1.a.). The Government did not prosecute any members of the security forces responsible for excessive force against demonstrators in previous years, nor is it likely to do so.

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 the right of association subject to restriction by government ordinance and law. 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 states that adequate provisions shall be made for minorities to profess and practice their religions freely; however, the Government limited freedom of religion. Islam was the dominant religion. The Constitution requires that laws be consistent with Islam and imposed some elements of Koranic law on both Muslims and religious minorities. All citizens, regardless of their religious affiliation, were subject to certain provisions of Shari'a, such as the blasphemy laws. 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 to a climate of impunity for acts of violence and intimidation against religious minorities.

Religious groups must be approved and register to function legally; there were no reports that the Government refused to register any group.

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."

During the year, the number of cases filed under the blasphemy laws continued to be significant. A local NGO estimated that 157 persons had been incarcerated for violations of the blasphemy law during the year. For example, in July, Munawar Mohsin, an editor at the Frontier Post newspaper, was convicted of publishing a blasphemous letter and sentenced to life imprisonment (see Section 2.a.). The appeal of Wajihul Hassam, who in 2002 was accused of blasphemy, continued during the year. There were no developments in the 2000 trial of Nasir Ahmad. The blasphemy laws also have been used to "settle scores" unrelated to religious activity, such as intrafamily or property disputes. There was no further action taken in the 2001 blasphemy case against Pervez Masih, a Christian in Sialkot District. By year's end, the Lahore High Court acquitted two Christian brothers who had been sentenced to 35 years' imprisonment for allegedly desecrating the Koran and blaspheming the Prophet Mohammed. On August 7, the Lahore High Court upheld the life sentences of two Christians, Amjad Masih and Asif Masih, who allegedly set fire to the Koran while in police custody.

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. An appeals court ruled that the case of Younis Shaikh, sentenced in 2000 on blasphemy charges, was to be retried. On November 21, Shaikh was acquitted and released from detention. The trial was ongoing in the 2002 killing of Yusuf Ali at year's end. 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.

Under the Madrassah Registration Ordinance of 2002 all madrassas (religious schools) were required to register with the Pakistan Madrassah Education Board and provincial boards or else risk being fined or closed. The ordinance was designed to regulate the madrassas, where many poor children are educated, and to combat religious extremism. The madrassas no longer were allowed to accept grants or aid from foreign sources, although madrassas offering courses in science, math, Urdu, and English were eligible for government funds. Madrassas were given 6 months to comply. Over 8,000, out of the approximately 10,000 to 20,000 madrassas in the country, were registered at year's end.

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. 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 2002, the Government announced the restoration of a voter registration form that singled out Ahmadis by requiring them to swear they believe in the "finality of Mohammed's prophethood." 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, limits on 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 attacks on 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 100 cases of sectarian violence occurred in the country, most carried out by unidentified gunmen. For example, in July, 57 persons were killed by three unknown militants in the Asna-Ul-Asharia mosque in Quetta. Security forces arrested three suspects in the mosque attack at year's end.

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 July, a Roman Catholic Priest, Father George Ibrahim, was killed by unknown persons in an attack on a church in Okara District. During the year, police arrested an Islamic militant leader in connection with two attacks in 2002 on Christians in which 11 persons were killed; however, in most cases, there were 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.

In November, the Government banned three previously banned groups that had resurfaced using new names. Over a hundred 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 subsequently released. 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 madrassas 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. For example, on July 17, Brigadier Iftikhar Ahmad, a well-known Ahmadi, was shot in his home in Rawalpindi.

Ahmadis suffer from harassment and discrimination and have limited chances for advancement into management levels in government service. In 2002, most Ahmadis boycotted the national elections after the government developed two voting lists, one for Ahmadis and one for all other citizens, including other religious minorities. 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.

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

d. Freedom of Movement within the Country, Foreign Travel, Emigration, and Repatriation.—The law provides for these rights; however, 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. Government employees and students must obtain “no objection” certificates before traveling 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. In October, the Government added well-known minority rights activist Shahbaz Bhatti to the ECL. In response to domestic and international pressure, Bhatti was removed from the ECL in November. According to the Government, there were approximately 352 names on the ECL. 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. The Government generally cooperated with the office of the U.N. High Commissioner for Refugees (UNHCR). The Government provided temporary protection to many persons during the year. Temporary protection has been provided to refugees from Afghanistan since 1979. According to the U.S. Committee for Refugees, approximately 1.5 million Afghan refugees remained in country at year's end. There also were many unregistered Afghans

in urban areas throughout the country, including in Peshawar, Quetta, Islamabad, Rawalpindi, and Lahore. In March, representatives of the Government, the Government of Afghanistan, and UNHCR signed a tripartite repatriation agreement providing for the return of Afghan refugees from the country. By year's end, 2.5 million Afghan refugees had been repatriated with UNHCR assistance since March 2002. During the year, some refugees from Afghanistan voluntarily repatriated themselves.

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. During the year, the Government and UNHCR announced the consolidation and closing of camps near the Khyber Pass in the NWFP and camps in the Balochistan province.

The Government occasionally harassed refugees and threatened them with deportation. 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. There were credible reports that some in the refugee community faced harassment by intelligence agencies reportedly looking for al-Qa'ida.

The Government cooperated with UNHCR to support voluntary repatriations to rural areas of Afghanistan considered to be safe. In 2002, UNHCR started a voluntary repatriation program and opened centers throughout both the country and Afghanistan and offered financial and other assistance to repatriating refugees.

Most able-bodied male refugees have found at least intermittent employment; however, local labor laws do not cover them. 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 had occurred. According to press reports there are approximately 1.5 million displaced Kashmiris in the country. Under the law, the Kashmiris are entitled to the same rights as citizens; however, it is unknown how many Kashmiris are displaced from Indian-controlled Kashmir.

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; however, dominance of the political process by the President and the military severely limited the ability of citizens to exercise this right. President Musharraf has controlled the Government since 1999 and continued to dominate the federal coalition government led by the Pakistan Muslim League (Quaid-e-Azam). The 2002 national elections were deemed somewhat free and fair by many international observers, although there were serious flaws. 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.

In October 1999, General Pervez Musharraf overthrew the elected government of Prime Minister Nawaz Sharif. The Supreme Court later sanctioned the coup; however, it directed Musharraf to restore elected government within 3 years. Musharraf assumed the presidency by decree in 2001, while continuing as Chief of Army Staff and held a nationwide referendum held on April 2002 that extended his presidency for 5 years. Four months after the referendum, President Musharraf announced a controversial package of constitutional amendments, the Legal 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 qual-

ification requirements for candidates for Parliament. Several of the amendments had the effect of transferring substantial executive power from the prime minister to the previously symbolic presidency.

Elections were held for local governments in 2001, and for the National Assembly in October 2002. Domestic and international observers criticized the elections as deeply flawed. In February, Senate elections were held and resulted in 55 seats for the Pakistan Muslim League-Quaid-e-Azam (PML-Q) and allied parties and 45 members for the opposition. A ruling coalition headed by the PML-Q controls both houses of the national Parliament and the provincial assemblies in Punjab and Sindh. After several months of negotiations, on December 29, the Government and the MMA voted in the national and provincial assemblies to incorporate a large part of the LFO into the 1973 Constitution as its 17th Amendment. The amendment affirmed Musharraf's presidency until 2007 and his right to serve concurrently as Chief of Army Staff until the end of 2004. The amendment allows the President to dissolve parliament, but requires him to obtain the consent of the Supreme Court within 30 days after doing so. Opposition parties say the amended constitution legitimizes the powerful role of the military in politics, and left a great deal of power in the hands of the president.

The National Assembly met during the year; however, no bills have been passed since 2002, with the exception of the national budget. President Musharraf, the intelligence services, and the military continued to dominate the Government. Corruption and inefficiency remained acute, although reforms initiated by the Government to reduce corruption have had some effect on officials at higher levels of government.

In 2002, 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. 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. The Legislative Framework Order (LFO), which allowed: 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 generally free of serious irregularities. Three leading secular political parties (PPP, PML-N, and MQM) were hampered in their political activities by the absence in exile of their 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 (see Section 1.e.).

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 2002 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.

President Musharraf continued to focus on the need to reduce the power of the central Government by devolving power to the local level. A National Reconstruction Bureau (NRB) was established at Cabinet level to develop new structures and processes for sub-provincial governments. 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 Govern-

ment was accused by some political parties of intervening in several mayoral races to ensure that the pro-Musharraf candidates were elected.

The Government permitted all existing political parties to function; however, they did so with restrictions on their ability to hold public rallies (see Section 2.b.). Before the 2002 elections, 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 arrested several persons in opposition political parties during the year. For example, in March Rena Sanuallah Khan, an opposition member of the Punjab provincial assembly, who had been critical of the 1999 coup and the proposed LFO amendments to the constitution, was detained by unknown members of the security forces. According to press reports and HRW, Khan was interrogated and beaten throughout the night before being released the next day. During his interrogation, Khan alleged that he was cut and he had unidentified chemicals poured into his wounds. He also had his eyebrows, mustache, and head shaved by the security members. On October 29, authorities arrested opposition leader Javed Hashmi and charged him with sedition. The Government has accused Hashmi of defaming the army after publicizing a letter allegedly written by disaffected army officers which criticized Musharraf and senior military leaders. The Government initially denied Hashmi access to a lawyer and family members; however, it later permitted such meetings, which were monitored by the security forces. On December 5, Hashmi was denied bail and ordered to move to a different prison. Hashmi remained awaiting trial at year's end.

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 but was seldom enforced. 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 were 73 women in the 342-seat National Assembly; there was one woman in the Cabinet; and none in the Supreme Court. During 2001, the Government set aside one-third of the seats in the local council elections for female candidates. In 2002, 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 2002, 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 chief ministers also have named women to serve in their cabinets.

There were 10 minorities in the 342-seat legislature; there were none in the Cabinet; and there were none in the Supreme Court. The Government distinguished between Muslims and non-Muslims with regard to politics and political rights (see Section 2.c.). In addition to joint electorates, minorities could vote for reserved at-large candidates who would represent their groups. The 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 non-minority candidates who represent geographic constituencies. Under Article 106 of the Constitution, minorities also had reserved seats in the provincial assemblies (see Section 2.c.).

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 in 2002, 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.

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.

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. However, the department is not viewed as effective by human rights observers, and the situation in the prisons did not improve during the year.

The independent Human Rights Commission of Pakistan, based in Lahore, although hampered by a shortage of funds, conducted a number of investigations into human rights abuses, visited prisons, and organized several human rights seminars aimed at judicial officials and other government officials.

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.

The spread of HIV/AIDS was estimated to have infected approximately 2,080 persons during the year, and there was societal discrimination against persons with HIV/AIDS. According to Haji Muhammed Hanif, the general secretary of the advocacy group, AIDS Prevention Association of Pakistan (APAP), "social attitudes were a significant factor in dictating how people infected with the virus reacted to the thought of having to disclose the nature of their illness before seeking treatment." In response, in October the Government launched a \$47 million dollar program to combat the disease; however, by year's end, it was unclear how the program would be implemented.

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 National Commission on the Status of 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. For example, in December, Mohammed Sajid was convicted of attacking and blinding his 17-year-old fiancée with acid in Punjab. The court sentenced Sajid to seven years in jail and ruled that Sajid be blinded by acid in a public setting. Police said the defendant was likely to appeal his conviction and sentence. During the year, in Punjab, 99 burn cases were reported. 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 an 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.

The Government has criticized the violence against women and has opened some crisis centers for women. In 2002, 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.

Rape was a pervasive problem. It is estimated that less than one-third of all rapes are reported to the police. 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. Police rarely respond to and sometimes are implicated in these attacks (see Section 1.c.).

According to HRCF, 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 AI, men accused of rape sometimes were acquitted and released, while their victims were held on adultery charges.

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. 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). Women also face problems in the collection of evidence: doctors tasked to examine rape victims often believe that the victims are lying; they are inadequately trained and equipped for the collection of forensic evidence pertaining to rape; that they do not testify very effectively in court; 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, they 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 police or the alleged perpetrators fre-

quently harassed women 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 National Commission on the Status of Women in 2001 criticized the Hudood Ordinances and pointed out that a woman charged with adultery 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 slanderous 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. 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. It is estimated that at least 631 women were killed as a result of honor killings, known as "karo/kari" (or adulterer/adulteress) in Sindh, during the year. Approximately 102 honor killings took place in Punjab according to the HRC. 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 National Commission on the Status of 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.

Female genital mutilation (FGM) is practiced by the Bohra Muslims. There are an estimated 100,000 Bohra Muslims in the country. 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 2002, 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. In May, the NWFP government approved legislation to create the Department of Vice and Virtue to "encourage human and Islamic values, discourage social evils and ensure the supremacy of law." Most NGOs oppose the formation of such a Department and feared it would lead to a "climate of intolerance;" however, there were no further developments by year's end. The NWFP also banned men from training female athletes or watching women play sports (see Section 5).

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. No action was taken on the 2002 judicial reforms which planned to publish laws in Urdu, which is understood by the majority of citizens.

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 in some areas was particularly harsh. 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. 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. 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. For example, on July 22, the press reported the case of a twenty-year-old female from the NWFP who was sold to a 75-year-old man from Punjab.

In December, the Supreme 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. Studies showed the gross primary enrollment rate for the country was 86.2 percent. According to the World Bank, more than a third of the nation's 10-year-olds have never attended school. According to the U.S. Agency for International Development, boys average less than two years of attendance, girls less than one. Nearly two of every five children are undernourished. 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 17 percent were able to write a simple letter.

Information about progress in educating girls was contradictory. According to The New York Times Magazine, only 29 percent of women can read, while approximately 44 percent of all adults are literate. 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 madrassas 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 substan-

tiate. 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 quoting 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 2002, the Government announced an ordinance regulating madrassas 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 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 madrassas, and as a result, the Government failed to enforce most of the requirements. The Ministry of Education claimed that 8,000 madrassas were registered with the Government at year’s end.

According to press reports, there are several madrassas where children were confined illegally and kept in unhealthy conditions, and there were reports of the abuse of children studying at madrassas during the year. Sexual abuse of boys was believed widely to occur at some madrassas.

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 83 cases of polio were reported in November 2002.

Children sometimes were kidnapped to be used as forced labor, for ransom, or to seek revenge against an enemy (see Section 6.d.). 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.

The HRCP reported that in the majority of child abuse cases, children were abused by acquaintances. Trafficking in children is a serious problem. Child prostitution involving boys and girls is known to exist but rarely is discussed. 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 (see Section 6.f.).

In July 2000, the Government passed the Juvenile Justice System Ordinance. The ordinance abolishes the death penalty for minors under 18 years of age, mandates that the Government provide children with legal assistance, prohibits children from being tried for crimes with adults, and prohibits the proceedings of juvenile courts from being published.

Child labor is a significant problem (see Section 6.d.).

Several NGOs promoted children’s labor rights and child protections, operating in Islamabad, and in the provinces.

Persons with Disabilities.—The Government has not enacted legislation or otherwise mandated access to buildings or government services 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. Organi-

zations 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.

The ILO has stated repeatedly that the country's law and practice violate the Government's commitments under ILO Convention 87. 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 were able to affiliate with international organizations.

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 or teachers 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 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.

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; however, no information on the results of this study were made public at year's end. 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, reported that it had freed about 1,000 bonded brick kiln workers in 2002. Bonded labor, including bonded child labor, reportedly was 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. 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 has not committed funds to combat child labor.

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 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.

Child labor, mostly female, was common in the carpet industry, much of 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 program, aimed to decrease child labor in the carpet industry by promoting educational opportunities for children, has resulted in a rising demand for enrollment in public schools that far exceeds the capacity of existing schools.

Although surgical instrument manufacturers have acted to remove child laborers from their factories, approximately 15 percent of the child labor accounted for works in Sialkot. An ILO-IPEC program in the surgical instrument manufacturing industry in Punjab was expanded into its second phase in September. With this expansion, the program hoped to provide education opportunities to Sialkot child laborers.

Enforcement of child labor 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 year's end, the ILO child labor program began assessing their impact on child labor; however, the assessment the Government undertook is to be completed in 2004. 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.

The Government has undertaken joint projects with various international organizations to address the child labor problem. While results generally are positive, the numbers of children involved are only in the low thousands in total.

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 kidnapped 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 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 did 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 protections

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.

Government officials stated that progress in implementing the 2001 labor 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 kidnapping. 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. The Government does not provide direct assistance to victims but does provide legal assistance and funding for NGOs that assist victims.

The country is a source, transit, and destination point 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 citizen women are trafficked abroad, 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, their pimps, who required them to return to prostitution, often bailed out trafficking victims. 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 National Commission on the Status of 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.

Young boys were trafficked to the 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. Most are from Punjab or Sindh. 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 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 May, twenty-two camel jockeys were returned to the country from the UAE. Within the country, children sometimes are kidnapped to be used as forced labor, for ransom, or to seek revenge against an enemy (see Section 6.d.).

The Government assisted underage children and has rescued some kidnapped victims. During the year, the Overseas Pakistani Foundation helped to repatriate 30 minor children who were trafficked to the Middle East to work. The establishment of crime circle in FIA to deal with child trafficking has produced a significant increase in apprehended traffickers.

The Government sponsored 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 republic with an active multiparty system. The popularly elected president, reelected in 1999 to a second 6-year term, and the 225-member Parliament, elected in 2001 for a 6-year term, share constitutional power. From 1983 until 2001, the Government fought the Liberation Tigers of Tamil Eelam (LTTE), a terrorist organization that advocated a separate ethnic Tamil state in the north and east of the country. In December 2001, the Government and the LTTE each announced unilateral cease-fires, and a formal ceasefire accord was signed in February 2002. After participating in six rounds of talks facilitated by the Norwegian government, the LTTE suspended the negotiations in April, but both sides continued to observe the ceasefire accord. As a result of the peace process, there was a sharp reduction in roadblocks and checkpoints around the country. Approximately 341,000 internally displaced persons (IDPs) returned to their points of origin in the north and east, and authorities opened investigations into abuses by security force personnel.

President Chandrika Kumaratunga, head of the People's Alliance (PA) coalition, temporarily suspended Parliament November 4. The President also dismissed the ministers of defense, interior, and mass communications and assumed those portfolios herself because of what the President termed a "deterioration of the security situation" during the course of the peace process. Parliament reconvened November 19, and talks continued at year's end between representatives of the Prime Minister and the President over control of the three ministries and the Prime Minister's role in the peace process. The President reaffirmed her commitment to the peace process, but peace negotiations remained suspended at year's end.

The 2001 parliamentary election, which took place prior to the ceasefire, was generally free and fair but was marred by irregularities and resulted in at least 50 deaths. The election gave a parliamentary majority to the United National Front (UNF), a coalition of parties led by the United National Party (UNP). Stating during the election that it feared possible infiltration by the LTTE, the Government prohibited more than 40,000 Tamil voters living in LTTE-controlled territories from crossing army checkpoints to vote. During the year, the Supreme Court ruled that this action violated the fundamental rights of these prospective Tamil voters and cited and fined the Government for preventing citizens from exercising their right to vote. The Government generally respected constitutional provisions for an independent judiciary.

The Ministry of Interior, which President Kumaratunga renamed the Ministry of Internal Security on December 19, controls the 60,000-member police force, which has been used for military operations against the LTTE and is responsible for internal security in most areas of the country. In the past, the police paramilitary Special Task Force also engaged in military operations against the LTTE. The Ministry of Defense controls the 112,000-member Army, the 27,000-member Navy, and the 20,000-member Air Force. Home Guards, an armed force of more than 20,000 mem-

bers drawn from local communities and responsible to the police, provide security for Muslim and Sinhalese communities located near LTTE-controlled areas. The civilian authorities maintained effective control of 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 was approximately 19.4 million. Real Gross Domestic Product (GDP) growth was 3.2 percent in 2002 and forecast at 5.5 percent for the current year. As an early peace dividend, the country was able to reduce defense expenditures and focus on getting its large public sector debt under control. The economy benefited as a consequence from lower interest rates, a recovery in domestic demand, increased tourist arrivals, a revival of the stock exchange, and increased foreign direct investment. The cohabitation impasse between the President and the Prime Minister in the last 2 months of the year had an adverse effect on the economy, particularly in the country's equity markets and with foreign direct investment.

The Government generally respected the human rights of its citizens; however, there were serious problems in some areas. There were no reports of security forces committing politically motivated killings and no reports of disappearances; however, the military and police reportedly tortured, killed and raped detainees. Prison conditions remained poor. There were reports of arbitrary arrest during the year. During 2002, the Government released more than 750 Tamils held under the Prevention of Terrorism Act (PTA). Only 65 Tamils held under the PTA remained in custody. The PTA, like the Emergency Regulations (ER) repealed in 2001, permitted warrantless arrests and nonaccountable detentions. Unlike in the recent past, there were few reports that security forces harassed journalists during the year. Violence and discrimination against women, child prostitution, child labor, limitations of worker rights, especially in the Export Processing Zones (EPZs), and discrimination against persons with disabilities continued to be problems. Violence against religious minorities increased, and institutionalized ethnic discrimination against Tamils remained a problem. Trafficking in women and children for the purpose of forced labor occurred, and there was some trafficking of women and children for the commercial sex industry. The Government acted against the children for sex trade, and international involvement in the sex trade declined significantly.

The LTTE continued to commit serious human rights abuses. The LTTE was responsible for arbitrary arrest, torture, harassment, disappearances, extortion, and detention. Through a campaign of intimidation, the LTTE continued to undermine the work of elected local government bodies in Jaffna and the east. On occasion, the LTTE prevented political and governmental activities from occurring in the north and east. There was overwhelming evidence that the LTTE killed more than 36 members of anti-LTTE Tamil political groups and alleged informants during the year. There were also instances of intimidation of Muslims by the LTTE, and there was fighting between LTTE personnel in the east and Muslims that left several Muslims dead. The LTTE continued to control large sections of the north and east. The LTTE permitted journalists some access to the areas of the country it controlled. Some LTTE-imposed restrictions remained on freedom of movement of citizens. The LTTE denied those under its control the right to change their government, did not provide for fair trials, infringed on privacy rights, used child soldiers, and discriminated against ethnic and religious minorities.

RESPECT FOR HUMAN RIGHTS

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

a. Arbitrary or Unlawful Deprivation of Life.—There were no political killings; however, the Human Rights Commission (HRC) reported that six individuals died in police custody, two allegedly from police beatings. Sunil Hemachandra, arrested by Moragahahena police July 24, later died at the National Hospital in Colombo after an alleged police beating. On November 10, S.L. Kulatunga died at the National Hospital in Colombo after allegedly being beaten by Nivithigala police. The HRC reported that four other individuals died while in police custody, but the cause of death in each case may not have been the result of police brutality. During his arrest May 13, Ilandara Pedige Wijeratne became ill and was taken by Weliveriya police to the Gamlpaha Hospital, where he died. Michel Manokumara's death, following his arrest August 12 and release by Kosgama police, was ruled a suicide due to ingestion of rat poison. Garlin Sanjeeewa, arrested by Kadawatha police August 27, was found hanging in his cell. His death was ruled a suicide. On August 28, while Maturata police were arresting R.M. Loku Banda, he complained of chest

pains and was taken to the Maturata Hospital. According to medical officials, he died of natural causes due to heart failure.

There were no developments in the 2001 cases of Kanapathypillai Udayakumar, who died in custody, or of Sivagnanam Manohari, who allegedly was killed by Air Force personnel.

Security force impunity remained a problem, although during the year, the Government indicted security force personnel in several high profile cases. At year's end, the Government continued to investigate 5 cases of rape, 50 cases of torture, and approximately 500 cases of disappearance by security force personnel. The Government convicted six security force personnel in the 1996 killing of university student Krishanthi Kumaraswamy.

A trial in the Anuradhapura Magistrate's Court continued during the year of five Army personnel accused in 2000 of torturing nine Tamil civilians and murdering eight of them in Mirusuvil. Previously, an Army commander had administratively punished nine soldiers by having their salaries withheld (see Sections 1.b. and 1.c.).

On July 1, 5 individuals, including 2 police officers, were sentenced to death in the court proceedings involving the 2000 Bindunuwema rehabilitation camp deaths of 27 Tamil men. The sentences were immediately commuted to 23 years rigorous imprisonment. In an earlier court action January 4, an additional 23 individuals, including 1 police officer, were acquitted. The HRC stated that the police were guilty of "grave dereliction of duty." Police had been charged for taking part in the killings and for doing 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.

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. For example, hearings continued during the year against eight police officers indicted in the 1998 deaths of eight Tamil civilians in Thampalakamam, near Trincomalee. Police and home guards allegedly killed the civilians in reprisal for the LTTE bombing of the Temple of the Tooth a week earlier.

Court hearings involving five soldiers arrested for the 1999 gang rape and murder of Ida Carmelita, a Tamil girl, continued during the year. A case remained pending involving mass graves at Chemmani in Jaffna possibly containing the bodies of up to 400 persons killed by security forces in 1996. In the Chemmani area, 6 soldiers 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. The 6 soldiers 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 (A.G.) office indicated that it was not satisfied with the inconclusive initial results and reportedly sought funds to provide for more detailed testing.

During the year, representatives of the victims of the 1992 massacre of 35 Tamil civilians in the village of Mailanthani requested that the A.G. appeal the 2002 acquittal of the 21 soldiers accused of the killings.

In the January 2000 killing of Tamil politician Kumar Ponnambalam, two key suspects were killed by unknown assailants early in the year. Judicial proceedings continued with the remaining suspect.

In the past, the military wing of the People's Liberation Organization of Tamil Eelam 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 February 2002 ceasefire agreement between the Government and LTTE. The militia handed over some weapons to the Government; however, most observers believed 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.

During the year, there was credible evidence that the LTTE killed more than 36 members of anti-LTTE Tamil political groups and alleged Tamil informants for the security forces, mainly in the north and east. Both current and former members of anti-LTTE Tamil political parties were targeted by the LTTE. In one high-profile case, the deputy leader of the Eelam People's Revolutionary Liberation Front was shot and killed in Jaffna in June. The LTTE also targeted alleged Tamil informants

to the military, killing several during the year. A police officer was also killed in Colombo in an apparent LTTE attack.

Unlike in previous years, there were no attacks and counter-attacks between government forces and the LTTE, although in two incidents in March and June, the Navy sank LTTE ships allegedly carrying weapons and ammunition. Several LTTE personnel were killed in each of the incidents. There were no reports of suicide bombings during the year.

b. Disappearance.—There were no reports of politically motivated disappearances at the hands of the security forces during the year. In 2000, eight Tamil civilians were reported missing in Mirusuvil. At the year's end, five soldiers in that case had been charged with the killing and were standing trial (see Sections 1.a. and 1.c.).

In 2000, a fisherman, seen arrested by naval personnel near Trincomalee, disappeared. In 2002, the Trincomalee High Court ordered a police line-up; however, the witness did not identify any of the suspects. At the end of 2002, the High Court was conducting a habeas corpus hearing in conjunction with the case. There were no further developments by year's end.

Those who disappeared in 2001 and previous years usually were presumed dead. The 2000 U.N. Working Group on Enforced or Involuntary Disappearances listed 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.

Four regional commissions, three established in 1994 and a fourth established in 1998, reported a total of 21,215 disappearances between 1988 and 1994, the majority of which occurred during the 1988–89 period of the Janatha Vimukthi Peramuna (People's Liberation Front-JVP) uprising. The commissions found that many people disappeared after having been removed involuntarily from their homes, in most cases by security forces. Many of these cases were under continuing investigation by the A.G.'s office, but there were no developments during the year.

Although there have been few prosecutions of security force personnel to date, during the year, there were indictments and investigations, including the case against the security forces involved in the Bindunuwewa massacre (see Section 1.a.) and the killings in Mirusuvil (see Sections 1.a. and 1.c.). In November 2002, the Government formed a new commission to investigate disappearances in the Jaffna area during 1996–1997; however, the commission took no action during the year.

A U.N. Working Group on Enforced or Involuntary Disappearances report, released in 1999, cited the PTA and ER as important factors contributing to disappearances and recommended their abolition or modification 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 in 2002 or in the current year; however, some arrests were being made without full necessary documentation, such as detention orders, and the Government had not released by year's end all persons previously detained under the PTA (see Section 1.d.). The reviewing process for some cases continued during the year.

Tamil militias aligned with the former PA government also were responsible for disappearances in past years; however, there were no such reports during the year. The HRC had no mandate or authority to investigate abuses by militia groups. It was impossible to determine the exact number of victims because of the secrecy with which these groups operated. The Government largely disarmed these militias in 2002.

The LTTE released 10 people in 2002, including some soldiers, to the International Committee of the Red Cross (ICRC). At year's end, the LTTE was not known to be holding prisoners, but many observers believed that they were (see Section 1.g.).

c. Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment.—The Convention Against Torture Act (CATA) of 1994 makes torture a punishable offense. In practice, members of the security forces continued to torture and mistreat detainees and other prisoners, particularly during interrogation. Under the CATA, torture is defined as a specific crime with a 7-year minimum sentence for those convicted. The High Court has jurisdiction over violations. The CATA does not implement several provisions of the U.N. Convention Against Torture, although the Government maintained that CATA is in "substantial conformity" with the U.N. Convention. According to human rights groups, the result was that torture is prohibited under specific circumstances but allowed under others, and torture continued with relative impunity. In addition, the PTA makes confessions obtained under any circumstance, including by torture, sufficient to hold a person until the individual is brought to court. In some cases, the detention may extend for years (see Section 1.d.).

Methods of torture included using electric shock, beatings, suspending individuals by the wrists or feet in contorted positions, burning, slamming testicles in desk drawers, and near-drowning. In other cases, victims were forced to remain in unnatural positions for extended periods or had bags laced with insecticide, chili powder, or gasoline placed over their heads. Detainees reported broken bones and other serious injuries as a result of their mistreatment, and deaths in custody have occurred (see Section 1.a.). Medical examination of persons arrested since 2000 continued to reveal multiple cases of torture.

There were credible nongovernmental organization (NGO) reports that some members of the security forces tortured individuals in custody. For example, according to the Asian Human Rights Commission (AHRC) and the World Organization Against Torture (OMCT), on November 1, Bamunuarachchi Pathiranalage Sathkumara was arrested and allegedly tortured by police at the Kuliypitiya police station. He was given no reason for the arrest, and when he was released later in the day, he was warned by police not to admit himself to any hospital, despite having been beaten and hung from a ceiling beam with his hands behind his back. Nevertheless, Sathkumara's brother took him to the Kuliypitiya Hospital, where Sathkumara remained for 3 days, and filed a complaint with the police of Kurunegala. Also according to the OMCT and the AHRC, on September 13 and several succeeding days, Hikkaduwa Liyanage Sandun Kumara, 16, was allegedly assaulted severely by police at the Rathgama police station. Kumara allegedly had his head wrapped with his shirt and water poured on his face, nearly causing him to suffocate, and had, among other beatings, his head struck against a wall. He was eventually treated at Karapitiya Teaching Hospital on September 21 and 23. AHRC and OMCT reported that the Supreme Court ordered the National Police Commission to conduct a disciplinary inquiry into this case.

There were no developments in the case of Thivyan Krishnasamy, a student leader released from custody in March 2002. Because he was known as an outspoken critic of security forces in Jaffna, human rights observers claimed that he was arrested because of his political activism, but the police stated that he was connected to the LTTE. Following his arrest in 2001, he complained of being tortured. In support of his allegations of torture, the Jaffna Student Union held protests during the fall of 2001, and university administrators temporarily closed the university to avoid violence.

Rape and sexual assault in custody remained a problem, and several cases were before the courts. According to Amnesty International (AI), a case involved Nandini Herat, arrested in March 2002 for theft. While in the custody of the Wariyapola police, she allegedly was subjected to sexual torture. On July 14, the Officer in Charge of Wariyapola police was charged in the High Court under the Sri Lanka Torture Act of 1994. He was released on bail, but subsequently five other officers involved also were charged. AI reported that Herat and her father were intimidated and threatened by police in an attempt to get the charges withdrawn. There were no further developments by year's end. In the case of 2 women arrested in 2001 in Mannar who claimed that they were tortured and repeatedly raped by naval and police personnel, 14 officials were tried for rape, torture, or both. Two of the perpetrators were acquitted during the year, and the case continued at year's end. A fundamental rights case (see next paragraph) also was opened against the accused. Four other cases in which the security forces were accused of raping women in detention remained 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 \$150 (14,200 rupees) to \$1,940 (182,500 rupees). In some cases, the Government did not pay fines incurred by security force personnel found guilty of torture. Either the Government or the guilty party paid fines based on the decision of the judge hearing the case.

The A.G.'s Office and the Criminal Investigation Unit established units to focus on torture complaints. During the year, the units forwarded 50 cases for indictments, of which 20 resulted in indictments, but there were no convictions. The Interparliamentary Permanent Standing Committee and its Interministerial Working Group on Human Rights Issues also continued to track criminal investigations of torture.

The Army committed a number of nonlethal abuses. For example, according to the Refugee Council (RC), 20 people were wounded October 22 when soldiers assaulted civilians at Munai near Point Pedro in Jaffna. In another incident, a soldier shot and seriously wounded a bus conductor on December 8 in Jaffna. The Jaffna Magistrates Court remanded three soldiers over the incident.

At year's end, five soldiers were standing trial in a case involving the 2000 exhumation of the bodies of eight Tamils allegedly tortured and killed by the army in Mirusuvil (see Sections 1.a. and 1.b.).

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.

The 2000 U.N. Committee on Torture report was submitted to the Government in 2001 but had not been released to the public by year's end.

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 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. Women were held separately from men. In some cases, juveniles were not held separately from adults. Pretrial detainees were not held separately from those convicted.

The Government permitted visits by independent human rights observers and the ICRC, which during the year conducted 69 visits to 33 government detention facilities, including prisons and military jails. The HRC also visited 690 police stations and 96 detention facilities (see Section 1.d.). According to the ICRC and the HRC, prison conditions generally were poor and did not meet international standards.

Conditions also reportedly were poor in LTTE-run detention facilities. The ICRC conducted eight visits in LTTE-controlled detention facilities. Due to the release of detainees in 2000 and the apparent release of the remaining soldiers held by the LTTE in 2002, ICRC visited fewer LTTE detention centers than in previous years (see Section 1.d.).

d. Arbitrary Arrest, Detention, or Exile.—There were reports of arbitrary arrest and detention 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 appeared within a few days before a magistrate, who could authorize bail or order continued pretrial detention for up to 3 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 in previous years. Observers believed that the lack of arrest receipts in the past prevented adequate tracking of cases and permitted extended detentions and torture without making any persons directly responsible for those detainees. During the year, arrest receipts were still not issued in some cases.

In December 2002, the Government established the National Police Commission (NPC) in accordance with the 17th Amendment of the Constitution. The NPC, composed entirely of civilians, is authorized to appoint, promote, transfer, discipline, and dismiss all police officers other than the Inspector General of Police and has the power to establish procedures to investigate public complaints against the police.

In past years, the army generally turned over those 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, generally respected by the police, to visit those arrested. Due to censorship and infrequent access, observers could not determine the state of affairs in LTTE-controlled areas.

There were some large-scale arrests of Tamils in June; however, the vast majority of those arrested were released shortly thereafter. In the past, many detentions occurred during operations against the LTTE. Most detentions lasted a maximum of several days, but some extended to several months. At year's end, 65 Tamils charged under the PTA remained in detention without bail awaiting trial. The Government released more than 750 Tamils arrested under the PTA during 2002.

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. Opinions on the effectiveness of the CIUAH were mixed. Some human rights observers believed that the work of the committee deterred random arrests and alleviated problems encountered by detainees and their families. Others felt that, although the CIUAH continued to meet throughout the year, it took no significant action.

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 2001, the total number of persons de-

tained in military bases 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 dramatically declined.

The LTTE in the past detained civilians, often holding them for ransom. There were reports of this practice during the year, particularly the multiple reports of kidnapping of Muslims in the east. Usually, the Muslims were released soon after being kidnapped and often after ransom was paid. At year's end, there were no reports of the LTTE holding Muslims in custody.

There are no legal provisions to allow forced exile, and the Government did not practice it.

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 High Court, and the courts of appeal. A judicial service commission, composed of the Chief Justice and two Supreme Court judges, appoints and transfers lower court judges. Judges may be removed for misbehavior or incapacity but only after an 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 have the right to counsel and the right to appeal. The Government provides counsel for indigent persons tried on criminal charges in the high court and the courts of appeal, but it does not provide counsel in other cases. Private legal aid organizations assisted some defendants. In addition, the Ministry of Justice operated 11 community legal aid centers to assist those who could not afford representation and to serve as educational resources for local communities. However, at year's end, the legal aid centers had not tried any cases. 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, defendants may spend up to 18 months in prison on administrative order waiting for their cases to be heard. Once their cases come to trial, decisions were made relatively quickly.

Most court proceedings in Colombo and the south were conducted in English or Sinhala, which, due to a shortage of court-appointed interpreters, restricted the ability of Tamil-speaking defendants to get a fair hearing. Trials and hearings in the north and east were in Tamil and English, but many serious cases, including those having to do with terrorism, were tried in Colombo. While Tamil-speaking judges existed at the magistrate level, only four High Court judges, an Appeals Court judge, and a Supreme Court justice spoke fluent Tamil. Few legal textbooks and only a single law report existed in Tamil, and the Government has complied slowly with legislation requiring that all laws be published in English, Sinhala, and Tamil.

The Government permits the continued existence of certain aspects of personal laws discriminating against women in regard to age of marriage, divorce, and devolution of property (see Section 5).

In the past in Jaffna, LTTE threats against court officials sometimes disrupted normal court operations. Although the Jaffna court suspended activities due to security concerns in 2000, it reopened in 2001 and functioned continuously since then. 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 that all Tamil civilians stop using the Government's judicial system and rely only on the LTTE's legal system. Credible reports indicated that the LTTE implemented the change through the threat of force.

The LTTE has its own self-described legal system, composed of judges with little or no legal training. LTTE 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 imposed severe punishments, including execution.

The Government claimed that all persons held under the PTA were suspected members of the LTTE and therefore were legitimate security threats. Insufficient information existed to verify this claim and to determine whether these detainees were political prisoners. In many cases, human rights monitors questioned the legitimacy of the criminal charges brought against these persons. In 2002, The A.G. dismissed more than 750 PTA cases. During the year, 65 Tamils charged under the PTA remained in detention. The Government claimed that the remaining cases were of individuals directly linked only to suicide bombings or other terrorist and criminal acts.

The LTTE reportedly held a number of political prisoners. The number was impossible to determine because of the secretive nature of the organization. The LTTE refused 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 generally 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 lapsed ER or the PTA. The Secretary of the Ministry of Defense was responsible for providing oversight for such searches. 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.

In September 2002, the Government removed the LTTE from proscription. This meant that members of the LTTE were no longer subject to arrest simply because of their status.

The LTTE routinely invaded the privacy of citizens by maintaining an effective network of informants. The LTTE forcibly recruited children during the year (see Section 6.d.). However, during the year, the LTTE also released 141 children. In late 2002, the LTTE handed over an additional 85 children to UNICEF, stating that the children had volunteered to serve, but that the LTTE did not accept children (see Section 6.d.). Unlike in previous years, there were no reports that the LTTE expelled Muslims from their homes.

g. Use of Excessive Force and Violations of Humanitarian Law in Internal and External 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 2002. Subsequently, both sides released a number of prisoners, and the key road connecting Jaffna with the rest of the island opened. The abatement of hostilities led to a sharp reduction in roadblocks and checkpoints around the country, to the return of approximately 341,000 IDPs to their points of origin in the north and east, and to the opening of investigations into actions by security force personnel.

In April 2002, naval personnel in Nilaveli opened fire and injured two Tamil women. The circumstances surrounding the incident remained unclear, and the investigation into the incident remained open at year's end.

In 2001, the Army created the Directorate of Human Rights and Humanitarian Law. The directorate was charged with coordinating, with the assistance of ICRC training (see Section 4), all human rights activities for the Army and with overseeing the human rights cells that are assigned throughout the military. The Army also stated that all of its personnel had completed the appropriate training and pledged to adhere to the rules of international humanitarian law. Early in 2002, the Air Force and Navy instituted similar programs. The armed forces operated under written rules of engagement that severely restricted the shelling, bombardment, or use of excessive firepower against civilian-occupied areas. During the year, the Army instituted further mandatory human rights training programs for officers and enlisted personnel.

The Government continued to provide food relief, through the Commissioner General for Essential Services and the Multi-Purpose Cooperative Societies, to displaced and other needy citizens, including those in areas controlled by the LTTE. The Government delivered food rations to the Vanni area, a LTTE-controlled area in the north, through a checkpoint that was controlled on one side by the security forces and on the other by the LTTE. The border into the territory controlled by the LTTE remained open during the year. Unlike in previous years, NGOs could move assistance into LTTE-controlled areas without extensive Government oversight.

During 2002, the Ministry of Defense reported capturing several LTTE personnel 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. Some, however, were detained for longer periods. Previously, the military sent the LTTE cadre it captured or who surrendered to rehabilitation centers. The ICRC continued to visit former LTTE members in government rehabilitation camps, although the 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 found the number of prisoners taken under battlefield conditions to be low. Observers 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 force personnel executing LTTE personnel during the year.

In previous years, the Government refused to permit relief organizations to provide medical attention to injured LTTE fighters, although it 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 confirmed that the LTTE executed injured soldiers on the battlefield. At year's end, the LTTE reportedly had released all security force personnel it was holding; however, the LTTE was believed to have killed most of the police officers and security force personnel captured in the past few years.

The LTTE routinely used excessive force in the war, including by targeting civilians. Since the peace process began in December 2001, the LTTE has engaged in kidnapping, hijackings of truck shipments, and forcible recruitment, including of children. The LTTE was widely believed by credible sources to have increased its recruitment during the year. There were intermittent reports of children ranging in age from 13 to 17 escaping from LTTE camps. During the year, the LTTE released 141 children. (see Sections 1.f. and 5.). The Sri Lanka Monitoring Mission (SLMM) received approximately 200 complaints about child abductions during the year, and credible sources said those children were recruited to be child soldiers. Senior LTTE officials alleged to foreign officials that child soldiers were volunteers. During the year, the LTTE and UNICEF reached an agreement on the demobilization and rehabilitation of child soldiers and began work on an action plan to address issues relating to child labor, including underage recruitment. However, the LTTE provided little follow-up to the plan.

The LTTE expropriated 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 reported a high rate of anemia and a low birth rate. Confirmed cases of malnutrition included hundreds of children.

Landmines were a serious problem in Jaffna and the Vanni and, to some extent, in the east (see Section 5). Landmines, booby traps, and unexploded ordnance posed a problem to resettlement of displaced persons and rebuilding. At the end of 2002, 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, a U.N. team established a landmine map database, which was shared with all the 12 demining agencies that worked in the country. During the year, the military and the LTTE removed mines in areas they controlled. The Government reported as many as 15 mine-related casualties among civilians per month.

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, often using national security grounds permitted by law. In 2002, criminal defamation laws, which had been used often 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 was exercised, private television stations imposed their own, informal censorship on international television news rebroadcast in the country.

Although the Government owned the country's largest newspaper chain, two major television stations, and a radio station, a variety of independent, privately owned newspapers, journals, and radio and television stations dominated the media. Most independent media houses freely criticized the Government and its policies. The Government imposed no political restrictions on the establishment of new media enterprises.

The President officially eased censorship restrictions on foreign journalists in a circular published in 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 2001. Claims of harassment and intimidation of private media declined.

Reporters Without Borders (RWB) wrote to the President and the Prime Minister in May regarding a death threat made May 7 against British Broadcasting Corporation correspondent Ponniah Manikavasagam, who had just completed an interview with a leader of the LTTE and which was broadcast by the BBC. RWB believed that a pro-government paramilitary group, the Eelam People's Democratic Party, was responsible for the threat, made a few days after two Sinhalese journalists were threatened by LTTE members in Vavuniya, the northern town where Manikavasagam was based. Additionally, according to the RC, journalists in Jaffna staged a protest October 12 because of an Army attack at Manipai and Nellyyadu on four journalists.

In 2002, 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 alleged that they were subject to harassment and intimidation by Tamil paramilitary groups and government security forces. Regional Tamil correspondents working in the war zones complained of arbitrary arrest and detention in the past and difficulty in obtaining press accreditation. The SLTMA filed cases on behalf of Tamil journalists, but its cases had not succeeded in the courts.

The Press Complaints Commission of Sri Lanka was established during the year to provide a venue for citizens to bring complaints against media outlets. The Commission began full operations by November, and started to investigate complaints.

Unlike in the previous year, travel by local and foreign journalists to conflict areas was not restricted. The LTTE did not tolerate freedom of expression. It tightly restricted the print and broadcast media in areas under its control. According to RWB, 50 armed LTTE activists near the eastern town of Batticaloa August 7 ambushed a distribution truck of *Thinamurasu*, a Tamil-language weekly, and burned 5,000 copies of the newspaper. In the past, the LTTE killed those reporting and publishing on human rights.

In 2002, two Air Force personnel were convicted of forcibly entering the home of and threatening a well-known journalist who reported regularly on defense matters. The two received 9-year sentences, were released on bail, and continued to appeal the charge during the year.

The Government did not restrict access to the Internet.

The Government did not restrict academic freedom.

The LTTE restricted academic freedom, and it repressed and killed intellectuals who criticize its actions. The LTTE also 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 and others were in hiding.

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.

The 1981 Referendum Act states that rallies and demonstrations of a political nature cannot be held when a referendum is scheduled. However, the Government generally granted permits for demonstrations, including those by opposition parties and minority groups.

In October 2002, special task force police killed eight Tamil civilians during a protest in Akkaraipattu. Police and the commission tasked with investigating the incident claimed that the crowd was trying to enter the police compound and the police were defending themselves. Tamils continued to dispute this finding, asserting that the protest was peaceful.

The LTTE does not allow freedom of association in the areas it controls. The LTTE reportedly used coercion to make persons attend its rallies. On the Jaffna Peninsula, the LTTE occasionally posted publicly the names of Tamil civilians accused of associating with security forces and other Government entities. The Jaffna Library, destroyed during the war, was reconstructed and was set to reopen during the year, but the LTTE prevented the reopening. The LTTE killed Tamil civilians who cooperated with the security forces in establishing a civil administration in Jaffna under a political leadership elected freely and fairly in 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 sought to limit the number of foreign religious workers given temporary work permits. Permission usually was restricted to denominations registered with the Government. The Government prohibited the entry of new foreign clergy on a permanent basis. It permitted those already in the country to remain.

During the year, there were confirmed reports of assault on Protestant and Catholic churches and church members by Buddhist mobs, often led by extremist Buddhist monks. Christian organizations reported an increase in attacks, with several per week by year's end. Village police were often reluctant to pursue Buddhist monk agitators out of deference for their position. At year's end, no arrests had been made.

Two legal developments during the year raised religious freedom concerns. In July, the Supreme Court denied a Catholic order of nuns the right to be incorporated on the grounds that its medical services to the poor constituted proselytism. In January, the Supreme Court ruled against incorporation of New Harvest Wine Ministry, an Evangelical group, stating that Christian institutions should not couple religious education with charitable deeds. Also during the year, the Ministry of Hindu Affairs drafted a bill that would prevent proselytism to Hindus, including the use of outreach-type materials or media, and would require all conversions of Hindus to be reported to a local government official for investigation of possible force or allurements. The draft bill was under review at year's end.

In 2001, four Sinhalese attacked a Muslim cashier. When the Muslim community protested police inaction, rioting Sinhalese confronted the Muslim persons, and two Muslims were killed. The police investigation into this incident remained open and no arrests were reported. There were no developments in this case during the year.

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 met with the leaders of the Muslim community to discuss the peace process. In the past, the LTTE expropriated Muslim homes, land, and businesses and threatened Muslim families with death if they attempted to return. The LTTE made some conciliatory statements to the Muslim community, but most Muslims viewed the statements with skepticism. There also was intimidation of Muslims in the east by the LTTE, and, throughout the year, there was sporadic fighting between LTTE personnel and Muslims. For example, on April 17-18, five Muslims were killed and scores displaced during fighting with the LTTE in Mutur, near the eastern port city of Trincomalee. In August, five Muslims were killed, and numerous Muslim-owned businesses and houses were burned during fighting in the Eastern Province.

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 2003 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 in practice. 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.

Starting in 2001, most travel restrictions were lifted by the Government. Areas with limited access continued to be near military bases and high security zones, defined as areas near military emplacements, camps, barracks, or checkpoints where civilians could not enter. Some observers claimed the high security zones were excessive and unfairly claimed Tamil agricultural 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 2002, the Government lifted all its restrictions on travel to Jaffna.

By late 2001, there were over 800,000 IDPs in Sri Lanka. With the advent of the peace process, the United Nations High Commissioner for Refugees (UNHCR) reported that 341,000 IDPs had returned to their places of origin, leaving roughly 500,000 IDPs in the country. According to the RC, approximately 100,000 IDPs were unable to resettle as a result of the High Security Zones. 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. According to the UNHCR, a small number may have returned from India during the year.

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 remained displaced and lived in or near welfare centers. There were credible reports that the LTTE 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 invited the Muslim IDPs to return home, asserting they would not be harmed. Although some Muslim IDPs had begun returning home, the vast majority had not returned. Instead, they were awaiting a guarantee from the Government for their safety in LTTE-controlled areas.

The LTTE occasionally disrupted the flow of persons exiting the Vanni region through the two established checkpoints. In particular, the LTTE taxed civilians traveling through areas it controlled. 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 during the year.

The law does not provide for the granting of asylum and/or refugee status to persons who meet the definition in the 1951 U.N. Convention Relating to the Status of Refugees and its 1967 Protocol. In practice, the Government cooperated with the UNHCR and other humanitarian organizations in assisting IDPs and refugees. Asylum issues did not arise during the year. There were no reports of refoulement, the forced return of persons to a country where they feared persecution.

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

The Constitution provides citizens with the right to change their government peacefully. Citizens exercised this right in practice through multiparty, periodic, free and fair elections held on the basis of universal suffrage; however, recent elections have been marred by violence and some irregularities. Power is shared between the President (elected in 1999 for a 6-year term) and the 225-member Parliament. The right to change the government was exercised in the December 2001 parliamentary elections in which the UNF, a coalition of parties led by the UNP, won a majority in Parliament for the next 6-year period. Stating that it feared possible infiltration by the LTTE, the Government prohibited more than 40,000 Tamil voters living in LTTE-controlled territories from crossing army checkpoints in order to vote. During the year, the Supreme Court ruled that this action violated the fundamental rights of these prospective Tamil voters. The Supreme Court ruling cited and fined the commander of the Army, the then-Commissioner of Elections, and the Government for preventing citizens from exercising their right to vote. The commander of the Army claimed that he was following orders from the Government based on information that the LTTE was planning to infiltrate government-controlled areas on election day.

Following elections held in December 2001, the UNP and its allies formed the new Government. The president's party, the PA, led the opposition in Parliament. Co-habitation ties between the President and Prime Minister have been difficult and were exacerbated in November when the President declared an emergency, suspended Parliament for 15 days and dismissed 3 ministers, taking personal control of the defense ministry. In doing so, the President cited concerns about national security. Discussions continued at year's end over the control of the three ministries and the Prime Minister's role in the peace process.

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.

On election day in December 2001, 12 supporters of the Sri Lankan Muslim Congress were killed, allegedly by hired thugs of a PA candidate. Former PA Member of Parliament Anuruddha Ratwatte and his two sons were indicted for conspiring in the killings. In addition, 15 others, including security force personnel, were indicted for their alleged involvement in the murders. In June, Ratwatte and 14 others were granted bail by a 5-judge bench of the Supreme Court, setting aside the majority order of the High-Court-Trial-at-Bar.

Despite an extremely violent campaign preceding the 2001 election, including credible reports of the use of intimidation by both of the major parties, voter turnout

exceeded 70 percent. The People's Alliance for Free and Fair Elections reported 755 incidents of violence and 49 deaths; the Center for Monitoring Election Violence reported 4,208 incidents and 73 deaths; and the police reported 2,247 incidents and 45 deaths connected to the election.

In September 2001, the Parliament passed the 17th Amendment, which established (among other commissions) an independent Commission on Elections, which was to be tasked with ensuring free and fair elections; however, implementing legislation was not passed by year's end.

A delegation from the European Union monitoring the 2001 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."

There were 10 women in the 225-member Parliament. There was one woman in the Cabinet, and two sat on the Supreme Court. In December 1999, a woman, Chandrika Kumaratunga, was elected President for a second term.

There were 28 Tamils and 24 Muslims in the 225-member Parliament.

The LTTE continued to refuse 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 two 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

A number of domestic and international human rights groups generally operated without government restriction, investigating and publishing their findings on human rights cases. Government officials were cooperative and responsive to their views. Several domestic human rights NGOs, including the Consortium of Humanitarian Agencies, the University Teachers for Human Rights, Jaffna, the Civil Rights Movement, and the Law and Society Trust, monitored civil and political liberties. There are no adverse regulations governing the activities of local and foreign NGOs, although the Government officially required NGOs to include action plans and detailed descriptions of funding sources as part of its registration process. Some NGO workers viewed 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 reporting requirements.

The Government continued to allow the ICRC unrestricted access to detention facilities (see Sections 1.c. and 1.d.). The ICRC provided 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.).

The HRC by statute has wide powers and resources and may not be called as a witness in any court of law or be sued for matters relating to its official duties. However, according to the ALRC, the HRC often was not as effective as it should have been. The HRC adopted a tribunal-like approach to investigations, declining to undertake preliminary inquiries in the manner of a criminal investigator, and often told victims to find their own evidence. The HRC did not issue an annual report about human rights abuses. Nevertheless, the HRC conducted 690 visits to police stations and 96 visits to detention facilities. The HRC had 2,500 cases of alleged human rights abuse pending. Activists expressed some satisfaction with the HRC leadership's prompt investigation into the 2000 Bindunuwewa 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 upheld court rulings in cases in which individuals filed suit over the abridgment of their fundamental civil rights. The HRC and the CIUAH are other mechanisms the Government has established to ensure enforcement of constitutional provisions in addition to access to the courts (see Section 1.d.). There was no official discrimination against those who provided HIV prevention services or against high-risk groups likely to spread HIV/AIDS; however, there was some societal discrimination against these groups.

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 punish-

ments 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 believed that greater sensitization of police and judicial officials should be 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 action taken by the Bureau, nor on the number of crimes against women.

There were several reported incidents of rape or attempted rape by security forces during the year. According to the RC, two policemen were accused October 23 of the attempted rape of a Mrs. Selvarajah at Uyilankulam in Mannar District. Three soldiers were accused August 26 of attempted rape of a woman at Inbaruty in Vadamarachchi in the Jaffna Peninsula. During the year, the police reported approximately 900 rape investigations in the country compared with 865 rape investigations in 2002. Despite the number of reported rapes, there were 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 occurred (see Section 6.f.). Prostitution was not legal, and it was a problem. Some members of the police and security forces reportedly participated in or condoned prostitution.

The Constitution provides for equal employment opportunities in the public sector. However, women had no legal protection against discrimination in the private sector where they sometimes were paid less than men for equal work, often experienced difficulty in rising to supervisory positions, and faced sexual harassment. Women constituted approximately one-half of the formal workforce.

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 is 18 years, except in the case of Muslims, who followed their customary marriage practices. Different religious and ethnic practices often resulted in uneven treatment of women, including discrimination.

Children.—The Government was committed to protecting the welfare and rights of children but was constrained by a lack of resources. Expenditures for health and education for children declined as a percent of GDP between 1998 and 2001. Nevertheless, the Government demonstrated its commitment through 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 attended school. Education was free through the university level. Health care, including immunization, also was free.

Many NGOs attributed the problem of exploitation of children to the lack of law enforcement rather than inadequate 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 conducted investigations into crimes against children and women. In September 2002, 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. It also broadens the definition of child abuse to include the involvement of children in war. The NCPA included representatives from the education, medical, retired police, and legal professions; it reported directly to the President.

The Government 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. During the year, 11 cases of pedophilia were brought to court; however, there were no convictions.

Child prostitution was a problem in certain coastal resort areas. The Government estimated that there were more than 2,000 child prostitutes in the country, but private groups claimed that the number was much higher (see Section 6.f.). Citizens committed much of child sexual abuse in the form of child prostitution; however, some child prostitutes were boys who catered to foreign tourists. Some of these children were forced into prostitution (see Section 6.f.). The Department of Probation and Child Care Services provided protection to child victims of abuse and sexual exploitation, and worked with local NGOs that provided shelter. The Tourist Bureau

conducted awareness-raising programs for at-risk children in resort regions prone to sex tourism.

The LTTE used child soldiers and recruits children, sometimes forcibly, for use in battlefield support functions and in combat. LTTE recruits, some as young as 13 years of age, surrendered to the military, and credible reports indicated that the LTTE stepped up recruiting efforts (see Section 1.g.). In 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 did not honor this pledge, and, even after the ceasefire agreement, there were multiple credible reports of the LTTE forcibly recruiting children (see Section 6.d.). For example, during the year, UNICEF reported that there were over 700 cases of forcible child recruitment by the LTTE and that more than 1,300 children remained in LTTE custody at year's end. During the year, the Government began participation in an inter-regional project aimed to prevent and reintegrate children involved in armed conflict. The project was sponsored by the International Labor Organizations's International Program for the Elimination of Child Labor, which the Government began working with in 1996.

Persons with Disabilities.—The law forbids discrimination against any person on the grounds of disability. It is believed no cases were filed under this law. 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 estimated that 7 percent of the population consisted of persons with disabilities. 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 assisted persons with disabilities. Such assistance included subsidizing prosthetic devices, making purchases from suppliers with disabilities, and registering 74 NGO-run schools and training institutions for persons with disabilities. The Department of Social Services selected job placement officers to help the estimated 200,000 work-eligible persons with disabilities find jobs. Despite these efforts, persons with disabilities faced difficulties because of negative attitudes and societal discrimination.

Indigenous People.—The country's indigenous people, known as Veddas, numbered fewer than 1,000. Some preferred 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. Some Veddas complained that they were being pushed off of their land in protected forest areas.

National/Racial/Ethnic Minorities.—There were approximately 1 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 did not qualify for citizenship in any country and faced discrimination, especially in the allocation of government funds for education. Without national identity cards, they were vulnerable to arrest by the security forces. However, the Government 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, and 15,300 tea estate Tamils received identity cards in 2001, and the registration process continued during the year. On October 7, Parliament passed a bill granting full citizenship to over 160,000 tea estate Tamils.

Both local and tea estate Tamils maintained that they suffered long-standing 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 were subject to administrative delays, and unofficially were discouraged. Nonetheless, approximately 20 percent of the 6.9 million work force nationwide and more than 70 percent of the plantation work force, overwhelmingly Hill Tamil, was unionized. In total, there were more than 1 million union members. Approximately 15–20 percent of the nonagricultural work force in the private sector was unionized. Unions represented most workers in large private firms, but workers in small-scale agriculture and small businesses usually did not belong to unions. Public sector employees were unionized at very high rates.

Most large unions were affiliated with political parties and played a prominent role in the political process, although major unions in the public sector were politi-

cally independent. More than 30 labor unions had political affiliations, but there were also a small number of unaffiliated unions, some of which had active leaders and a relatively large membership. During 2002, the Ministry of Employment and Labor registered 174 new unions and canceled the registration of 150 others, bringing the total number of functioning unions to 1,689 by the end of 2002. About 500 unions were considered active. The Ministry of Employment and Labor is authorized by law to cancel the registration of any union that does not submit an annual report. This requirement is the only legal grounds for cancellation of registration.

In 1999, Parliament passed an amendment to the Industrial Disputes Act (IDA), which requires employers to recognize trade unions and the right to collective bargaining and prohibits anti-union discrimination. This law was being implemented. Employers found guilty of discrimination must reinstate workers fired for union activities but may transfer them to different locations. Anti-union discrimination is a punishable offense liable for a fine of \$200 (20,000 rupees).

During the year, the International Confederation of Free Trade Unions (ICFTU) filed a formal complaint against the Government in the ILO Freedom of Association Committee regarding an allegedly flawed referendum July 9 at the Jaqalanka Ltd. factory in the Katunyake Free Trade Zone. At year's end, the complaint was resolved, with both sides reportedly making concessions on the issue. Unions may affiliate with international bodies, and a few have done so.

b. The Right to Organize and Bargain Collectively.—The law provides for the right to collective bargaining; however, very few companies practiced it. At year's end, about 50 companies belonging to the Employers' Federation of Ceylon (EFC) had collective agreements. All collective agreements must be registered at the Department of Labor. By year's end, companies belonging to the EFC signed 128 collective agreements.

According to the ICFTU, there were some violations of trade union rights in the EPZs. Only seven unions were active in EPZs, partially because of severe restrictions on access by union organizers to the zones. In order to give effect to the IDA and ILO conventions on collective bargaining and trade union activity, the Board of Investment (BOI) issued a new labor standards manual in October 2002 instructing BOI companies, including those in EPZs, to recognize Trade Union activities and the right to collective bargaining.

There are 10 trade unions operating in the EPZs. Collective bargaining units are recognized as unions in 4 out of approximately 200 factories.

In BOI enterprises without unions, including those in the EPZs, worker councils—composed of employees, employers, and often a public sector representative—generally provided the fora for labor and management negotiation. According to the new BOI labor manual and BOI sources, the councils have the power to negotiate binding collective bargaining contracts, although no such contracts have been signed to date. Labor advocates criticized the employees' councils as ineffective worker representatives.

All workers, other than police, armed forces, prison service and those 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 backlogs in the resolution of cases. The President retains the power to designate any industry as an essential service.

Civil servants may submit labor grievances to the Public Service Commission (PSC). If not satisfied with PSC decisions, civil servants may appeal to the Administrative Appeals Commission set up in July under the 17th Amendment to the Constitution. They may also seek judicial protection under fundamental rights protection provisions in the Constitution. 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, but relatively few private 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 are not considered appropriate grounds for dismissal. Dismissed employees have a right to appeal their termination before a labor tribunal.

Approximately 125,000 workers were employed in 12 EPZs/Industrial Parks operated by the BOI. A large percentage of these workers were 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 was approximately 20 percent, the rate within the EPZs was under 10 percent.

Labor representatives alleged that the Government's BOI, which manages the EPZs, including setting wages and working conditions in the EPZs, discouraged union activity. The short-term nature of employment and the relatively young workforce in the EPZs made it difficult to organize. Labor representatives alleged that worker councils in the EPZs only had the power to make recommendations. The recent BOI manual stated that Employees' Councils could represent workers in collective bargaining and industrial disputes. Labor representatives alleged that the Labor Commissioner, under BOI pressure, had failed to prosecute employers who refused to recognize or enter into collective bargaining with trade unions. While employers in the EPZs generally offered higher wages and better working conditions than employers elsewhere, workers faced other concerns, such as security, expensive but low quality boarding houses, and sexual harassment. In most instances, wage boards established minimum wages and conditions of employment, except in the EPZs, where wages and work conditions were 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. The law does not prohibit forced or bonded labor by children specifically, but government officials interpreted 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.

d. Status of Child Labor Practices and Minimum Age for Employment.—The minimum age for employment is 14, although the law permits the employment of younger children by their parents or guardians in limited family agriculture work or to engage in technical training. A recent amendment to the Employment of Women and Youth Act (EWYC) prohibits all other forms of family employment of children below 14. The Compulsory Attendance at Schools Act, which requires children between the ages of 5 and 14 to attend school, has been in effect since 1998, although it still was being implemented. 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 throughout the country.

The EWYC and the Factories Ordinance govern employment of young persons between 14 and 18 years of age. Persons under age 18 may not be employed in any public enterprise in which life or limb is endangered. There were no reports that children were employed in the EPZs, the garment industry, or any other export industry, although children sometimes were employed during harvest periods in the plantation sectors and in non-plantation agriculture. It was believed that many thousands of children were employed in domestic service, although this situation was not regulated or documented. A 1997 study reported that child domestic servants were employed in 8.6 percent of homes in the Southern Province. The same study reported that child laborers in the domestic service sector often were deprived of an education. Many child domestics reportedly were subjected to physical, sexual, and emotional abuse. Regular employment of children also occurred in family enterprises such as family farms, crafts, small trade establishments, restaurants, and repair shops.

The National Child Protection Authority is the central agency for coordinating and monitoring action on the protection of children. The Department of Labor, the Department of Probation and Child Care Services, and the Police Department are responsible for the enforcement of child labor laws. Government inspections were unable to eliminate child labor (see Section 5), although an awareness campaign coupled with the establishment of hotlines led to an increase in prosecutions. The Labor Department reported 161 complaints regarding child labor in 2002, with 72 of these cases withdrawn due to lack of evidence or faulty complaints. From January to July, the Labor Department reported 102 complaints, with 14 cases withdrawn and 23 prosecuted. Penalties for employing minors were increased from approximately \$10 (1,000 rupees) and/or 6 months imprisonment to \$100 (10,000 rupees) and/or 12 months imprisonment.

Although the law prohibits forced or bonded labor by persons of any age, 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, as well as soldiers. In some cases, the children reportedly helped 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 a mixture of LTTE ideology and formal education. The LTTE used children as young as age 13 years in battle, and children sometimes were recruited forcibly (see Section 5). Com-

pulsory physical training, including mock military drills even for children and the aged reportedly occurred. According to LTTE spokesmen, training was meant to keep the population fit; however, it was believed widely that the training was established to gain tighter control and provide a base for recruiting fighters. Individuals or small groups of children intermittently turned themselves over to security forces or religious leaders, saying that they had escaped LTTE training camps throughout the year.

e. Acceptable Conditions of Work.—While there is no universal national minimum wage, approximately 40 wage boards established by the Department of Labor set minimum wages and working conditions by sector and industry. These minimum wages did not provide a decent standard of living for a worker and family, but the vast majority of families had more than one worker. The Ministry of Labor effectively enforced the minimum wage law for large companies, but there was no monitoring of the informal sector. The monthly minimum wage in the garment industry was approximately \$27 (2,800 rupees), and approximately \$20 (2,100 rupees) in the hotel industry.

In July 2002, the daily wage rate (fixed by a collective agreement) in the tea plantations managed by plantation management companies was increased from \$1.24 (121 rupees) to \$1.51 (147 rupees). In the rubber sector, the daily wage was raised from \$1.15 (112 rupees) to \$1.35 (131 rupees).

The law prohibits most full-time workers from regularly working more than 45 hours per week (a 5½-day workweek). Overtime has been changed from to 100 hours per year from 60 hours per month under a recent ruling. Labor organizers were concerned that the new legislation did not include a provision for overtime with the consent of the worker. Workers 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, seasonal and part-time female workers. Several laws protect the safety and health of industrial workers, but the Ministry of Labor's small staff of inspectors was inadequate to enforce compliance. Health and safety regulations do not meet international standards. Workers have the statutory right to remove themselves from dangerous situations, but many workers were unaware or indifferent and feared they would lose their jobs if they removed themselves from the work situation.

f. Trafficking in Persons.—The law prohibits trafficking in persons; however, the country was a point of origin and destination for trafficked persons, primarily women and children trafficked for the purposes of forced labor and sexual exploitation. Female citizens traveled to Middle Eastern countries to work as domestics, and some reported being forced into sexual exploitation. A small number of Thai, Russian, and Chinese women had been trafficked to Sri Lanka for purposes of sexual exploitation. Some children were trafficked internally to work as domestics and for sexual exploitation.

The legal penalties for trafficking in women include 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 there were 6,000 male children between the ages of 8 and 15 years engaged as sex workers 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 reported that an additional 7,000 men age 15 to 18 years were self-employed prostitutes.

The NCPA has adopted, with ILO assistance, a comprehensive national plan to combat the trafficking of children for exploitative employment. With the NCPA, police began work in 2002 on children's issues, including trafficking in children.

The country's reputation as a destination for foreign pedophiles declined significantly because of improved law enforcement and increased publicity.

The Government established rehabilitation camps for trafficking victims and initiated awareness campaigns to educate women about trafficking; however, most of the campaigns, with support from the Bureau of Foreign Employment, were conducted by local and international NGOs.

